TABLE OF CONTENTS

CHAPTER 1 GENERAL GOVERNMENT

GENERAL PROVISIONS AS TO OFFICIALS

1.01 Elected Officials
1.02 Appointed Officials
1.03 Oaths and Bonds
1.04 Removals
1.05 Vacancies
1.06 Salaries
1.07 Public Records

OFFICIALS

1.10 Village President and Trustees
1.11 Municipal Judge and Municipal Court
1.12 Village Engineer
1.13 Inspectors
1.14 Village Clerk/Treasurer
1.15 Village Accountant/Deputy Clerk
1.16 Director of Public Safety
1.17 Director of Public Works
1.18 Village Assessor
1.19 Emergency Government Director
1.20 Weed Commissioner
1.21 Village Administrator

BOARDS AND COMMISSIONS

1.30 Board of Review
1.31 Board of Health and Health Officer
1.32 Board of Appeals
1.33 Plan Commission
1.34 Board of Ethics
1.35 Community Development Authority

ELECTIONS

1.40 Nonpartisan Primary
1.41 Registration of Electors
1.42 Poll Hours

1.43 Board of Election Inspectors

CHAPTER 2 THE GOVERNING BODY

2.01 The Village Board
2.02 Meetings, Regular and Special
2.03 Presiding Officer
2.04 Quorum
2.05 President of Village Board
2.06 Roll Call: Procedure When Quorum Not in Attendance
2.07 Absence of the President
2.08 Action of Village Board Levying Taxes, Appropriating Funds or Creating Village Liability
2.09 Order of Business
2.10 Ordinances, Resolutions and Communications to be in Writing
2.11 Standing Committees
2.12 Reference to Committees
2.13 Reading of Ordinances
2.14 Accounts Contracted Against the Village
2.15 Examination and Approval of Accounts
2.16 Motions
2.17 Votes; How Taken
2.18 Motions Which Take Precedence When a Question is Under Debate
2.19 Division of Question
2.20 Resolutions and Motions Entered in Minutes
2.21 Reconsideration
2.22 Members Must Address Presiding Officer
2.23 Limitation on Debate
2.24 Call of the Village Board
2.25 Disturbance or Disorderly Conduct at Village Board Meeting
2.26 Interruption of Speaker
2.27 Appropriations and Accounts
2.28 Amendment of Rules
2.29 Suspension of Rules
2.30 Remarks by Nonboard Members
2.31 Ordinances and Resolutions Engrossed and Enrolled by Clerk
2.32 Duties of Clerk
2.33 Committee Quorums
2.34 Deferring Action
2.35 Seal
2.36 Robert's Rules of Order
2.37 Appeal From Decision of President or Presiding Officer

2.38 New Ordinances to be Numbered
2.39 Publication of Ordinances
2.40 Ethics Code

CHAPTER 3 FINANCE AND TAXATION

3.01 Preparation of Tax Roll and Tax Receipts
3.02 Fiscal Year
3.03 Budget
3.04 Changes in Budget
3.05 Village Funds to be Spent in Accordance With Appropriations
3.06 Claims Procedure
3.07 Letting of Contracts
3.08 Duplicate Treasurer's Bond
3.09 Temporary Investment of Funds Not Immediately Needed
3.10 Personal Property Taxes, Interest

CHAPTER 4 LAW ENFORCEMENT

4.01 Police Department Personnel
4.02 Director of Public Safety: Duties and Powers
4.03 Police Officers: Duties and Powers
4.04 Power of Arrest
4.05 President's and Trustee's Police Powers
4.06 Law Enforcement Standards Board Program
4.07 Police Alarm Systems

CHAPTER 5 FIRE PROTECTION

5.01 Fire Department Recognized
5.02 Policies
5.03 Appropriations
5.04 Compensation
5.05 Organization and Membership
5.06 Powers and Duties of Director of Pubic Safety
5.07 Apparatus Use
5.08 Police Power of Department
5.09 Fire Inspector
5.10 Hazardous Waste

5.11 Fees for Transport in Rescue Squad
5.15 Penalty

CHAPTER 6 EMERGENCY MANAGEMENT

6.01 Declaration of Policy
6.02 Definitions
6.03 Emergency Management Committee
6.04 Coordinator of Emergency Management Services
6.05 Costs of Equipment and Services
6.06 Joint Meetings
6.07 Utilization of Existing Services and Facilities
6.10 Penalties

CHAPTER 7 TRAFFIC CODE

7.01 Provisions of State Law Adopted by Reference
7.02 Speed Limits
7.03 Through Streets
7.04 Parking, Stopping and Standing Regulated
7.05 Weight Limits and Heavy Traffic Routes
7.06 Official Signs and Signals
7.07 Bicycles
7.08 Snowmobile Regulations
7.09 Motor Driven Cycles
7.10 Disorderly Conduct with a Motor Vehicle
7.11 Obstruction of Streets and Highways by Trains
7.12 Leaving Keys in Parked Motor Vehicles Prohibited
7.15 Penalty
7.16 Enforcement

CHAPTER 8 PUBLIC WORKS

8.01 Standard Sidewalks
8.02 Uniform Assessments for Street Improvements
8.03 Street Grades
8.04 Establishing the Cross Section of All Unpaved Streets
8.05 Standards for Curbs and Gutters
8.06 Curb Lines to be Fixed and Marked
8.07 Driveway Approaches with Curbs and Gutters

8.08 Culverts: Cost of Installation
8.09 Opening of Village Highways
8.10 Jurisdiction Over Street Signs
8.11 Street Trees
8.12 Removal of Snow and Ice from Sidewalks
8.13 Obstructing, Littering and Damaging of Streets, Alleys and Public Grounds
8.14 Storing of Materials and Machinery on Streets
8.15 Uniform Numbering System
8.16 Smoking
8.17 Additional Special Assessment Procedures
8.18 Mailbox Specifications and Placement
8.20 Penalty

CHAPTER 9 PEACE AND ORDER

9.01 Loitering of Minors Prohibited
9.02 Animals Running at Large
9.03 Keeping Livestock Within the Village Limits
9.04 Burning of Combustibles
9.05 Disorderly Conduct
9.055 Radios and Other Electric Sound Amplification Devices
9.06 Unlawful Assemblies and Their Suppression
9.07 Weapons
9.08 Shoplifting
9.09 Trespass on Private or Public Property
9.10 Criminal Damage to Property
9.11 Storage of Abandoned, Junked or Dismantled Motor Vehicles
9.12 Possession of Marijuana
9.125 Drug Paraphernalia
9.13 Interference with Law Enforcement and Fire Fighting
9.14 Theft
9.15 Possession and Consumption of Intoxicants in or Upon Certain Public Places
9.155 Offenses Involving Alcohol Beverages by Underage Persons
9.156 Purchase or Possession of Tobacco Products
9.16 Deposit of Ashes
9.17 False Fire or Rescue Alarm
9.18 Village Parks
9.19 Junkyards Prohibited
9.20 Fair Housing
9.21 Fireworks Prohibited
9.24 Improper Use of 911 Emergency Telephone System

9.25 Penalty
9.29.601–
9.961.41 Offenses Against State Laws Subject to Forfeiture

CHAPTER 10 PUBLIC NUISANCES

10.01 Public Nuisances Prohibited
10.02 Public Nuisance Defined
10.03 Public Nuisances Affecting Health
10.04 Public Nuisances Offending Morals and Decency
10.05 Public Nuisances Affecting Peace and Safety
10.06 Dutch Elm Disease
10.07 Emission of Dense Smoke
10.08 Cleanup of Animal Waste Products
10.10 Abatement of Public Nuisances
10.11 Cost of Abatement
10.12 Penalty

CHAPTER 11 HEALTH AND WELFARE

11.01 Authority and Duties of the Health Officer
11.02 Communicable Diseases
11.03 Garbage, Ashes and Rubbish
11.04 Collection, Removal and Disposal of Garbage
11.06 Disposal of Human Excreta and Liquid Waste
11.07 Trailers, Tents, Garages, Motorized Vehicles and Boats as and for Dwellings
11.08 Property Maintenance Code
11.09 Regulation of Stagnant Pools
11.10 Hazardous Wastes
11.11 Recycling
11.12 (Rep. #099-5)
11.13 Unlawful Removal of Items Deposited for Collection
11.14 Use of Balconies and Patios in Rental Units
11.15 Use of Mini-Storage Units
11.25 Penalty

CHAPTER 12 LICENSES AND PERMITS

12.01 Licenses Required

12.02 General Provisions
12.03 Intoxicating Liquor and Fermented Malt Beverages
12.04 Nonintoxicating Beverages
12.05 Dog Licensing and Regulation
12.06 Amusement Devices
12.07 Regulation and License of Jukeboxes
12.08 Massage Establishments and Massage Technicians
12.09 Adult Bookstores and Motion Picture Theaters
12.10 Regulating Direct Sellers
12.11 Auction Sales
12.12 Parades
12.13 Carnivals
12.14 Public Dances and Dance Halls
12.15 Pool and Billiards
12.16 Pot-Bellied Pig Licensing and Regulation
12.17 Cigarette and Tobacco Products
12.18 Tents
12.20 Penalty

CHAPTER 13 MUNICIPAL UTILITIES

13.01 Water and Sewer Utility Committee
13.02 Discharge of Unpolluted Waters
13.03 Abandonment of Wells

SEWER AND WATER UTILITY

13.05 Cross Connections with Public Water System
13.06 Rules and Regulations
13.07 Tampering with Water Meters

SEWER USE AND WASTEWATER RATE

13.10 Definitions
13.11 Use of the Public Sewers
13.12 Control of Industrial Wastes Directed to Public Sewers
13.13 Basis for Sewer Service Charges
13.14 Amount of Sewer Service Charges
13.15 Billing Practice
13.16 Right of Entry, Safety and Identification
13.17 Sewer Construction and Connections
13.20 Violations and Penalties

13.21 Appeals
13.22 Audit
13.23 Effective Date

CHAPTER 14 STURTEVANT UNIFORM BUILDING CODE

GENERAL

14.00 Scope
14.01 Title
14.02 Application of "Wisconsin Administrative Code"
14.025 Application of "Wisconsin Uniform Dwelling Code"
14.03 Application of "Wisconsin Uniform Building Code"

BUILDING INSPECTOR AND PERMITS

14.04 Department of Buildings
14.05 Permits
14.06 Approved Plans
14.07 Regulations for Moving Buildings
14.08 Razing of Buildings
14.09 Inspections
14.10 Stop-Work Order
14.11 Certificate of Occupancy

GARAGES AND ACCESSORY BUILDINGS

14.20 General Requirements

DECKS

14.30 General Requirements

SWIMMING POOLS

14.40 General Requirements

FOUNDATION REPAIR & DAMPPROOFING

14.50 Foundation Repair & Dampproofing

FIRE-RELATED PROVISIONS

14.60 Fire Limits, Inflammable Oils and Explosives
14.61 Automatic Fire Sprinklers
14.62 Smoke and Fire Detection and Warning Systems in Public Residential Buildings

MISCELLANEOUS & VIOLATIONS

14.70 New Materials & Methods
14.71 Tests
14.72 Identification of Products
14.73 Validity of Past
14.74 Violations
14.75 Failure to Obtain Permit

PENALTIES

14.81 Penalties

STURTEVANT UNIFORM BUILDING CODE APPENDIX

14.86 Table-1 Building Code Permit Fees
14.87 Electrical Permit Fees
14.88 Plumbing Fees
14.89 Fire Inspection Permit Fees

CHAPTER 15 EROSION CONTROL

15.01 Authority
15.02 Findings and Purpose
15.03 Applicability
15.04 Definitions
15.05 Design Criteria, Standards and Specifications for Control Measures
15.06 Maintenance of Control Measures
15.07 Control of Erosion and Pollutants During Land Disturbance and Development
15.08 Permit Application, Control Plan and Permit Issuance
15.09 Inspection
15.10 Enforcement
15.11 Appeals

CHAPTER 16 SHORELAND/WETLAND ZONING

16.01 Statement of Purpose
16.02 Shoreland/Wetland Overlay District
16.03 Interpretation
16.04 Principal Uses
16.05 Conditional Uses
16.06 Prohibited Uses
16.07 Additional Application Requirements Concerning Conditional Uses of Wetlands
16.08 Standards in Reviewing Conditional Uses
16.09 Review and Approval by the Building Inspector of Shoreland/Floodplain Applications
16.10 Appeals to the Board of Appeals
16.11 Amendments
16.12 Definitions
16.15 Penalty

CHAPTER 17 ZONING CODE

INTRODUCTION

17.01 Purpose
17.02 Interpretation
17.03 Districts
17.04 Definitions

GENERAL PROVISIONS

17.10 Application
17.11 Buildings and Uses
17.12 Nonconforming Uses
17.13 Prior Permits Excepted
17.14 Accessory Buildings
17.15 Special Circumstances
17.16 Height and Area Exceptions
17.17 Front, Side and Rear Yard Regulations
17.18 Setbacks
17.19 Motor Vehicle Parking
17.20 Architectural Control
17.21 Fences, Screens and Bushes

ZONING DISTRICTS

17.30 One- and Two-Family Residence District
17.31 Multiple Residence District
17.32 Agricultural District
17.33 Business District A
17.34 (Rep. #2002-13)
17.35 Industrial District
17.36 (Rep. #089-27)
17.37 Planned Development District
17.38 Institutional District

ADMINISTRATION AND ENFORCEMENT

17.40 Board of Appeals
17.41 Changes and Amendments
17.42 Enforcement
17.43 Conditional Uses
17.44 Annexation
17.45 Village Plan Commission

OFFICIAL MAP

17.50 Purpose
17.51 Certificate to be Filed With the Register of Deeds
17.52 Authority of the Village Plan Commission
17.53 Building Permits, Plot Plan
17.54 Village Board May Change

VIOLATIONS AND PENALTIES

17.60 Violations
17.61 Penalty

CHAPTER 18 SUBDIVISION CODE

18.01 Purpose
18.02 General
18.03 Definitions
18.04 Procedure
18.05 General Requirements and Design Standards

18.06 Required Improvements
18.07 Reservations
18.08 Plats and Data
18.09 Subdivision Created by Successive Divisions
18.10 Variances
18.15 Penalty

CHAPTER 19 SIGNS

19.01 Purpose
19.02 Definitions
19.03 Permit Required
19.04 Application for Permits
19.05 Permit Issued if Application in Order
19.06 Permit Fees
19.07 General Requirements
19.08 Protecting Signs
19.09 Detached Signs
19.10 Painted Signs
19.11 Window Signs
19.12 Barber Poles
19.13 Temporary Commercial Signs
19.14 Illuminated Signs–Approval by Electrical Inspector
19.15 Wind Pressure and Dead Load Requirements
19.16 Existing Signs
19.17 Maintenance
19.18 Prohibited Signs
19.19 Public Property
19.20 Exemptions
19.21 Special Exceptions
19.22 Remedies

CHAPTER 20 FLOODPLAIN ZONING

20.01 Authorization and Statement of Purpose
20.02 General Provisions
20.03 Special Provisions Applicable to all Floodplain Districts
20.04 Floodway District
20.05 Flood Fringe District
20.06 Nonconforming Uses
20.07 Administration
20.08 Amendments

CHAPTER 21 STORMWATER

21.01 Purpose and Necessity; Authorization
21.02 Creation of Stormwater Committee
21.03 Separate Fund
21.04 Budget
21.05 Accountability
21.06 Extensions and Emergency Expenditures
21.07 Authority
21.08 Definitions
21.09 Rates and Charges
21.10 Classifications of Customers
21.11 Billing
21.12 Payment; Lien; Penalty
21.13 Customer Classifications
21.14 New Construction
21.15 Complaints
21.16 Alternative Method to Collect Stormwater Charges
21.17 Penalty

CHAPTER 25 CONSTRUCTION AND EFFECT OF ORDINANCES

25.01 Rules of Construction
25.02 Conflict and Separability
25.03 Clerk to File Documents Incorporated by Reference
25.04 Penalty Provisions
25.05 Repeal of General Ordinances
25.06 Effect of Repeals
25.07 Title; Effective Date; Citation
25.08 Keeping Code Current; Revisor's Amendments

CHARTER ORDINANCES

GENERAL INDEX

CHAPTER 1

GENERAL GOVERNMENT

	Title	*Ordinance Number*	*Date of Ordinance*
GENERAL PROVISIONS AS TO OFFICIALS			
1.01	Elected Officials		
1.02	Appointed Officials		
1.03	Oaths and Bonds		
1.04	Removals		
1.05	Vacancies		
1.06	Salaries		
1.07	Public Records		
OFFICIALS			
1.10	Village President and Trustees		
1.11	Municipal Judge and Municipal Court		
1.12	Village Engineer		
1.13	Inspectors		
1.14	Village Clerk/Treasurer		
1.15	Village Accountant/Deputy Clerk		
1.16	Director of Public Safety		
1.17	Director of Public Works		
1.18	Village Assessors		
1.19	Emergency Government Director		
1.20	Weed Commissioner		
1.21	Village Administrator	2003-18	6/17/03
BOARDS, COMMISSIONS AND COMMUNITY DEVELOPMENT AUTHORITY			
1.30	Board of Review		
1.31	Board of Health and Health Officer		
1.32	Board of Appeals		
1.33	Plan Commission		
1.34	Board of Ethics		
1.35	Community Development Authority		
ELECTIONS			
1.40	Nonpartisan Primary		
1.41	Registration of Electors		
1.42	Poll Hours		
1.43	Board of Election Inspectors		

GENERAL PROVISIONS AS TO OFFICIALS

1.01 ELECTED OFFICIALS.

The elected officials of the Village shall be the Village President, to be elected during odd numbered years for a term of 2 years, commencing on the third Tuesday of April in the year of election, 6 trustees, 3 of whom shall be elected annually during the spring election for terms of 2 years, and a Municipal Judge, whose term shall commence May 1 in the year of election.

1.02 APPOINTED OFFICIALS. (Am. #098-14)

The following officials of the Village shall be appointed in the manner and for the term indicated below:

Official	How Appointed	Term
VILLAGE ATTORNEY	President, subject to confirmation by the Board	Indefinite
EMERGENCY GOVERNMENT DIRECTOR	President, subject to conformation by the Board	Indefinite
PLUMBING INSPECTOR	President, subject to confirmation by the Board	Indefinite
HEALTH OFFICER	Board of Health	Indefinite
VILLAGE ENGINEER	Village Board	Indefinite
BUILDING INSPECTOR	President, subject to confirmation by the Board	Indefinite
ELECTRICAL INSPECTOR	President, subject to confirmation by the Board	Indefinite
PUBLIC WORKS SUPERVISOR/ UTILITY MANAGER	President, subject to confirmation by the Board	Indefinite
VILLAGE CLERK/TREASURER	President, subject to confirmation by the Board	Indefinite
VILLAGE ACCOUNTANT/ DEPUTY CLERK	President, subject to confirmation by the Board	Indefinite
WEED COMMISSIONER	Village President	Indefinite
DIRECTOR OF PUBLIC SAFETY	President, subject to confirmation by the Board	Indefinite
VILLAGE ASSESSOR	President, subject to confirmation by the Board	Set by Contract

1.03 OATHS AND BONDS.

Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment as provided in §61.21, Wis. Stats., and shall execute and file the official bond as required by state statute and this Municipal Code.

1.04 REMOVALS.

(1) ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in §17.13(2), Wis. Stats., or by a judge of the circuit court for cause pursuant to §17.13(3), Wis. Stats., or as provided by §17.16, Wis. Stats.

(2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in §§17.13(1), 17.13(3) and 17.16, Wis. Stats., except that the Director of Public Safety may only be removed as provided in §62.13, Wis. Stats.

1.05 VACANCIES.

(1) HOW OCCURRING. Vacancies in elective and appointive positions are caused as provided in §§17.03 and 17.035, Wis. Stats.

(2) HOW FILLED.

(a) Elected Officials. A vacancy in any elective office shall be filled by appointment by a majority of the members of the Village Board. A trustee may be appointed to fill an unexpired term of a vacating Village President.

(b) Appointed Officials. A vacancy in appointive office shall be filled in the same manner as the original appointment to such office.

1.06 SALARIES.

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the Village Board from time to time, provided the salary of the President and members of the Board shall not be increased or decreased during their terms of offices. (See §66.196, Wis. Stats.)

1.07 PUBLIC RECORDS.

(1) DEFINITIONS.

(a) Authority. Any of the following entities having custody of a Village record: an officer, elected or appointed official, agency, board, commission, committee,

council, municipal court, department or public body corporate and politic created by constitution, law, ordinance, rule or order, or a formally constituted subunit of the foregoing.

(b) Custodian. That officer, department head, division head or employee of the Village, designated under sub. (3) or otherwise, responsible by law to keep and preserve any Village records or file, deposit or keep such records in his office, or who is lawfully in possession or entitled to possession of such public records and is required by this section to respond to requests for access to such records.

(c) Record. Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, and which has been created or is being kept by an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library.

(2) DUTY TO MAINTAIN RECORDS.

(a) Except as provided under sub. (7), each officer and employee of the Village shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt therefor to the officer or employee who shall file such receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt. (Am. #90-2)

(3) LEGAL CUSTODIANS.

(a) Each elected or appointed official is the legal custodian of his records and the records of his office, but may designate an employee of his staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the Village Clerk or his designee shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board. The Director of Public Safety or his designee shall act as legal custodian of all Police Department and Fire Department records. (Am. #90-2)

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

(d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. II of Ch. 19, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) PUBLIC ACCESS TO RECORDS.

(a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records will be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be $.25 per page. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. 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.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefor exceeds $50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

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 Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

8. The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

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

display at its offices for the guidance of the public a copy of §§19.31 to 19.39, Wis. Stats.

(5) ACCESS PROCEDURES.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (4)(f)6. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons, federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(6) LIMITATIONS ON RIGHT TO ACCESS.

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

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.

2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

3. Computer programs, 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 trade secret.

(b) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he 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 concerning employment, dismissal, demotion, compensation, performance or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

6. 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 Village and any officer, agent or employee of the Village when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is, or is likely to become, involved, or communications which are privileged under §905.03, Wis. Stats.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If, in the judgment of the custodian and the Village Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) DESTRUCTION OF RECORDS.

(a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period.

1. Bank statements, deposit books, slips and stubs.

2. Bonds and coupons after maturity.

3. Cancelled checks, duplicates and check stubs.

4. License and permit applications, stubs and duplicates.

5. Official bonds.

6. Payroll and other time and employment records of personnel included under the Wisconsin Retirement Plan.

7. Receipt forms.

8. Special assessment records.

9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period, except that sewer and water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:

1. Contracts.

2. Excavation permits.

3. Inspection records.

4. Water stubs.

5. Sewer rental charge stubs.

6. Receipts of current billings.

7. Customers' ledgers.

(c) Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than 7 years after the record was effective unless another period has been set by statute, and then after such period, or unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Assessment rolls and related records, including Board of Review minutes.

2. Contracts and papers relating thereto.

3. Correspondence and communications.

4. Financial reports other than annual financial reports.

5. Insurance policies.

6. Oaths of office.

7. Reports of boards, commissions, committees and officials duplicated in the Board minutes.

8. Petitions.

9. Election notices.

10. Cancelled registration cards.

11. Traffic forfeiture and ordinance violation case files. (Cr. #91-3)

12. Police records other than investigative records. However, unless the records are subject to a pending open records request or in any way relate to a matter pending before a court or quasi-judicial body, the following exceptions apply: (Cr. #93-7)

    a. Videotape and audiocassette recordings utilized for purposes related to law enforcement may be destroyed, erased or reused after 120 days.

    b. Recordings made of radio dispatches and telephone calls to and from the dispatch operator may be destroyed, erased or reused after 120 days.

(d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given to the State Historical Society prior to the destruction of any record as provided by §l9.21(4)(a), Wis. Stats.

(e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) PRESERVATION THROUGH MICROFILM. Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and subs. (4) through (6) of this section.

OFFICIALS

1.10 VILLAGE PRESIDENT AND TRUSTEES.

(1) ELECTION AND TERM. See §1.01.

(2) DUTIES AND POWERS.

(a) Village President. In addition to the powers and duties prescribed by §61.24, Wis. Stats., the Village President shall be the chief executive officer of the Village and shall possess such additional powers as are herein imposed and conferred.

(b) Village Board. The Village President and Trustees shall constitute the Village Board and shall have such duties and powers as are enumerated in Ch. 61, Wis. Stats., and elsewhere in the statutes.

(c) Police Powers. See §4.05 of this Municipal Code.

(3) AUTHORITY. The Village Board shall have all powers of the Village not specifically given to some other body or officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, utilities and the public service and may act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(4) OTHER PROVISIONS. See also Ch. 2 of this Municipal Code.

1.11 MUNICIPAL JUDGE AND MUNICIPAL COURT.

(1) MUNICIPAL COURT. There is hereby created the Municipal Court of the Village.

(2) MUNICIPAL JUDGE. There is hereby created the position of Municipal Judge of the Village, who shall preside in the Municipal Court of the Village. The Municipal Judge shall be elected at large for a term of 2 years, which shall commence on May 1 of the year of election.

(3) BOND AND OATH. The Municipal Judge shall within 10 days after notice of his election or appointment has been given to him by the Village Clerk, execute and file with the Clerk of Circuit Court in and for Racine County, Wisconsin, the oath prescribed by law in §757.02, Wis. Stats., as follows:

STATE OF WISCONSIN)
) ss
COUNTY OF RACINE)

I, the undersigned, who have been elected (appointed) to the office of Municipal Judge, but have not yet entered upon the duties thereof, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

_____
(Signature)

Subscribed and sworn to before me
this ____ day of _____ , 19__.

_____
Notary Public

and a bond in the penal sum of $1,000 shall be furnished by a surety company as provided in §755.03, Wis. Stats.

(4) SALARY. The Municipal Judge shall be paid such salary as may be fixed from time to time by the Village Board.

(5) JURISDICTION. The Municipal Court shall have jurisdiction as provided in §§755.045, 755.05, and 938.17, Wis. Stats.

(6) PROCEDURE.

(a) The Court of the Municipal Judge shall be called the "Municipal Court for Sturtevant, Wisconsin" and shall be opened as determined by the Village Board.

(b) The Municipal Judge shall hold court in the Municipal Building.

(c) Except as provided by law, the procedure in Municipal Court shall be the same as applicable to other judges.

(d) The Municipal Judge shall collect all forfeitures, fines and taxable costs in any action or proceeding before him and shall pay over such moneys to the Village Treasurer not later than the 5th day of the month succeeding his receipt thereof.

(e) The Municipal Judge shall accept bail from persons accused of offenses in such form as is prescribed by the Wisconsin Statutes.

(7) APPOINTMENT OF A CLERK OF MUNICIPAL COURT.

(a) The Municipal Judge is authorized to appoint one part-time clerk to perform the clerical functions necessary to the operation of the Municipal Court. The appointment of a clerk may be made at any time during the term of the Municipal Judge. Any such appointment shall be made in writing. Each such appointment shall expire at the end of the Municipal Judge's term in office.

(b) Before entering upon the duties of the office, each court clerk shall execute and file with the Village Clerk the oath prescribed by law in §19.01, Wis. Stats. The Clerk of Municipal Court shall be required to execute a bond upon entering the duties of the office.

(c) The Clerk shall receive such compensation as may be fixed from time to time by the Village Board.

(8) CONTEMPT PROCEDURE.

(a) A Municipal Judge may punish for contempt for conduct as defined in §785.01(1), Wis. Stats.

(b) No person may be punished for contempt before a Municipal Judge except in accord with the procedure provided in §785.03, Wis. Stats.

(c) The Municipal Judge may impose a forfeiture for contempt under par. (a) in an amount not to exceed $50 or, upon nonpayment of the forfeiture, a jail sentence not to exceed 7 days.

(9) ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.

(a) For a juvenile adjudged to have violated an ordinance, the Municipal 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 a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the Municipal 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.

1.12 VILLAGE ENGINEER.

(1) APPOINTMENT AND TERM. See §1.02 of this chapter.

(2) POWERS AND DUTIES. The Village Engineer shall:

(a) Furnish and perform for the Village Board such professional engineering services as may be required to protect the interests of the Village in any public construction, improvements or work including, but not limited to, in an initial or consulting capacity as the Village Board shall provide: making such preliminary investigations and reports; preparing and/or reviewing any designs, plans and specifications; preparing estimates of costs; preparing or examining surveys, plats or maps; supervising the construction; examining and approving or disapproving construction during and after construction; approving periodic and final payments; advising the Village Board and other Village officers relative to any such planning and construction; establishing street and sidewalk lines and grades; and such other duties as herein set forth or as the Village Board may from time to time designate.

(b) Examine and approve or disapprove all designs, plans and specifications which may be prepared by others with respect to Village construction, improvements or works and shall insist and make certain that materials of the first grade are used and incorporated in any such construction, improvement or work. Acceptance by the Village Engineer shall give such designs, plans and specifications the same legal and professional responsibility as if such designs, plans and specifications had been prepared by the Village Engineer.

(c) Periodically inspect all public construction, improvements or works, whether designed by him or others, and if at any time he finds or determines that the same departs from the plans and specifications or is in any way defective, the Village Engineer shall immediately stop further construction with respect to such improper construction and shall immediately make a report of the same to the Village Board. The Village Board shall thereafter determine what, if any, corrective measures are to be taken. Thereafter, the Village Engineer shall see to compliance with the determination of the Village Board.

(d) In making a final inspection of any public construction, improvement or work, indicate in writing his approval or disapproval of the job for final payment by the Village. In the event of disapproval, the Village Engineer shall also specify the reasons therefor.

(e) Meet with the Village Board or with any committee of the Village Board upon receipt of 48 hours' notice from the Board or such committee.

(3) CONSULTING ENGINEERS. The appointment by the Village Board of a Village Engineer shall not in any way restrict the Village Board from appointing one or more consulting engineers to work with the Village Engineer, and such power is specifically retained by the Village Board.

(4) INSURANCE. As a condition to acceptance of appointment, the Village Engineer shall provide the Village Board with evidence that he is insured with an insurance company authorized to do business in Wisconsin, insuring him against liability for errors, omissions or other professional negligence in the sum of not less than $100,000.

1.13 INSPECTORS.

(1) The offices of the Building Inspector, Electrical Inspector and Plumbing Inspector are hereby created, and such officials shall be appointed by the Village President, subject to confirmation by the Village Board. Such inspectors shall be under the jurisdiction and control of the Building Committee of the Village Board; provided, however, that the Building Inspector shall have supervisory power over the Electrical Inspector and the Plumbing Inspector.

(2) Appointment shall be made in May on odd numbered years and shall be for a term of 2 years.

(3) The Village Board may from time to time and for such length of time as it deems advisable, appoint one or more deputy building, electrical or plumbing inspectors,

and may discharge the same at will. Such deputy inspectors shall be paid such compensation as shall be established by the Village Board.

1.14 VILLAGE CLERK/TREASURER.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS. The Village Clerk/Treasurer shall perform such duties as are prescribed by §§61.25 and 61.26, Wis. Stats., and by order of the Village Board. See also Section 2.32 of this Code.

1.15 VILLAGE ACCOUNTANT/DEPUTY CLERK.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS. The Village Accountant/Deputy Clerk shall report to the Village Clerk/Treasurer and shall be responsible for maintaining the financial records of the Village and its sub-entities. The Village Accountant/Deputy Clerk shall also perform such duties as are prescribed by Section 2.32 of this Code and §§61.25 and 61.26, Wis. Stats., when the Village Clerk/Treasurer is absent, and such other duties as may be ordered from time to time by the Village Clerk/Treasurer or the Village Board.

1.16 DIRECTOR OF PUBLIC SAFETY.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS. The Director of Public Safety shall have the duties and powers as prescribed in Chs. 4 and 5 of this Code, and as directed by the Village President.

1.17 PUBLIC WORKS SUPERVISOR/UTILITY MANAGER.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS. See Ch. 8 of this Municipal Code.

1.18 VILLAGE ASSESSOR.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS.

(a) Statutory Duties. See §§70.12, 70.13, 70.17, 70.18, 70.23, 70.29, 70.30, 70.32, 70.34, 70.345, 70.35, 70.365, 70.43, 70.44, 70.45, 70.48, 70.49, 70.50, 70.501 and 70.503, Wis. Stats., in particular.

(b) Other Duties Prescribed by Law. He shall perform such other duties as shall be prescribed by state law, supervisory personnel of the State Department of Revenue and the Village Board, including attendance at all meetings of the Board of Review.

1.19 EMERGENCY GOVERNMENT DIRECTOR.

(1) APPOINTMENT AND TERM. See §1.02.

(2) DUTIES AND POWERS. See Ch. 6 of this Municipal Code.

1.20 WEED COMMISSIONER.

(1) APPOINTMENT, OATH, TERM. The President of the Village shall appoint one or more commissioners of noxious weeds and shall report the names of such appointees to the Wisconsin Department of Agriculture on or before the 15th day of May of each year. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Village Clerk, and shall hold his office for one year and until his successor has qualified.

(2) DUTIES, POWERS, COLLECTION OF TAX. Those provisions of the Wisconsin Statutes now in force or which may be enacted in the future, relating to the subject of duties, powers and collection of tax, are adopted as a portion of this Code so far as applicable to villages. See §66.98, Wis. Stats.

1.21 VILLAGE ADMINISTRATOR.

In order to provide the Village of Sturtevant with a more efficient, effective and responsible government under a system of a part-time Board and Village President (hereinafter referred to as "Board") at a time when village government is becoming increasingly complex, there is hereby created the Office of Village Administrator for the Village of Sturtevant (hereinafter referred to as "Administrator").

(1) APPOINTMENT, TERM OF OFFICE AND REMOVAL. The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Board. The Administrator shall hold office for an indefinite term subject to removal at any time by a three-fourths vote of the Board. This section, however, shall not preclude the Board from establishing other employment terms and conditions not

inconsistent with the provisions of this ordinance or the Municipal Code of the Village of Sturtevant.

(2) RESIDENCY. The Administrator shall become a resident of the Village of Sturtevant within one year following the date of appointment, unless this requirement is specifically waived or varied by contract authorized by the Board.

(3) FUNCTIONS AND DUTIES OF THE ADMINISTRATOR. The Administrator, subject to the limitations defined in resolutions and ordinances of the Village of Sturtevant and Wisconsin State Statutes, shall be the chief administrative officer of the Village, responsible only to the Board for the proper administration of the business affairs of the Village, pursuant to the Wisconsin State Statutes, the ordinances of the Village of Sturtevant, and the resolutions and directives of the Board, with power and duties as follows:

(a) General Duties.

1. Carry out directives of the Board which require administrative implementation, reporting promptly to the Board any difficulties encountered herein;

2. Be responsible for the administration of all day-to-day operations of the Village government including the monitoring of all Village ordinances, resolutions, board meeting minutes and state statutes;

3. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the Village, and submit it to the Village Board for adoption as the official organization and administrative procedure plan for the Village;

4. Establish when necessary administrative procedures to increase the effectiveness and efficiency of Village government according to current practices in local government, not inconsistent with paragraph 3 above or directives of the Board;

5. Serve as ex-officio nonvoting member of all boards, commissions and committees of the Village, except as specified by the Board or Wisconsin State Statutes;

6. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Board;

7. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the Board in obtaining these funds under the direction of the Board;

8. Represent the Village in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Board;

9. Act as public information officer for the Village with the responsibility of assuring that the news media are kept informed about the operations of the Village and that all open meeting rules and regulations are followed;

10. Establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

11. Promote the economic well being and growth of the Village through public and private sector cooperation.

(b) Responsibilities to the Village Board.

1. Attend all meetings of the Board, assisting the Board as required in the performance of its duties;

2. In coordination with the Board, and the Clerk, ensure that appropriate agendas are prepared for all meetings of the Board, all Board committees, and all other appropriate committees and commissions of the Village, together with such supporting material as may be required with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the Board, or any of its committees and commissions;

3. Assist in the preparation of ordinances and resolutions as requested by the Board, or as needed;

4. Keep the Board regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Board;

5. In the event that action normally requiring Board approval is necessary at a time when the Board cannot meet, the administrator shall receive directives from the President.

(c) Personnel.

1. Be responsible for the administrative direction and coordination of all employees of the Village according to the established organizational procedures of the Village and the Wisconsin State Statutes;

2. Recommend to the Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of department heads, except those officials selected by boards and commissions defined in Wisconsin State Statutes;

3. In consultation with the appropriate department head, make recommendations to the Board regarding the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of employees, except those employees in units governed by other personnel procedures defined in the Wisconsin State Statutes;

4. Serve as personnel officer for the village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all Village employees are kept; evaluate in conjunction with department heads the performance of all employees, with the exception of the Clerk/Treasurer, on a regular basis; recommend salary and wage scales for Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; assure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;

5. Assist in labor contract negotiations and collective bargaining issues;

6. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(d) Budgeting and Purchasing.

1. Be responsible for the preparation of the annual Village budget, in accordance with guidelines as may be provided by the Village Board and in coordination with department heads, and pursuant to state statutes, for review and approval by the Board;

2. Administer the budget as adopted by the Board;

3. Report to the Board on the current fiscal position of the Village as the Board requests;

4. Ensure that the accounting system employs methods in accordance with current professional accounting practices and with State Statutes;

5. Serve as the purchasing agent for the Village, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Board and any limitation contained in the Wisconsin State Statutes.

(e) Planning.

1. Advise the Planning Commission and Board on current and long term planning issues.

(4) COOPERATION. All officials and employees of the Village shall cooperate with and assist the Administrator so that the Village government shall function effectively and efficiently.

BOARDS AND COMMISSIONS

1.30 BOARD OF REVIEW.

(1) There is hereby constituted a Board of Review, which shall consist of the President or his appointee, the Clerk and two of the Trustees of the Village, one of whom shall be an alternate member who shall serve only if another member is removed from the board under §70.46(6m), Wis. Stats., to be elected by the Village Board on the 3rd Tuesday in April of each year. The President or the President's designee, who shall be a voting member of the Board of Review, shall attend a Wisconsin Department of Revenue training session under §73.03(54), Wis. Stats., within two years of the Board of Review's first meeting. The Village Clerk shall provide an affidavit to the Department of Revenue stating whether this training requirement has been fulfilled.

(2) Such Board shall meet annually on the 2nd Monday of May at the Municipal Building of the Village, and a majority of such Board shall constitute a quorum.

(3) At least 15 days before the first session of the Board of Review, the Clerk shall publish a class 1 notice, place a notice in at least three public places, and place a notice on the door of the Village hall. The notice must state the time and place of the first meeting of the Board of Review and the requirements for challenging an assessment under §70.47(7)(aa) and (ac) to (af), Wis. Stats.

(4) The Village Clerk shall be Clerk of the Board of Review and shall keep an accurate record of all its proceedings in the minute book.

(5) After the Assessor shall have laid before the Board of Review his assessment roll of real estate with the sworn statements and valuations of personal property as provided by §70.47, Wis. Stats., the Board of Review shall remain in session on the first meeting of the Board from 10 a.m. to 4 p.m., except for one hour recess for lunch, for taxpayers to appear and examine such assessment roll and other assessment data and be heard for such time as shall be necessary to complete the roll, and shall post a written notice on the outer door of the place of meeting stating to what time the meeting is adjourned.

(6) The Board may adjourn from time to time until its business is completed. If an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting stating to what time the meeting is adjourned.

(7) The Board shall carefully examine the assessment roll and other pertinent information of all property, and shall fulfill all of its duties and obligations under Ch. 70, Wis. Stats.

(8) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharge 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 §70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, pursuant to §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

1.31 BOARD OF HEALTH AND HEALTH OFFICER.

(1) BOARD OF HEALTH MEMBERS. The Board of Health shall consist of five members: the Village Health Officer, the Village President, the Village Trustee who is Chairperson of the Community Programs and Health Committee, the Village Building Inspector, and one Village resident. The Village resident shall be appointed by the Village President, subject to confirmation by the Board, for a two-year term commencing January 1. The Board of Health shall annually elect a chairperson and clerk as soon as possible following the Village Board's committee appointments on the third Tuesday of April. The Board of Health shall meet at least quarterly.

(2) BOARD POWERS AND DUTIES. The powers and duties of the Board of Health shall be as prescribed by applicable state law and Ch. 11 of this Municipal Code including, but not limited to, the following:

(a) The Board of Health is responsible for governing the Village Health Department and ensuring that such department provides at least Level 1 health services to the residents of the Village as required by Ch. 251, Wis. Stats.

(b) The Board of Health is responsible for appointing a qualified Health Officer on such terms as the Board of Health deems appropriate from time to time, subject to approval of such terms by the Village Board.

(c) The Board of Health shall take such measures and make such orders and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published as a Class 1 notice under Ch. 985, Wis. Stats., and shall take effect immediately after publication.

(3) HEALTH OFFICER. The Health Officer is appointed by the Board of Health for an indefinite term. The Health Officer shall take the oath of office within five days after being appointed. Failure or neglect to make an affidavit within the time specified shall create a vacancy in such office, and the Board of Health shall immediately appoint a new Health Officer.

(4) HEALTH OFFICER POWERS AND DUTIES. The powers and duties of the Health Officer shall be as prescribed by applicable state law, including Ch. 251, Wis. Stats., and by Ch. 11 of this Municipal Code, including but not limited to the following:

(a) Oversee the day-to-day operations of the Village health department to ensure it meets all requirements for providing Level 1 services.

(b) Enforce state public health statutes and rules, as well as any Board of Health orders or regulations.

(c) Appoint all necessary subordinate personnel, assure that they meet appropriate qualifications and have supervisory power over all subordinate personnel.

(d) The local health office shall submit an annual report of the administration of the local health department to the local board of health.

(e) Promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

1.32 BOARD OF APPEALS.

See §17.40 of this Municipal Code.

1.33 PLAN COMMISSION.

See §17.45 of this Municipal Code.

1.34 BOARD OF ETHICS.

See §2.40 of this Municipal Code.

1.35 COMMUNITY DEVELOPMENT AUTHORITY.

The Village Board, pursuant to its authority under §§66.436 and 66.4325, Wis. Stats., adopted a resolution declaring that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the Village, and creating a Community Development Authority as a separate entity for the purpose of fulfilling these needs.

ELECTIONS

1.40 NONPARTISAN PRIMARY.

Candidates for elective Village offices shall be nominated by a nonpartisan primary conducted pursuant to §§8.05(4) and (5), Wis. Stats. Such candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected.

1.41 REGISTRATION OF ELECTORS.

(1) All electors within the Village shall register in the manner provided in the State Statutes.

(2) The Village Clerk shall provide the forms necessary for registration of electors and shall prepare and file such reports as are required and provided for in the Wisconsin Statutes.

(3) Registration of electors shall be required for all elections, whether primary, general or special.

1.42 POLL HOURS.

The polls at any election held within the Village shall be open from 7 a.m. to 8 p.m.

1.43 BOARD OF ELECTION INSPECTORS.

There is hereby constituted a Board of Election Inspectors of the Village, whose composition, selection, powers and duties shall be those as are prescribed by the Wisconsin Statutes now in force or which may be enacted in the future, so far as applicable to villages.

CHAPTER 2

THE GOVERNING BODY

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
2.01	The Village Board		
2.02	Meetings, Regular and Special		
2.03	Presiding Officer		
2.04	Quorum		
2.05	President of Village Board		
2.06	Roll Call: Procedure When Quorum Not in Attendance		
2.07	Absence of the President		
2.08	Action of Village Board Levying Taxes, Appropriating Funds or Creating Village Liability		
2.09	Order of Business		
2.10	Ordinances, Resolutions and Communications to be in Writing		
2.11	Standing Committees	2003-14	5/6/03
2.12	Reference to Committees		
2.13	Reading of Ordinances		
2.14	Accounts Contracted Against the Village		
2.15	Examination and Approval of Accounts		
2.16	Motions		
2.17	Votes; How Taken		
2.18	Motions Which Take Precedence When a Question is Under Debate		
2.19	Division of Question		
2.20	Resolutions and Motions Entered in Minutes		
2.21	Reconsideration		
2.22	Members Must Address Presiding Officer		
2.23	Limitation on Debate		
2.24	Call of the Village Board		
2.25	Disturbance or Disorderly Conduct at Village Board Meeting		
2.26	Interruption of Speaker		
2.27	Appropriations and Accounts		
2.28	Amendment of Rules		

Section Number	*Title*	*Ordinance Number*	*Date of Ordinance*
2.29	Suspension of Rules		
2.30	Remarks by Nonboard Members		
2.31	Ordinances and Resolutions Engrossed and Enrolled by Clerk		
2.32	Duties of Clerk		
2.33	Committee Quorums		
2.34	Deferring Action		
2.35	Seal		
2.36	Robert's Rules of Order		
2.37	Appeal From Decision of President or Presiding Officer		
2.38	New Ordinances to be Numbered		
2.39	Publication of Ordinances		
2.40	Ethics Code		

2.01 THE VILLAGE BOARD.

See §1.10 of this Municipal Code.

2.02 MEETINGS, REGULAR AND SPECIAL.

The first regular meeting of the Village Board shall be held on the 3rd Tuesday of April of each year and thereafter regular meetings of the Board shall be held on the 1st and 3rd Tuesdays of each month. The meetings shall be at 7:30 p.m. The Village Board shall meet at such other times as the Board may direct, but special meetings may be called by any 2 trustees in writing filed with the Clerk, who shall thereupon notify all trustees of the time and place thereof by giving to the trustees a notice in writing at least 24 hrs. previous to the time of the meeting. All meetings of the Village Board, its committees, boards and commissions shall be held in compliance with the Wisconsin Open Meeting Law.

2.03 PRESIDING OFFICER.

(1) The President shall preside at all meetings when present, and shall at the hour of meeting call the Board to order. He shall preserve order and decorum and decide all questions of order, subject to an appeal to the Board.

(2) The presiding officer shall not engage in debate nor shall he speak for or against any measure before the Board unless he shall have first relinquished his chair as presiding officer for the duration of such debate speech.

2.04 QUORUM.

Four trustees shall constitute a quorum, and a less number may adjourn from time to time.

2.05 PRESIDENT OF VILLAGE BOARD.

The President of the Village Board shall not appoint himself to any committee as a regular member thereof, provided, however, that he shall serve as a member ex-officio of each committee without the power of vote but with the right to debate.

2.06 ROLL CALL: PROCEDURE WHEN QUORUM NOT IN ATTENDANCE.

As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members in alphabetical order, noting who are present and who are absent, and record the same in the minute book adopted for that purpose. If it shall appear that there is not a quorum present, the facts shall be entered upon the record, and the President and

members of the Board may adjourn or the President, and in his absence the Clerk, may direct the Director of Public Safety or other police officer to immediately summon the absentees.

2.07 ABSENCE OF THE PRESIDENT.

In the case of the absence of the President at the time of the meeting, the Clerk shall call the Village Board to order and the Board shall elect another trustee as President pro tem.

2.08 ACTION OF VILLAGE BOARD LEVYING TAXES, APPROPRIATING FUNDS OR CREATING VILLAGE LIABILITY.

Except upon the unanimous consent of all members present, no resolution or measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the Village or any funds thereof shall be adopted without first having been referred to a committee and the report thereon of such committee having been made to the Village Board, unless the resolution is one that carries into effect the action of the Village Board upon a committee report. All other resolutions may be adopted at the same meeting at which they are introduced, provided, however, that action upon any resolution shall be deferred until the next meeting of the Village Board upon request of one of the trustees present.

2.09 ORDER OF BUSINESS.

At each regular meeting of the Village Board the order of business shall be as follows:

(1) Reading and correcting the minutes of the preceding meeting.

(2) Presentation of petitions, memorials, remonstrances, resignations and other communications.

(3) Reports of committees may be made and considered, first from standing committees and next from select committees.

(4) Resolutions may be introduced, and resolutions introduced at a previous meeting may be put on their passage.

(5) Ordinances may be introduced, and ordinances introduced at a previous meeting may be put on their passage.

(6) Accounts may be introduced and acted upon.

(7) Unfinished business may be taken up.

(8) Miscellaneous business.

2.10 <u>ORDINANCES, RESOLUTIONS AND COMMUNICATIONS TO BE IN WRITING</u>. [Am. #093-23]

All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to and shall be read by the Clerk. Each committee to which any matter shall be referred shall report thereon in writing.

2.11 <u>STANDING COMMITTEES</u>. (Rep. & recr. #97-9)

The standing committees of the Village Board shall be appointed by the Village President. Such appointment shall be for one year. Each trustee shall be chairman of one committee and serve on 2 others. The standing committees shall be as follows:

(1) FINANCE/BUDGETARY.

(2) PUBLIC SAFETY AND HEALTH.

(3) WATER/WASTEWATER.

(4) PUBLIC WORKS AND COMMUNITY PROGRAMS.

(5) PERSONNEL, POLICY AND LEGAL.

(6) ECONOMIC DEVELOPMENT AND REDEVELOPMENT.

2.12 <u>REFERENCE TO COMMITTEES</u>.

All matters presented to the Board which require reference shall be referred by the President to the proper committee with the motion, unless objection is made.

2.13 <u>READING OF ORDINANCES</u>. (Am. #093-23)

Every proposed ordinance shall have its first and second reading at the time of its introduction and shall be referred to appropriate committees. The first reading shall be by title and the second reading shall be in its entirety. Prior to adoption at a subsequent meeting, an ordinance shall have a third reading, which shall be by title.

2.14 ACCOUNTS CONTRACTED AGAINST THE VILLAGE.

Every committee or officer who shall have contracted an account against the Village by authority of the Village Board shall cause such account to be presented to the Board within one month thereafter.

2.15 EXAMINATION AND APPROVAL OF ACCOUNTS.

All accounts against the Village shall be first examined and approved by the Village Board before being paid.

2.16 MOTIONS.

When a motion is made and seconded, it shall be stated by the presiding officer or read by the Clerk previous to debate.

2.17 VOTES; HOW TAKEN.

All questions shall be put in this form: "Those who are in favor of the motion, (state the question) say aye; those opposed say no"; and in doubtful cases, or before the question is decided, any member may call for a division of the ayes and noes; and when the ayes and noes are called for and ordered, the vote shall be entered on the minutes. The ayes and noes shall in all cases be ordered when called for by one trustee.

2.18 MOTIONS WHICH TAKE PRECEDENCE WHEN A QUESTION IS UNDER DEBATE.

No motion shall be received unless to adjourn, to lay on the table, or for the previous question, to commit, to amend, to postpone, and these several motions shall have precedence in the order in which listed.

2.19 DIVISION OF QUESTION.

Any member may call for a division of the question when the same may admit thereof.

2.20 RESOLUTIONS AND MOTIONS ENTERED IN MINUTES.

In all cases where a resolution or motion shall be entered on the minutes, the name of the member moving the same shall be entered on the minutes.

2.21 RECONSIDERATION.

When a question has once been decided, it shall be in order for any member voting in the affirmative to move for a reconsideration thereof at the same or the next regular meeting.

2.22 MEMBERS MUST ADDRESS PRESIDING OFFICER.

When any member is about to speak or deliver any matter to the Village Board, he shall rise from his seat and respectfully address himself to the President, but shall not proceed with his remarks until recognized by the Chair.

2.23 LIMITATION ON DEBATE.

When a member is called to order, he shall take his seat, and shall not be allowed to proceed until the question of order is decided, and no member shall speak more than twice at the same meeting on any question except by leave of the Village Board.

2.24 CALL OF THE VILLAGE BOARD.

A call of the members of the Board shall be ordered at any time by request of one or more members, and absent members shall be sent for, but a call cannot be made after voting has commenced; and a call of the Board being requested and ordered and the absentees noted, the doors shall be closed until the report of the police officer has been received and acted upon, or further proceedings under call be dispensed with by a majority of the Board. Any member of the Board absent at a call of the members of the Board shall, without a valid excuse for his absence, be required to pay the expense of the police officer in procuring his attendance.

2.25 DISTURBANCE OR DISORDERLY CONDUCT AT VILLAGE BOARD MEETING.

When any disturbance or disorderly conduct shall occur at any of the meetings of the Board, the presiding officer shall have power to cause the room to be cleared of all persons guilty of such disorderly conduct, except members of the Board. In case a member of the Board shall be guilty of disorderly conduct, the presiding officer shall have power to order the police officer to take him into custody for the time being, or until the Board shall adjourn. Such member shall have the right to appeal from such order to the Board as in other cases, but shall not be permitted to debate the appeal.

2.26 INTERRUPTION OF SPEAKER.

When any member is speaking, no member shall entertain any private discourse or in any way interrupt the speaker, except as to a question of order.

2.27 APPROPRIATIONS AND ACCOUNTS.

No ordinance shall be passed, accounts allowed or appropriation of money voted unless a majority of the whole Board shall vote in favor thereof. The vote shall be by ayes and noes and shall be recorded in the journal. No ordinance shall be passed, accounts allowed or appropriation of money voted at any special meeting.

2.28 AMENDMENT OF RULES.

These rules may be rescinded, amended or altered, or new rules adopted by a 2/3 vote of all the members of the Board on the report of a committee to which the subject has been referred at a previous meeting.

2.29 SUSPENSION OF RULES.

It shall require a vote of 2/3 of the members present to suspend any rule of the Village Board. The vote shall be by ayes and noes and shall be recorded in the journal.

2.30 REMARKS BY NONBOARD MEMBERS.

(1) Persons who are not members of the Village Board shall be allowed to speak at any Village Board meeting upon suspension of the rules and upon the request of a trustee for unanimous consent that such person be heard.

(2) Members of the public permitted to be heard as provided above shall come forward and give their name and address to the Clerk. Upon being heard such persons shall answer questions directed to them by Village Board members. Upon completion of being heard such member of the public shall return to his seat in the audience. Members of the Board or other members of the public shall not be permitted to enter into debate at any time.

2.31 ORDINANCES AND RESOLUTIONS ENGROSSED AND ENROLLED BY CLERK.

The Village Clerk shall see that all ordinances and resolutions are correctly engrossed and enrolled before the same are published or signed by the President.

2.32 DUTIES OF CLERK.

In addition to his other duties, the Clerk shall:

(1) Be present at all meetings of the Board and keep a correct journal of the proceedings of each meeting, and make a correct record of the same.

(2) Engross all ordinances and bylaws and record the same in a book of ordinances.

(3) Furnish the committees with copies of resolutions and other matters that may be referred to them (unless the original papers are furnished).

(4) Keep a true account of the expenditures of money by order of the President and Board.

(5) Do such other clerical duties as may be prescribed by the Board.

2.33 <u>COMMITTEE QUORUMS</u>.

A majority of the members of any committee shall constitute a quorum.

2.34 <u>DEFERRING ACTION</u>.

Action upon any report of a committee to the Board shall be deferred to the next regular meeting of the same by request of one of the trustees present.

2.35 <u>SEAL</u>.

(1) The Village Board is empowered and instructed to adopt and procure for the Village an official seal. Such seal shall be of the usual form and size.

(2) The Village Clerk shall have the custody of the seal with power to affix the same to all documents requiring the corporate seal, the same to be attested by his signature.

2.36 <u>ROBERT'S RULES OF ORDER</u>.

The rules of parliamentary practice comprised in "Robert's Rules of Order," latest edition, shall govern the Village Board in all cases in which they are applicable and in which they are not inconsistent with these rules.

2.37 <u>APPEAL FROM DECISION OF PRESIDENT OR PRESIDING OFFICER</u>.

No appeal from the decision of the President or presiding officer shall be sustained, except by a 2/3 vote of all members of the Board present at the meeting.

2.38 NEW ORDINANCES TO BE NUMBERED.

All ordinances, the substance of which would have the effect of amending, altering or adding to the provisions of this Municipal Code, shall be drawn as amendments, alterations or additions to such Code, and every section shall be given a number which shall locate such section in the proper sequence in the Code. The Village Attorney shall assign proper section numbers for all ordinances introduced into the Village Board creating new sections to this Code. No such ordinance shall be introduced into the Village Board unless so numbered.

2.39 PUBLICATION OF ORDINANCES.

The ordinances and bylaws of the Village shall be published by posting the same in at least 3 public places in the Village, and proof thereof filed and recorded by the Village Clerk, and the same shall take effect the day after the proof of posting has been filed and recorded, or a later date if expressly provided in the ordinance. If any penalty or forfeiture is imposed by the ordinance, the ordinance shall be published as a Class 1 notice under Chapter 985, Wis. Stats., and shall take effect on the day after its publication, or a later date if expressly provided in the ordinance.

2.40 ETHICS CODE.

(1) DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all of the Village of Sturtevant officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Sturtevant and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The provisions and purpose of this Code of Ethics and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Sturtevant.

(2) DEFINITIONS. The following definitions shall be applicable in this Ethics Code:

(a) ANYTHING OF VALUE. Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not

include compensation and expenses paid by the Village or political contributions which are reported under Ch. 11 of the Wisconsin Statutes.

(b) EMPLOYEE. Any person excluded from the definition of an official who is employed by the Village.

(c) FINANCIAL INTEREST. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee.

(d) GIFT. The payment or receipt of anything of value without valuable consideration.

(e) IMMEDIATE FAMILY. An individual's spouse, and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(f) OFFICIAL. Any person serving in a statutory elected or appointed office and any members appointed to boards, committees or commissions established or appointed by the Village Board and/or Village President pursuant to this Code of Ordinances, whether paid or unpaid.

(g) PERSONAL INTEREST. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

(h) PERSON. Any person, corporation, partnership, joint venture, association, company, firm, enterprise, trust or other legal entity.

(3) RESPONSIBILITY OF PUBLIC OFFICE. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Wisconsin, and carry out impartially the laws of the nation, state and Village, to observe in their official acts the highest standards of integrity, and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

(4) DEDICATED SERVICE.

(a) All officials and employees of the Village of Sturtevant should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work performance established as the standard for their position by the appropriate authority.

(b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or officially recognized confidentiality of their work.

(5) FAIR AND EQUAL TREATMENT.

(a) USE OF PUBLIC PROPERTY. No official or employee shall use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit without prior approval from the Village Board, unless such services are available to the public generally.

(b) OBLIGATIONS TO CITIZENS. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(6) CONFLICT OF INTEREST.

(a) INTEREST PROHIBITED. No official or employee of the Village shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest contrary to the provisions of this Ethics Code or which would tend to impair their independence of judgment or action in the performance of their official duties.

(b) INCOMPATIBLE EMPLOYMENT. No official or employee shall engage in or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(c) DISCLOSURE OF CONFIDENTIAL INFORMATION. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Village, nor

shall they use such information to advance the financial or other private interest of themselves or others.

(d) REPRESENTING PRIVATE INTERESTS BEFORE VILLAGE AGENCIES OR COURTS. No official or employee shall appear on behalf of any private person, other than himself, his spouse or minor children, before any Village agency or municipal court. However, a member of the Village Board may appear before Village agencies on behalf of their constituents in the course of their duties as a representative of the electorate or in the performance of public or civic obligations.

(7) GIFTS AND FAVORS.

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

(b) No official or employee shall accept any one gift with a value of more than $25.00, or gifts having an aggregate value of more than $100.00 in any calendar year, from any person if such person:

1. Has or is seeking to obtain a contractual or other business or financial relationship with the Village or the Board; or

2. Conducts operations or activities which are regulated by the Village or the Board; or

3. Has interests which may be substantially affected by the Village or the Board.

(c) No official or employee personally, or through a member of his immediately family, shall accept anything of value from any person which may tend to impair the official or employee's independent judgment or action in the performance of his duties, or grant in the discharge of his duties any improper favor, service or thing of value.

(d) Gifts received at modest ceremonial events--e.g., ground breakings and grand openings--business meals, outings, conferences, and mementos such as coffee cups and candy, are exempt from the $100.00 calendar year limit, so long as

the value of any such gift does not exceed $25.00 and the distribution of the gift is of a general nature.

(e) Gifts received by an official or employee or a member of their immediate family under unusual circumstances shall be referred to the Ethics Board within ten days of receipt for recommended disposition.

(8) CONTRACTS WITH THE VILLAGE. No Village official or employee who, in their capacity as such official or employee, participates in making of a contract in which they have a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring exercise of discretion on his part, shall enter into any contract with the Village unless, within the confines of §946.13 of the Wisconsin Statutes:

(a) The contract is awarded through a process of public notice and competitive bidding; or

(b) The Ethics Board and the Village Board waive the requirement of this section after determining that it is in the best interest of the Village to do so.

(9) DISCLOSURE OF INTEREST IN LEGISLATION.

(a) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest. Such person shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(b) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board and who, directly or indirectly, participates in discussions with or gives an official opinion or recommendation to the Village Board shall disclose on the records of the Village Board the nature and extent of such interest.

(10) CAMPAIGN CONTRIBUTIONS. Campaign contributions shall be reported by all candidates for Village office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Ethics Board.

(11) BOARD OF ETHICS CREATED. There is hereby created a Board of Ethics consisting of three members and one alternate who shall serve without compensation unless the Village Board otherwise provides. The members of the

Board shall not be elected officials, full-time appointed officials or Village employees, nor shall they be currently serving on any other Village board or commission. An election poll worker is not disqualified from serving on the Board of Ethics. Each member shall be appointed by the Village President and subject to confirmation by the Village Board. The Village Attorney shall furnish the Board with whatever legal assistance is necessary in carrying out its function. Terms of office shall be three years, except that when the initial appointments are made one member shall be appointed for one year, one for two years, and one for three years. The alternate shall serve on the Board when one of the members of the Board is unavailable. The term of the alternate shall be for three years. The Board shall elect its own chairman and vice chairman.

(12) DUTIES OF ETHICS BOARD.

(a) The Board of Ethics may adopt and develop written guidelines and procedures, which shall be submitted to the Village Board for approval. A copy of such rules shall be on file with the Village Clerk.

(b) Any person to whom this ordinance applies may apply in writing to the Board of Ethics for an advisory opinion and shall be guided by the opinion rendered. Such person shall have the opportunity to present their interpretation of the facts at issue and of the applicability of provisions of this Ethics Code before the advisory opinion is rendered. The Board's advisory opinion shall be in writing. The Board's deliberations and action upon such applications shall be in meetings not open to the public. Records of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection. The Board, however, may make such records public with the consent of the individual requesting the advisory opinion. In the event the Board deems it necessary or appropriate, it may request an advisory opinion from the Village Attorney.

(c) The Board shall investigate any complaint properly filed with it, except as otherwise provided in this Ethics Code.

(d) The Board shall accept from any person, or make upon its own motion, a verified complaint in writing which shall state the name of the official or employee alleged to have committed a violation of this Ethics Code and which shall set forth the particulars of the alleged violation. The Board shall within ten days of receipt of the verified complaint, or of the filing of a verified complaint made pursuant to the Board's motion, forward a copy of the complaint to the official or employee who is accused of violating this Ethics Code. If no action on the verified complaint is taken by the Board within sixty days of filing with the Board, the complaint shall be void.

(e) Following the receipt or filing of a verified complaint upon its own motion, the Board may make preliminary investigations with respect to alleged violation(s) of this Ethics Code. No preliminary investigation of the activities of any official or employee may be initiated unless such official or employee is notified in writing prior to such investigation. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated, and a statement of such person's due process rights.

(f) If, after such investigation, the Board finds probable cause to believe a violation exists, it shall conduct a hearing on the matter which shall be held not more than thirty days after such finding. The Board shall give the accused at least twenty days' notice of the hearing date. Such hearings shall be at closed session unless the accused petitions for a hearing open to the public. The hearing shall be conducted in accordance with the Wisconsin Rules of Criminal Evidence. Counsel for the Board and the accused or his counsel may present evidence, call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the Board chairman. The chairman is empowered to issue subpoenas to compel attendance of witnesses at such hearing.

(g) During all stages of any investigation or proceeding conducted under this section, the accused or any persons whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.

(h) DETERMINATION. Upon conclusion of the hearing the Board shall within twenty days make a written determination as to the existence of a violation of the Code of Ethics by the accused official or employee. The determination shall be signed by all participating Board Members with findings of fact and conclusions of law concerning the propriety of the conduct of the official or employee. If appropriate, the Board shall make a written recommendation as to what action, if any, shall be taken to discipline such official or employee, or what action should be taken to correct the violation. The Board may recommend censure, suspension, removal from office or employment, and/or may impose a forfeiture not to exceed $1,000 for each violation. Such determination and recommendation shall be mailed to such official or employee within the 20-day period. Copies shall also be delivered to the Village Board for such action as the Village Board may deem proper.

(i) The affirmative vote of the Ethics Board shall be required for any action taken by the Board, with the exception that action taken by the Board pursuant to a hearing shall require a two-thirds vote.

(13) APPLICABILITY OF ETHICS CODE. This Ethics Code shall be operative in all instances covered by its provisions except when superseded by state law or when the application of a state statutory provision is discretionary but determined by the Ethics Board to more appropriate or desirable. When an ethics complaint is filed against the Director of Public Safety, a police officer or a firefighter, the complaint shall be referred to the Village Board for processing in accordance with §61.65 of the Wisconsin Statutes.

(14) SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of application of this ordinance that can be given effect without the invalid or unconstitutional provision or application.

CHAPTER 3

FINANCE AND TAXATION

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
3.01	Preparation of Tax Roll and Tax Receipts		
3.02	Fiscal Year		
3.03	Budget		
3.04	Changes in Budget		
3.05	Village Funds to be Spent in Accordance with Appropriations		
3.06	Claims Procedure		
3.07	Letting of Contracts		
3.08	Duplicate Treasurer's Bond		
3.09	Temporary Investment of Funds Not Immediately Needed		
3.10	Personal Property Taxes, Interest		

3.01 PREPARATION OF TAX ROLL AND TAX RECEIPTS.

(1) AGGREGATE TAX STATED ON ROLL. Pursuant to §70.65(2), Wis. Stats., the Clerk/Treasurer shall, in computing the tax roll, insert only the aggregate amount of State, County, school, vocational district and local taxes in a single column on the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(2) TAX RECEIPTS. Pursuant to §74.08(1), Wis. Stats., the Clerk/Treasurer shall enter in each receipt for the payment of taxes the name of the person paying the taxes, if that person is not the owner of the property taxed, the date of payment and the aggregate amount of taxes paid.

3.02 FISCAL YEAR.

The calendar year shall be the fiscal year.

3.03 BUDGET.

(1) DEPARTMENTAL ESTIMATES. Annually, at a time specified by the Village President, each officer, department and committee shall file with the Village Clerk/Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year; a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year and of the conditions and management of such fund; and detailed estimates of the same matters for the current and ensuing fiscal years. Such statements, which shall be designated as "Departmental Estimates," shall be presented in the form prescribed by the Village Clerk/Treasurer, such form to be as nearly uniform as possible for the main division of all departments.

(2) PREPARATION OF PROPOSED BUDGET.

(a) Village Clerk/Treasurer to Prepare. The Village Clerk/Treasurer shall prepare and submit to the Board a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing fiscal year.

(b) Information Required. The budget shall include the following information:

1. The expense of conducting each department and activity of the Village for the ensuing fiscal year and corresponding items for the current year and

last preceding fiscal year with reasons for increase and decrease recommended as compared with appropriations for the current year.

2. An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a statement comparing the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.

3. All existing indebtedness to the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.

4. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

5. Such other information as may be required by the Board and by State law.

(c) Copies Required. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(3) HEARING. The Village Board shall hold a formal public hearing on the budget at the time of its presentation by the Village President.

3.04 CHANGES IN BUDGET.

The amount of the tax to be levied or certified and the amounts of the various appropriations and the purposes thereof, shall not be changed after approval of the budget except by a 2/3 vote of all the members of the Village Board. Notice of such change shall be given by publication within 15 days thereafter.

3.05 VILLAGE FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATIONS.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3.04. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such

appropriation shall continue in force until the purpose for which it was made has either been accomplished or abandoned.

3.06 <u>CLAIMS PROCEDURE</u>.

(1) GENERALLY. Payments may be made from the Village treasury after the Clerk/Treasurer audits and approves each claim as a proper charge against the treasury, and endorses his approval on the claim after having determined that the following conditions have been complied with:

(a) That funds are available therefor pursuant to the budget approved by the Village Board.

(b) That the item or service covered by such claim has been duly authorized by the proper official, department head, board or commission.

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

(d) That the claim is just and valid pursuant to law. The Clerk, in his discretion, may require the submission of such proof and evidence to support the foregoing.

(2) MONTHLY REPORT. The Clerk/Treasurer shall file with the Village Board not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

(3) ANNUAL AUDIT. The Village Board shall authorize an annual detailed audit of its financial transactions and accounts by the Department of Revenue pursuant to §73.10, Wis. Stats., or by a public accountant licensed under Ch. 442, Wis. Stats., the designation to be made by the Village Board.

(4) BOND REQUIRED. The Clerk/Treasurer shall be covered by a fidelity bond of not less than $5,000, pursuant to §66.044(4), Wis. Stats.

(5) PAYMENT OF REGULAR WAGES OR SALARIES. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official and filed with the Village Clerk/Treasurer in time for payment on the regular pay day.

3.07 LETTING OF CONTRACTS.

As a complete alternative to the requirements established by §§61.54 and 61.55, Wis. Stats., §62.15, Wis. Stats., shall apply to Village contracts. The authority vested in the Board of Public Works by §62.15, Wis. Stats., shall be exercised by the Village Board, or as delegated by the Village Board.

3.08 DUPLICATE TREASURER'S BOND.

(1) ELIMINATED. The Village elects not to give the bond on the Village Clerk/Treasurer provided for by §70.67(1), Wis. Stats.

(2) VILLAGE LIABLE FOR DEFAULT OF TREASURER. Pursuant to §70.67(2), Wis. Stats., the Village shall pay, if the Clerk/Treasurer fails to do so, all State and County taxes required by law to be paid by such Clerk/Treasurer to the County Treasurer.

3.09 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.

The Clerk/Treasurer may invest any Village funds not immediately needed, pursuant to §66.04(2), Wis. Stats.

3.10 PERSONAL PROPERTY TAXES, INTEREST.

(1) All personal property taxes shall be due and payable on or before the 31st day of March of each year.

(2) Anyone failing to pay the personal property tax on or before the date set out in sub. (1) shall pay interest from the date the same became due at the rate of 1% per month.

(3) Except as otherwise provided by the ordinances of the Village, any services rendered to the individuals or property of the Village, which are to be paid by a date determined, bear interest upon the balance at the rate of 1% per month.

CHAPTER 4

LAW ENFORCEMENT

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
4.01	Police Department Personnel		
4.02	Director of Public Safety: Duties and Powers		
4.03	Police Officers: Duties and Powers		
4.04	Power of Arrest		
4.05	President's and Trustee's Police Powers		
4.06	Law Enforcement Standards Board Program		
4.07	Police Alarm Systems		

4.01 POLICE DEPARTMENT PERSONNEL.

(1) ENUMERATED. The Director of Public Safety shall head the Police Department. The Police Department shall also include such police officers as the Village Board may prescribe by ordinance or resolution. The police officers shall be appointed by the Director of Public Safety, subject to approval by the Village Board.

(2) SALARY; COLLECTION OF FEES. The Director of Public Safety and the police officers shall receive a salary fixed by the Village Board and shall not be entitled to any other compensation. All fees, bail deposits and other special remuneration or funds collected or received by the Department or any officers thereof shall be deposited with the Clerk of Municipal Court.

(3) TENURE OF DIRECTOR OF PUBLIC SAFETY AND POLICE OFFICERS. The Director of Public Safety and non-probationary police officers may be suspended, reduced in rank, suspended and reduced in rank, or removed at any time only for just cause under §62.13(5), Wis. Stats., except that a person appointed by the Village Board under §61.65(1)(am)2., Wis. Stats., shall act in place of a board of police and fire commissioners. Probationary police officers may have their employment terminated during a probationary period with or without cause and they shall not be entitled to a hearing or review of such termination.

4.02 DIRECTOR OF PUBLIC SAFETY: DUTIES AND POWERS.

(1) The Director of Public Safety shall have general supervision of and be responsible for the personnel and general efficiency of the Police Department.

(2) The Director of Public Safety shall obey all lawful written orders of the President or Village Board.

(3) The Director of Public Safety shall cause the public peace to be preserved and ensure that all laws and ordinances of the Village and State are enforced; and whenever any violation thereof comes to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

(4) The Director of Public Safety shall be solely responsible for the care and condition of the equipment used by his Department.

(5) The Director of Public Safety shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department. Such records shall be open to public inspection at times set by the

Department, shall be the property of the Village and shall be turned over by the Director of Public Safety to his successor in office.

(6) The Director of Public Safety shall devote his entire on-duty time to his official duties.

(7) The Director of Public Safety shall keep an accurate and complete record of all fees, bail deposits and any other special remuneration or funds received by the Department.

4.03 POLICE OFFICERS: DUTIES AND POWERS.

Each police officer of the Department shall possess the powers conferred on marshals and constables by law and shall preserve the public peace and enforce the laws and ordinances of the state and Village subject to the orders, rules and regulations of the Director of Public Safety, the President and the Village Board.

4.04 POWER OF ARREST.

Village police officers shall arrest any person in the Village found in the act of violating any law of the state or ordinance of the Village; shall arrest without warrant any person whom they have reasonable grounds to believe has violated any law or ordinance and who will not be apprehended unless immediately arrested; shall take any arrested person in charge and confine such person; and shall, within a reasonable time, bring such person before the court having jurisdiction thereof to be dealt with according to law.

4.05 PRESIDENT'S AND TRUSTEES' POLICE POWERS.

The President and trustees shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village.

4.06 LAW ENFORCEMENT STANDARDS BOARD PROGRAM.

(1) ELECTION TO PARTICIPATE. The Village hereby elects to participate in the recruit qualifications and training program of the Wisconsin Law Enforcement Standards Board.

(2) PROBATIONARY AND TEMPORARY OFFICERS TO MEET RECRUIT QUALIFICATIONS. Before an individual may commence employment on a probationary or temporary basis as a law enforcement officer, that individual shall

have met the recruit qualifications set by the Wisconsin Law Enforcement Standards Board.

(3) PERMANENT OFFICERS TO COMPLETE RECRUIT TRAINING COURSES.

(a) Before an individual may commence employment on a part or full-time permanent basis as a law enforcement officer, that individual shall have been certified by the Board as having met the recruit qualifications and as having successfully completed the preparatory training course required under the Board's recruit training standards.

(b) Recruit training shall be successfully completed by the trainee within the probationary period. Under justifiable circumstances, this period may be extended, but the total period during which a person may serve as a law enforcement officer on a probationary or temporary basis without successfully completing a preparatory training course approved by the Wisconsin Law Enforcement Standards Board shall not exceed two years.

4.07 POLICE ALARM SYSTEMS.

(1) PURPOSE. The purpose of this section is to establish regulations, standards and controls relating to the type, use and installation of police alarm devices, whether such alarm devices are monitored by the Police Department, a private alarm company or any other person, and to establish a Police Department Central Alarm Station and policies and procedures for the development and use of a central monitoring station.

(2) DEFINITIONS.

(a) False alarm as used in this section shall mean a signal from an alarm system resulting in a response by the Police Department when an emergency situation did not exist.

(b) Police alarm as used in this section shall mean a device which, when actuated by a criminal act or other emergency requiring police response, transmits a signal to a central alarm system or directly to the Police Department, or produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

(3) PROHIBITION. No person shall sell, use or cause to be used any telephone or electronic device or attachment that automatically selects a telephone truck or the Police Department and produces any prerecorded message to report a burglary or other emergency.

(4) POLICE DEPARTMENT CENTRAL ALARM STATION. A central alarm station shall be maintained in the Village Municipal Building at such location as the Director of Public Safety may designate.

(5) LIMITATIONS. The Director of Public Safety shall determine the number and type of alarm owners and alarm lessees which may be connected to the police central alarm station. No person shall cause to be connected to the police central alarm station a private alarm system unless such proposed connection receives prior approval in writing by the Director of Public Safety. Any person denied permission to connect to the alarm system may appeal by filing a written notice to the Village Clerk/Treasurer within 10 days of the date of denial. Such appeal shall be heard by the Village Board within 30 days thereafter. The determination of the Village Board shall be final.

(6) ALARMS REQUIRED. The Director of Public Safety shall give priority for connection to the police central alarm system to those persons required by state or federal law or regulation to maintain a police alarm system on their premises; and specifically, shall give priority to financial institutions such as banks, savings and loan associations, government buildings and private businesses dealing in firearms.

(7) ALARM REQUIREMENTS. All persons whose application for connection to the police central alarm station is approved by the Director of Public Safety shall comply with the following conditions:

(a) Pay all cost of installation and connection to the police central alarm station.

(b) Pay an annual monitoring fee of $150 to the Village.

(c) Use alarm equipment that meets minimum Underwriters Laboratory alarm device standards.

(d) Pay all costs of disconnection or termination of service whether such disconnection or termination is initiated by the Director of Public Safety or the alarm user.

(e) Perform testing of the alarm system in accordance with rules and procedures promulgated by the Director of Public Safety or his designee.

(f) Pay all expenses of termination and reconnection whenever the location of the police central alarm system is changed.

(g) Sign an agreement holding the Village and the Police Department harmless for any and all damages or losses resulting directly or indirectly from an alarm connection terminating at the Police Department.

(h) Each person connected to the central alarm system in accordance with this section shall cause such system to be periodically inspected and maintained in accordance with the manufacturer's recommendations.

(i) For various reasons, false alarms for alarm systems frequently occur. Each false alarm requires response by public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated. Persons connected to central alarm systems in accordance with this section shall pay to the Village a charge for false alarms responded to by a Village police officer according to the following schedule for each calendar year for each premises connected:

1.	First two false alarms	No charge
2.	Third false alarm	$50.00
3.	Fourth and subsequent false alarms	$100.00

(j) Paragraph (i) above is intended to impose strict liability on the person responsible for alarm connection to the police central alarm station and applies regardless of the cause of the false alarm.

(8) AUDIBLE OR VISUAL ALARM SYSTEM. Any person who maintains an audible or visual alarm system on his premises shall be subject to the provisions of par. (7)(i) under the same conditions as central alarm systems.

(9) DISCONNECTIONS AND APPEALS. Failure to comply with any provision of this section or repeated false alarms shall be cause for an alarm system to be disconnected from the Police Department upon 30 days' prior written notice by the Director of Public Safety. Such disconnection shall be made at the alarm holder's expense. An order of disconnection may be appealed by filing a written notice of appeal with the Village Clerk/Treasurer within 10 days of the date of the order. Such appeal shall be heard by the Village Board within 30 days of the date of filing the appeal. The Village Board may affirm, reverse or modify the order of the Director of Public Safety. The determination of the Village Board shall be final. An appeal which is timely filed suspends the disconnection until the Village Board renders its decision. The Village Clerk/Treasurer shall give written notice of the

time and place of the hearing to the appellant not later than 24 hours prior to the hearing. The Director of Public Safety may, at his discretion, require the immediate disconnection of any alarm system connected to the police central alarm station if technical failure or defects of the system result in a continual or sporadic alarm.

(10) INTENTIONAL FALSE ALARM. No person shall intentionally cause the activation of a police alarm device knowing that no crime or emergency exists.

(11) AUDIBLE POLICE ALARMS. No person shall sell, use or install a police alarm which upon activation emits a sound the same as or similar to emergency vehicle sirens or civil defense sirens.

(12) PRIVATE ALARM SYSTEMS. Persons with alarm units that are connected to private alarm companies, including those private alarm companies engaged in the business of monitoring burglary alarm systems, shall pay to the Village the false alarm charge prescribed in par. (7)(i) for false alarms responded to by a Village police officer. The amount of such false alarm charges shall be based on the number of such police responses to each such business, commercial or residential premises.

(13) PRIVATE ALARM COMPANIES. Any person owning, leasing or operating a private alarm system programmed to a central office shall also maintain a maintenance system during the hours that such system is in operation and shall upon request of the Police Department dispatch a company representative to the location of any alarm transmitted so that such representative arrives within one hour of such request. Each premises containing an alarm shall be considered a separate entity for purposes of this section. When reporting an alarm, the caller shall first identify the private alarm company which monitors the alarm. Private alarm companies shall provide the Director of Public Safety with a telephone number at which the maintenance service may be contacted at any time.

(14) APPEARANCE AT SITE OF ALARM. At the request of the Police Department, any person owning or leasing the premises on which an alarm is located shall dispatch a representative or appear in person at the location of any alarm transmitted so that such person or representative arrives within one hour of such request.

(15) PENALTIES. Any person convicted of a violation of this section may be required to forfeit not less than $50 nor more than $500 for each such violation. Any person may, in lieu of a court appearance, forfeit the amount set by the Municipal Judge.

CHAPTER 5

FIRE PROTECTION

[Rep. & recr. #097-24]

	Title	***Ordinance Number***	***Date of Ordinance***
5.01	Fire Department Recognized		
5.02	Policies		
5.03	Appropriations		
5.04	Compensation		
5.05	Organization and Membership		
5.06	Powers and Duties of Director of Public Safety		
5.07	Apparatus Use		
5.08	Police Power of Department		
5.09	Fire Inspector		
5.10	Hazardous Waste		
5.11	Fees for Transport in Rescue Squad	*2004-09*	*6/15/04*
5.15	Penalty		

5.01 FIRE DEPARTMENT RECOGNIZED.

The Village of Sturtevant Fire Department ("Fire Department") is officially recognized as the Fire Department of the Village of Sturtevant. Its purpose shall be to provide fire protection, fire prevention and rescue service to the Village. Its organization and internal regulation shall be governed by the provisions of this chapter and such policies adopted by the Fire Department except as otherwise provided by law and ordinances.

5.02 POLICIES.

The Fire Department shall adopt policies for its control, management and government and for regulation of its business and proceedings, which policies shall not become effective and operative until confirmed by the Village Board. Amendments shall be adopted in the same manner.

5.03 APPROPRIATIONS.

The Village Board shall appropriate funds to provide for operation of fire and rescue and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property.

5.04 COMPENSATION.

Members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.

5.05 ORGANIZATION AND MEMBERSHIP.

(1) The Fire Department shall consist of the following officers: the Director of Public Safety, a part-time Fire Prevention Chief, a Captain, and two Lieutenants, who shall be appointed by the Director of Public Safety, subject to confirmation by the Village Board. Such appointments shall be made by the Director of Public Safety from within the Fire Department when this can be done with advantage, and otherwise from an eligibility pool. In addition to these officers, the Fire Department shall consist of firefighters appointed by the Director of Public Safety from an eligibility pool and confirmed by the Village Board, and a secretary. The number of full- and part-time firefighters shall be determined by the Village Board from time to time.

(2) The Director of Public Safety shall establish a selection process and eligibility pool for entry level firefighter positions in the Fire Department, as well as

for the officers
set forth in subsection (1), when the Director of Public Safety does not make such an appointment from within the Department.

(3) Upon occurrence of a vacancy in the office of Director of Public Safety, the Captain shall perform the duties of the Director of Public Safety enumerated in this chapter until such vacancy has been filled.

(4) Resignations shall be submitted in writing to the Director of Public Safety at least 10 days prior to the effective date of resignation, and the resigning member shall immediately surrender all assigned equipment. A dismissed firefighter shall surrender all issued equipment immediately following the dismissal. Failure to return equipment will be referred to the Police Department, the Village Attorney, or both, for legal action.

(5) The Director of Public Safety and non-probationary members of the Fire Department may be suspended, reduced in rank, suspended and reduced in rank, or removed at any time only for just cause under §62.13(5), Wis. Stats., except that a person appointed by the Village Board under §61.65(1)(am)2., Wis. Stats., shall act in place of a board of police and fire commissioners. Probationary members of the Fire Department may have their employment terminated during a probationary period with or without cause and they shall not be entitled to a hearing or review of such termination.

5.06 POWERS AND DUTIES OF DIRECTOR OF PUBLIC SAFETY.

(1) The Director of Public Safety shall have general supervision of and be responsible for the personnel and general efficiency of the Fire Department.

(2) The Director of Public Safety shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and Department policies.

(3) The Director of Public Safety, Captain or any authorized representative shall be present at all emergency scenes, have complete command of and entire responsibility for all operations, plan the control of the same to direct the action of the companies when they arrive at a scene, observe that every company does its duty, grant leaves of absence at a scene when deemed proper and ensure that the fire apparatus is kept in proper condition at all times.

(4) The Director of Public Safety shall have the power to impose discipline as to any officer or member of the Fire Department for neglect or refusal to perform

departmental duties, as long as such discipline does not conflict with subsection 5.05(6) of this Municipal Code.

(5) Annually, the Director of Public Safety shall file with the Village Clerk/Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

(6) The Director of Public Safety shall submit a written report to the Village Board not later than March 1 of each year, and at such other times as he/she deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, number of fires and rescues occurring since the previous report, date of same and loss occasioned thereby, number of members of each company, total number of active members in the Department and resignations and expulsions from the Department. He/she shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operation of the Department.

(7) The Director of Public Safety shall enforce all ordinances of the Village and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and the activities of the Department.

(8) The Director of Public Safety shall keep a written record of every fire and rescue to which any company was called and shall enter in such record the locality of fire or rescue, time alarm was received, equipment used and names of firefighters responding.

(9) The Director of Public Safety shall perform such other duties as are incumbent on the commanding officer.

(10) The Director of Public Safety shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance, and for keeping an inventory of all apparatus and equipment. Repairs may be authorized by the Director of Public Safety with appropriate committee approval.

5.07 <u>APPARATUS USE</u>.

(1) No apparatus shall be used for any purpose except for emergency operations within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Director of Public Safety has given his recommendations on such use. With the approval of the Director of Public Safety,

such apparatus may be used for purposes other than fire fighting within the Village. A written report of all such uses shall be made monthly to the Village Board.

(2) No person shall willfully damage in any manner any fire hose, fire fighting equipment, fire hydrant or fire apparatus belonging to the Village and no vehicle shall be driven over an unprotected hose of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire or training without the consent of the Fire Department official in command.

(3) No person shall willfully damage in any manner any rescue and/or fire fighting apparatus, or any related equipment accessories, including the building in which they are housed. If damage does occur, the appropriate Village personnel shall be notified as soon as possible.

5.08 POLICE POWER OF DEPARTMENT.

(1) POLICE POWERS AT ANY INCIDENT. The Director of Public Safety, Captain or officers in command at any scene are hereby vested with full and complete police authority. Any such officer of the Fire Department may cause the arrest of any person interfering with the operations of the Fire Department at any fire or rescue call.

(2) CONTROL AT INCIDENTS. The Director of Public Safety or other officer in command may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters, law enforcement officers and those admitted by order of any other officer of the Department shall be permitted to come. The Director of Public Safety or other officer in command shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, to prevent the spreading of fire or to protect the adjoining property. In the progress of any fire, the Director of Public Safety shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Director of Public Safety shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.

(3) FIREFIGHTERS MAY ENTER ADJACENT PROPERTY. Any firefighter acting under the direction of the Director of Public Safety or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is herein provided.

(4) FALSE FIRE OR RESCUE ALARMS. No person by any means or in any manner shall give, make or cause anyone else to give or make any false, misleading or untruthful call or alarm which causes or which is given under such circumstances as to be likely to cause any fire department or rescue equipment to respond with personnel or equipment as if to attend an actual fire or rescue call. (See §9.17 of this Municipal Code)

5.09 FIRE INSPECTOR.

(1) The Director of Public Safety shall hold the office of Fire Inspector, with power to appoint a part-time Fire Prevention Chief and one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(2) Fire inspectors shall quarterly inspect all buildings, except private dwellings, premises and thoroughfares within the Village to determine, locate and correct any conditions liable to cause fires. Such conditions shall include, but shall not be limited to, violations of any and all provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and this Municipal Code relating to fire hazards or to the prevention of fires.

(3) Whenever or wherever in the Village, any inspection by the Director of Public Safety or his deputies reveals a fire hazard, the Director of Public Safety or the deputies shall serve a notice in writing upon the owner or occupant of the property, giving the owner or occupant a designated time by which to correct or remove the hazard. The owner or occupant shall cause such hazard to be corrected or removed within the time designated. If the fire hazard is not corrected or removed within the time allowed, it shall be deemed a nuisance.

(4) The Fire Inspector shall keep a written record card of each property inspected, which shall conform to the requirements of the Department of Commerce, and shall make the quarterly report of inspections required by the Department of Commerce.

(5) No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to perform any lawful direction given by the Fire Inspector.

5.10 HAZARDOUS WASTE.

See §11.10 of this Municipal Code.

5.11 FEES FOR TRANSPORT IN RESCUE SQUAD.

(1) DEFINITIONS:

Advanced Life Support has the meaning specified in HFS 110.03, Wis. Admin. Code.

Basic Life Support has the meaning specified in HFS 110.03, Wis. Admin. Code.

Medical Facility means a hospital as defined in §50.33(2), Wis. Stats., or a clinic or office that is used by a physician licensed under Chapter 448, Wis. Stats.

(2) Any person receiving transport in a Village of Sturtevant Fire Department rescue squad shall pay to the Village Clerk within 60 days of such transport, for deposit into the general fund, a fee as follows:

(a) For advanced life support services:

Village Resident	$425.00
Nonresident	$525.00

(b) For basic life support services:

Village Resident	$325.00
Nonresident	$400.00

5.15 PENALTY.

Except as otherwise provided, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder, shall be subject to a penalty as provided in §25.04 of this Municipal Code.

CHAPTER 6

EMERGENCY MANAGEMENT

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
6.01	Declaration of Policy		
6.02	Definitions		
6.03	Emergency Management Committee		
6.04	Coordinator of Emergency Management Services		
6.05	Costs of Equipment and Services		
6.06	Joint Meetings		
6.07	Utilization of Existing Services and Facilities		
6.10	Penalties		

6.01 DECLARATION OF POLICY.

To prepare the Village to cope with emergencies resulting from enemy action and natural or man-made disaster, it is declared to be necessary to establish an organization for emergency government for the Village by conferring upon the Village President and other specified officers of the Village, duties and powers, consistent with Ch. 166, Wis. Stats.

6.02 DEFINITIONS.

(1) CIVIL DEFENSE. All measures undertaken by or on behalf of the state, the county and municipalities to prepare for and minimize the effects of enemy action upon the civilian population.

(2) EMERGENCY MANAGEMENT. Includes "civil defense" and means all measures undertaken by or on behalf of the Village.

(a) To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.

(b) To effectuate emergency repairs to or the emergency restoration of vital public utilities and facilities destroyed or damaged by such action or disaster.

6.03 EMERGENCY MANAGEMENT COMMITTEE.

(1) HOW CONSTITUTED. There is hereby created an Emergency Management Committee composed of the Village President and 3 members of the Village Board, whose Chairman shall be the President of the Board. Members of the Committee shall serve for a term of one year and until their successors are appointed.

(2) DUTIES. The Emergency Management Committee shall be an advisory and planning group and shall advise the Coordinator of Emergency Management Services and the Village Board on all emergency management matters. It shall meet monthly or upon the call of the Chairman. It shall annually prepare a budget for emergency management and present same to the Village Board for adoption. It shall prepare an annual report for the Village Board.

6.04 COORDINATOR OF EMERGENCY MANAGEMENT SERVICES.

The Village President shall appoint the Coordinator. The Coordinator of Emergency Management Services shall:

(1) Develop and promulgate emergency management plans for the Village consistent with state and county plans.

(2) Direct the emergency management program for the Village and perform such other duties related to emergency management as are required by the Village Board and the Emergency Management Committee.

(3) Direct the Village emergency management training programs and exercises.

(4) Direct Village participation in emergency management training programs and exercises.

6.05 COSTS OF EQUIPMENT AND SERVICES.

Costs of equipment and services requested by the Village shall be borne 100% by the Village with federal or state financial assistance procured by the Village Coordinator of Emergency Management Services when applicable. Federal or state financial assistance reimbursements shall be returned to the Clerk/Treasurer.

6.06 JOINT MEETINGS.

Whenever it is deemed necessary by either the County Emergency Management Committee or the Village Emergency Management Committee, there shall be a joint meeting of the Committees to decide such matters as may arise.

6.07 UTILIZATION OF EXISTING SERVICES AND FACILITIES.

(1) POLICY. In preparing and executing the Emergency Management program, the services, equipment, supplies and facilities of the existing departments and agencies of the Village shall be utilized to the maximum extent practicable; and the heads and personnel of all such departments and agencies are directed to cooperate and extend such services and facilities as are required of them.

(2) RESPONSIBILITY. In order to assure that in an emergency all the facilities of the existing Village government are expanded to the fullest to meet such emergency, department and agency heads assigned to specific responsibilities under the Village Emergency Operations Plan will fulfill emergency and non-emergency duties as prescribed in the plan.

6.10 PENALTIES.

Whoever intentionally fails to comply with the directives of emergency management authorities promulgated under this chapter during a state of emergency or during any training program or exercise shall forfeit not more than $200. Each violation and each day a violation continues or occurs shall constitute a separate offense.

CHAPTER 7

TRAFFIC CODE

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
7.01	Provisions of State Law Adopted by Reference		
7.02	Speed Limits		
7.03	Through Streets		
7.04	Parking, Stopping and Standing Regulated	2001-36	11/6/01
7.05	Weight Limits and Heavy Traffic Routes		
7.06	Official Signs and Signals		
7.07	Bicycles		
7.08	Snowmobile Regulations		
7.09	Motor Driven Cycles		
7.10	Disorderly Conduct with a Motor Vehicle		
7.11	Obstruction of Streets and Highways by Trains		
7.12	Leaving Keys in Parked Motor Vehicles Prohibited		
7.15	Penalty		
7.16	Enforcement		

7.01 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE.

(1) STATE TRAFFIC FORFEITURE LAWS ADOPTED. (Am. #089-2; #95-0; #096-10) Except as otherwise specifically provided in this chapter, all provisions of Chs. 340–348, Ch. 350 and §23.33, Wis. Stats., and Ch. Trans 305, Wis. Adm. Code, and all amendments thereto, describing and defining regulations with respect to vehicles, traffic, snowmobiles and all-terrain vehicles for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, except §346.56, Wis. Stats., are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Future amendments, revisions or modifications of the state statutes or administrative code incorporated herein are intended to be made a part of this Municipal Code.

(2) OTHER LAWS ADOPTED. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chs. 340–348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as provided in this chapter:

86.06(1) Highways Closed to Travel
941.01(1) Negligent Operation of Vehicles Off-Highway

7.02 SPEED LIMITS.

(1) STATE SPEED LIMITS ADOPTED. The provisions of §§346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speeds of vehicles are hereby adopted as a part of this section as if fully set forth herein, except as specified by sub. (2) of this section.

(2) MODIFICATIONS OF SPEED LIMITS. The speed limits upon the following portions of streets and highways in the Village are hereby established as follows:

DURAND AVE. (Hwy. 11), 30 mph from a point 0.21 of a mile east of its intersection with 86th St. westerly to 0.20 of a mile west of its intersection with 99th St.

DURAND AVE. (Hwy. 11), 45 mph easterly from point 0.3 west of 105th St. Hwy. H extension to 0.20 of a mile east of that intersection.

DURAND AVE. (Hwy. 11), 45 mph from a point 0.20 of a mile west of its intersection with 99th St. westerly to a point 0.40 of a mile west of its junction with 99th St.

WISCONSIN ST. (Cr. #092-11) (CTH "H"), 30 mph from its intersection with Durand Ave. (Hwy 11) north to a point 0.25 of a mile north of its intersection with the centerline of Park Ct. 45 mph from a point 0.25 of a mile north of its intersection with the centerline of Park Ct. to the north Village limits.

WISCONSIN ST. (Cr. #092-11) (CTH "H"), 45 mph from the north Village limits south to a point 0.25 of a mile north of its intersection with the centerline of Park Ct. 30 mph from a point 0.25 of a mile north of its intersection with the centerline of Park Ct. south to its intersection with Durand Ave. (Hwy 11).

7.03 <u>THROUGH STREETS</u>.

(1) The following streets are hereby designated and declared to be for through traffic:

DURAND AVE., from the Village limits on the east to the Village limits on the west.

MICHIGAN AVE., from 90th St. to Wisconsin St.

WISCONSIN ST., from Durand Ave. to the Village limits on the north.

(2) Arterial stop signs shall be placed upon those streets intersecting designated through traffic streets herein, and everyone before entering such through traffic street shall be required to bring his vehicle to a stop.

7.04 <u>PARKING, STOPPING AND STANDING REGULATED</u>.

(1) PARKING PROHIBITED. No person shall park, stop or leave standing any vehicle, except in obedience to traffic regulations, signs or signals, whether such vehicle is occupied or not, in any of the following places:

(a) In any public alley within the Village, except for the purpose and time required to load and unload passengers or materials.

(b) When signs are erected in any block giving notice thereof upon any of the following streets or portions of streets:

ALL CONNECTING STREETS. (Cr. #092-4) All connecting streets with 90th St. and Hwy 11 (Durand Ave.) a distance of 50' from its intersection with 90th St. and Hwy 11 (Durand Ave.)

BUCKINGHAM DR., north side, from its intersection with 86th St. west to its intersection with the west ROW line of Buckingham Rd. (Cr. #092-4)

BUCKINGHAM RD., west side, from its intersection with the north ROW line of Buckingham Dr. south to its intersection with Mr. Pleasant Ave. (Cr. #092-4)

BUS STOPS. Any time within 50' of an authorized bus stop sign which has been placed by the Village.

DURAND AVE. (Hwy 11), either side, from 86th St. west to West Rd.

DURAND AVE. (Hwy 11), right hand lane, no stopping or waiting to enter car wash located at 9524 Durand Ave.

HALLOCK DR., south side, from Wisconsin St. to a point 465.63' running east on Hallock.

HIGHWAY 11, either side, from 97th St. west to the Milwaukee Road right-of-way.

HULDA DR., north side, from 95th St. east to the South Park limits from April 1 to October 31.

MICHIGAN AVE., south side, from the alley between 96th St. and 97th St. west to 97th St.

PARK CT., north side, from Wisconsin St. to a point 395' running east on Park Ct.

VALLEY ST., south side, between 97th St. and 98th St.

WISCONSIN ST. (Hwy H), west side, from Durand Ave. (Hwy 11) to a point 150' north on Wisconsin St.

WISCONSIN ST. (Hwy H), east side, in front of the U.S. Post Office premises at 2849 Wisconsin St., 67' north of corner.

WISCONSIN ST. (Hwy H), east side from Durand Ave. (Hwy 11) to a point 53' north on Wisconsin St.

90TH ST., west side, from Florence Dr. to a point 95' north on 90th St.

90TH ST., east and west side, south from its intersection with Hwy 11 (Durand Ave.) a distance of 225'. (Cr. #092-4)

95TH ST., east side, from Mt. Pleasant St. to Hulda Dr. from April 1 through December 1.

99TH ST., east side, from Durand Ave. (Hwy 11) north to the end of the street.

(2) HEAVY VEHICLES PROHIBITED FROM PARKING. (Am. #095-32) No person shall park any vehicle having a gross weight in excess of 6,000 lbs., a length in excess of 16', or a height in excess of 8' from the roadway, upon any public street, highway, or alley in the Village except for purposes of delivery, loading or unloading as may be required, or unless engaged directly in construction work within the area.

(3) TWENTY-FOUR HOUR PARKING PROHIBITED. No person shall park, stop or leave standing any vehicle within the Village upon any public street, highway, alley or in any municipal parking lot or other area rented or owned by the Village in one place continuously for longer than a period of 24 hours consecutively.

(4) DECLARATION OF SNOW EMERGENCY AND PARKING REGULATIONS.

(a) There is hereby declared an emergency to exist in the Village by reason of a heavy snowstorm whenever snow falls during any period of 24 hours to a depth of 4" or more in that such storm constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health and police protection, and other vital facilities of the Village. Such emergency is declared to continue for a period of 48 hrs. or until such earlier time as snowplowing operations have been declared completed by the Chairman of the Streets and Parks Committee of the Village or his designated representative.

(b) Whenever such an emergency exists and the Police Department shall have caused announcement thereof to be made by not less than 2 radio or television broadcast stations whose normal operating range includes the Village, no person shall park, stop or leave standing any vehicle upon any public street, highway or alley within the Village between midnight and 6 a.m., inclusive, except that vehicles may be parked, stopped or left standing for a period of time not longer than 15 min. for the actual loading or unloading of passengers or property, and provided that no other ordinance restricting parking as to time or place is violated thereby. The provisions of this paragraph shall not apply to physicians on emergency calls.

(c) Any vehicle which is illegally parked on any street or alley may be moved by or under the direction of any police officer and the cost of moving such vehicle shall be added as a cost to the penalty assessed for the illegal parking of such vehicles.

(5) STANDING, STOPPING OR PARKING PROHIBITED DURING STATED HOURS. Standing, stopping or parking shall be prohibited between 7:30 a.m. and 3 p.m. on Westminster Dr. on the south side of the street along the property belonging to Racine Unified School District #1.

(6) USE OF FLASHING RED WARNING LIGHTS BY SCHOOL BUS OPERATORS. School bus operators shall use flashing red warning lights as provided in §346.48, Wis. Stats., in any and all residence and business districts within the Village whenever pupils or other authorized passengers are being loaded or unloaded at a location where there are no traffic signals and where any such persons must cross the street or highway before being loaded or after being unloaded. The operator of a vehicle which approaches from the front or rear of any such school bus shall stop as provided in §346.48, Wis. Stats.

(7) ALTERNATE SIDE PARKING. (Cr. 697-3)

(a) General Prohibition. From December 1 through March 31, no person shall park, stop or leave standing any vehicle on any public street in the Village of Sturtevant, between the hours of 12:00 a.m. and 6:00 a.m., Sunday through Saturday.

(b) Exceptions. This prohibition shall not apply to the following:

1. The even-numbered side of any street on the morning of any even-numbered day.

2. The odd-numbered side of any street on the morning of any odd-numbered day.

3. Any street which is posted to provide for different parking restrictions.

7.05 <u>WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES</u>.

(1) HEAVY TRAFFIC ROUTES DESIGNATED. The following named streets and portions of streets are hereby designed and declared to be routes for heavy traffic:

DURAND ST., from east Village limits to the west Village limits.

MICHIGAN AVE., from 90th St. to Wisconsin St.

WISCONSIN ST., from Durand Ave. to north Village limits.

86TH ST., from Durand Ave. to Westminster.

90TH ST., from Village limits on the south to Hwy 20.

96TH ST., from Michigan Ave. to Durand Ave.

(2) RESTRICTIONS ON USE OF OTHER STREETS BY HEAVY TRAFFIC. No person without a permit issued under Section 17.19(6) of this Municipal Code shall operate or move a vehicle that is defined as heavy traffic in §349.17(2), Wis. Stats., excluding recreation vehicles such as motor homes and campers, on any street or alley not a part of the heavy traffic route designated in sub. (1) of this section in the Village, except for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance on such street or alley, provided that in no event shall the weight of the vehicle and load exceed the limitations of §348.15 or §348.16, Wis. Stats., pertaining to Class A and Class B highways.

7.06 OFFICIAL SIGNS AND SIGNALS.

The Village Board shall direct and procure the erection and maintenance of appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this chapter. Signs shall be erected in such locations and manner as authorized by the Board as to give adequate warning to users of the street, alley or highway in question. No provision of such sections shall be enforced unless and until such signs are erected and in place and sufficiently legible to be seen by an ordinarily observant person.

7.07 BICYCLES.

(1) REGISTRATION REQUIRED. No person shall operate a bicycle upon any street in the Village unless such bicycle is registered and tagged as herein provided.

(2) APPLICATION. Registration shall be made by filing with the Police Department the name and address of the owner, together with a complete description of the bicycle, on forms provided by the Department and paying a registration fee. Registrations shall be serially numbered and kept on file in the Department as a public record. Upon such registration the Department shall cause an identification tag to be affixed to the bicycle registered, serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by

the Department for cause or the re-tagging upon re-registration. In case of theft or loss, a duplicate tag shall be issued for a fee of $.50.

(3) TERM AND FEES. Registration shall expire on January 1 of each odd-numbered year. All bicycles shall thereupon be registered upon payment of $2, except that when the period for which the bicycle may be registered is one year or less, the fee shall be $1.

(4) REMOVAL OR SUSPENSION. No bicycle shall be registered which is in unsafe mechanical condition. The Police Department shall have authority to suspend the registration of and remove the identification tag from any bicycle operated contrary to any State law or Village ordinance or operated while in unsafe mechanical condition or in an unsafe manner, such suspension or removal to continue for a period not to exceed 10 days, provided that such registration shall not be reinstated or such identification tag be placed while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided hereunder.

(5) REMOVAL, ETC. PROHIBITED. No person shall willfully remove, deface or destroy any such identification tag.

(6) TRANSFER OR CANCELLATION. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of service or operation, the person in whose name the bicycle has been registered shall report such information to the Police Department. In case of change of ownership the registration shall thereupon be changed to show the name of the new owner. In case of dismantling and taking out of service or operation, the registration shall be cancelled and identification tag returned to the Police Department.

(7) BICYCLE REGULATIONS.

(a) Definitions. For the purpose of this section, “bicycle” shall mean those bicycles having larger than a 20” wheel and a 12” frame.

(b) Speed Limit. No person shall ride a bicycle on the streets of the Village at a speed greater than that which is reasonable and prudent under the conditions then and there existing.

(c) Riding on Sidewalk Prohibited. No person shall ride a bicycle in, upon or over the sidewalks or through the parks of the Village.

7.08 SNOWMOBILE REGULATIONS.

(1) USE PERMITTED. Snowmobiles shall only be operated within the Village along the snowmobile routes hereafter designated for purposes of obtaining ingress and egress to and from locations within the Village and to and from the boundaries of the Village; provided, however, that snowmobiles may be operated on snowmobile trails established under Ch. 350, Wis. Stats.

(2) SNOWMOBILE ROUTES. (Am. #87-5) All Village streets, except Highway 11, Wisconsin St., 90th St. and that portion of Mt. Pleasant St. west of 97th St., are snowmobile routes. A snowmobile may cross Highway 11, Wisconsin St. and 90th St. on a marked snowmobile trail only. Snowmobiles may only travel with the flow of vehicle traffic on Village streets.

(3) SPEED LIMITS. No person shall operate a snowmobile at a speed greater than 5 mph within the Village.

(4) RESTRICTIONS ON OPERATORS. No person under the age of 16 years shall operate, nor shall any owner knowingly authorize such person to operate, a snowmobile on the streets within the Village unless such person has a valid snowmobile safety certificate issued by the Department of Natural Resources or is accompanied by a person over 18 years of age or by a person over 14 years of age having a snowmobile safety certificate.

(5) TRAFFIC RULES. Unless inconsistent with this section or the Wisconsin laws applicable to snowmobiles, all traffic rules and regulations set forth in this chapter shall apply while operating a snowmobile on the streets within the Village.

(6) CURFEW. (Am. #87-5) No person shall operate a snowmobile on any street or in any park in the Village between 11 p.m. and 6 a.m. Monday through Thursday and between 1:30 a.m. and 6 a.m. Friday through Sunday.

(7) PASSING. No operator of a snowmobile shall pass moving vehicles, and all snowmobiles shall travel in a single file on streets in the Village. All snowmobile traffic shall be restricted to the curbline, except when it is necessary to go around an obstruction, and shall conform to the flow of traffic.

(8) ACCIDENTS AND ACCIDENT REPORTS.

(a) Insofar as he is capable of doing, the operator of a snowmobile involved in an accident within the Village shall stop his vehicle and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize danger caused by the accident and shall give his

name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.

(b) If the snowmobile accident results in death or injury to any person or total property damage in excess of $25, every operator of a snowmobile involved in such accident shall, within 24 hours, notify the Village Police Department of the accident and shall, within 10 days after the accident, file a written report thereof with the Police Department on forms prescribed by the Department.

(c) If the operator of a snowmobile is physically incapable of making the report required by this subsection and there was another person on the snowmobile at the time of the accident capable of making the report, he shall make such report.

(9) OPERATION ON PRIVATE PREMISES RESTRICTED. (Am. #87-5) No person shall operate a snowmobile on any private property not owned or controlled by him within the Village without the express consent or permission of the owner of the property. No person shall operate a snowmobile in any Village park, alleys or Village property.

(10) OPERATION ON SIDEWALKS AND MALLS PROHIBITED. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the Village.

7.09 MOTOR DRIVEN CYCLES.

(1) PUBLIC POLICY. The Village Board finds that the operation of motor driven cycles near residences within the Village is detrimental to peace, quiet and wellbeing of the Village and its residents in that such vehicles create a high degree of noise, disturbing the persons who live in the vicinity, including workers and children who are attempting to obtain needed sleep. The Village Board further finds that such activities are mostly engaged in for recreational purposes by younger persons who are not licensed to travel upon the public highways.

(2) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

Motor Driven Cycle. (Am. #089-3) A motor vehicle designed to travel on not more than 3 wheels in contact with the ground and having a seat for the use of the rider, including motorcycles, minibikes, power driven cycles and motor bicycles, but excluding tractors and all-terrain vehicles.

Muffler. A device consisting of a series of chambers of baffle plates or other mechanical design for receiving exhaust gases from an internal combustion engine and which is effective in reducing noise.

Residence. Any building within or without the Village which is occupied by one or more persons as a living quarters.

(3) OPERATIONS REGULATED. No person shall operate a motor driven cycle in the Village within 300' of a residence, except for the following:

(a) Operation on a public highway or public right-of-way.

(b) Operation within 300' of a residence for the limited purpose of entering or leaving private land upon which the operator has a right to be, as for example, entering and leaving one's own driveway.

(c) Operation within 300' of a residence, if the operator is test driving on the premises of one engaged in the business of buying or selling motor driven cycles, but only if the operator is a prospective buyer or seller of the motor driven cycle being operated.

(4) MUFFLER REQUIRED. No person shall operate a motor driven cycle in the Village unless it is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

(5) PENALTY. Any person who shall violate any of the provisions of this section shall upon conviction forfeit not more than $1,000 nor less than $25 and the costs of prosecution, or in default of payment of such forfeiture and costs shall be imprisoned in the county jail for a period not to exceed 60 days for each and every offense.

7.10 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

(1) No vehicle shall be operated in such manner as to produce loud and unnecessary squealing of tires.

(2) No vehicle shall sound its horn, bell or other signaling device except as a danger or cautionary warning. Such warning shall only be sounded for a reasonable and necessary period of time.

(3) No person shall race the engine of a vehicle in such a manner as to produce unreasonably loud and unnecessary engine noises.

(4) In addition to the above, all sections within this chapter will be applied to motor vehicles where applicable.

7.11 OBSTRUCTION OF STREETS AND HIGHWAYS BY TRAINS.

(1) No person shall stop or leave any railroad train, locomotive or car upon or across any highway or street crossing in the Village for longer than 10 minutes.

(2) No person shall operate or permit to be operated any railroad train, locomotive or car upon or across any highway or street crossing in the Village to the obstruction of public traffic thereon for a longer period of time than 10 minutes.

(3) No person shall obstruct any highway or street crossing in the Village for a continuous period of time of more than 10 minutes by the operation of more than one train or locomotive over the same crossing.

(4) Any conductor, engineer or brakeman so stopping, standing or operating any engine or train on any highway or street crossing in violation of this section shall be subject to a forfeiture for each violation of not less than $25 nor more than $1,000, and the person or corporation owning or operating any such railroad train, engine or car shall be subject to a forfeiture for each violation of not less than $100 nor more than $1,000.

7.12 LEAVING KEYS IN PARKED MOTOR VEHICLES PROHIBITED.

No person shall permit a motor vehicle in his custody to stand or remain unattended on any street, alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of such vehicle is locked and the key for such lock is removed from the vehicle. The foregoing provisions shall not apply to motor vehicles operated by common carriers of passengers under Ch. 194, Wis. Stats.

7.15 PENALTY. (Am. MSC '91)

The penalty for violation of any provisions of this chapter shall be a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §302.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

(1) UNIFORM OFFENSES. (Am. #095-9) Forfeitures for violation of any provisions of Chs. 341–348, Ch. 350, or §23.33, Wis. Stats., or Ch. Trans. 305, Wis. Adm. Code, adopted by reference in Section 7.01, except for violations of §§346.50–346.55, Wis. Stats., shall conform to forfeitures for violation of the comparable state offenses, including any variations or increases for second offenses.

(2) SPECIAL LOCAL REGULATIONS. The forfeiture for violation of provisions of this chapter for which a penalty is not provided shall be not less than $20 nor more than $40 for the first offense and not less than $50 nor more than $100 for the second or subsequent conviction within a year.

(3) MISCELLANEOUS. The forfeiture for violation of any provision of Section 7.01(2) shall not be less than $50 nor more than $500.

(4) PARKING. The forfeiture for violation of parking regulations in Section 7.04 and for violations of §§346.50–346.55, Wis. Stats., adopted by reference in Section 7.01(1) of this chapter, shall be not more than $40.

(5) BICYCLE REGULATIONS. The forfeiture for violation of any provision of Section 7.07 shall be not less than $1 nor more than $25. Juvenile violators may be referred to Racine County Juvenile Court.

(6) SNOWMOBILE REGULATIONS. The forfeiture for violation of any provision of Section 7.08 shall not be less than $10 nor more than $1,000.

(7) COMPULSORY SAFETY SCHOOL ATTENDANCE. The provisions of §345.60, Wis. Stats., shall apply to adjudications of violations of any provision of this chapter.

7.16 <u>ENFORCEMENT</u>. (Am. MSC '91; #095-9)

This chapter shall be enforced in accordance with the provisions of §§345.20–345.53, Ch. 800, and §66.12, Wis. Stats., and Ch. Trans. 305, Wis. Adm. Code.

(1) CITATIONS. The uniform traffic citation promulgated under §345.11, Wis. Stats., shall be used for all moving traffic violations under this chapter. Citations for all nonmoving traffic violations shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the applicable deposit to the Village Police Department within 10 days of the issuance of the citation in lieu of court appearance.

(2) PETITION TO REOPEN JUDGMENT. Whenever a person has been convicted in this State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under §345.27(1) and (2), Wis. Stats., the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under §345.27(1) and (2), the court shall order the judgment

reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

(3) DEPOSITS.

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Village Police Department or the office of the Clerk of Court or by mailing the deposit to such places. 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 no contest and submitted to a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §302.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.

2. If the person fails to make a deposit for a violation of 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 arrest.

(b) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under §165.87, Wis. Stats., a jail assessment if required by §302.46(1), Wis. Stats., 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 Chief of Police, which shall include the penalty assessment established under §165.87, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.

(4) NOTICE OF DEMERIT POINTS AND RECEIPT. Every person accepting a forfeited penalty or money deposit under this chapter shall receipt therefor as provided in §345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.28 and 345.26(1)(a), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the traffic citation promulgated under §345.11, Wis. Stats.

(5) FORFEITURES IN TREASURY. Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Village Clerk/Treasurer within 7 days after receipt.

CHAPTER 8

PUBLIC WORKS

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
8.01	Standard Sidewalks		
8.02	Uniform Assessments for Street Improvements		
8.03	Street Grades		
8.04	Establishing the Cross Section of All Unpaved Streets		
8.05	Standard for Curbs and Gutters		
8.06	Curb Lines to be Fixed and Marked		
8.07	Driveway Approaches with Curbs and Gutters		
8.08	Culverts: Cost of Installation		
8.09	Opening of Village Highways		
8.10	Jurisdiction Over Street Signs		
8.11	Street Trees	2001-17	6/5/01
8.12	Removal of Snow and Ice from Sidewalks		
8.13	Obstructing, Littering and Damaging of Streets, Alleys and Public Grounds		
8.14	Storing of Materials and Machinery on Streets		
8.15	Uniform Numbering System		
8.16	Smoking		
8.17	Additional Special Assessment Procedures	2000-28	12/5/00
8.18	Mailbox Specifications and Placement	2001-39	11/20/01
8.20	Penalty		

8.01 STANDARD SIDEWALKS.

(1) SPACE RESERVED. The space reserved for the laying of sidewalks on the public streets of the Village shall be 5' on all streets in the Village.

(2) GRADING. Grading to a depth of 2" below the bottom of the sidewalk and/or driveway and parallel to the finished sidewalk surface shall be included in the price bid per square foot of sidewalk, unless otherwise specified. After the sidewalk is built to the proper grade, the parkway between the lot line and the curb line shall be properly graded with earth even with the surface of the sidewalk, the cost of grading to be included in the price bid per square foot of sidewalk, unless a separate bid price for grading is requested.

(3) DRIVEWAYS. Where driveways occur, the work shall consist of the necessary grading and the placing of 6" of concrete of the same mixture as sidewalks finished the same as sidewalks unless otherwise specified.

(4) PREPARATION OF SUBGRADE. Unless otherwise stated in the contract, the sidewalks will be constructed 5' wide. On the surface of the subgrade shall be placed a layer of slag sand or small broken stone to a depth of 2" to properly level the subgrade, and when thoroughly compacted either by ramming or rolling, the surface of the subgrade will be uniformly 4" below the finished grade. Before placing the concrete, the subgrade is to be thoroughly dampened. Where the sidewalk is on fill, the fill shall extend at least one foot horizontally beyond the limits of the walk and shall then be sloped down to the ground line on a slope of 2 horizontally to one vertically.

(5) FORMS AND JOINTS.

(a) Setting Forms. The forms shall be well staked and set to the established lines, their upper edges conforming to the grade of the finished work.

(b) Placing and Finishing. Concrete shall be placed in successive hatches for the entire width of the slab, then bull-floated until all voids are removed and free mortar appears on the surface, thoroughly spaded along the edges, and the final troweling shall be done with a steel trowel leaving a smooth, even surface. After the water sheen has disappeared, the surface shall be given a final finish by brushing at right angles to the edge of the walk with a broom or other approved means, by drawing the brush across the sidewalk. The strokes should be slightly overlapping, producing a uniform, slightly roughened surface with parallel brush marks. Dummy joints shall extend to ¼ the depth of the sidewalk, shall not be less than ⅛" and not more than ¼" in width.

(c) Alternative Sections: When Required. Where the entire area between the lot line and curb is covered with a concrete sidewalk, the walk shall be laid in alternate slabs, extending from curb to lot line. The width of these slabs shall be as directed by the Village Engineer, not exceeding 10', and a mastic expansion joint shall be placed at approximately 30' intervals.

(d) Expansion Joints. Expansion joints ½" thick shall be placed between the sidewalk and all structures such as light standards, traffic light standards, traffic poles, etc., which extend through the sidewalk. Expansion joints ½" thick shall be placed at intervals of 30' in the sidewalk. Where sidewalk is constructed adjacent to pavement or curb having expansion joints, the expansion joints in the sidewalk shall be placed opposite the existing expansion joints as nearly as practicable. Expansion joints shall also be placed where the sidewalk abuts existing sidewalks, between driveway pavement and sidewalks, and between sidewalk and curbs where the sidewalk covers the entire parkway.

(e) Joints Around Hydrants. When a hydrant is located in the walk area, a ¼" expansion joint shall be placed snugly around the base of the hydrant.

(6) MATERIALS AND CONCRETE. The concrete material shall be an air entrained 5½ and not to exceed 6¼ bag mix and specifications as may be designated from time to time by the Village Board. Calcium chloride in no case may exceed 1%. The concrete shall contain at least l% and not more than 6% air content.

(7) FINISHING.

(a) Tamping and Floating. The concrete must be tamped until a sufficient amount of mortar is brought to the top to permit the proper floating of the surface, which, when finished, must show a mortar surface without the appearance of any stone in the coarse aggregate.

(b) Troweling. The surface shall be troweled smooth and finished. The application of neat cement to the surface to hasten hardening is prohibited.

(c) Slab Mark. After the wearing surface has been worked to an approximately true plane, the slab mark shall be made directly over the slab Joint. Such mark shall be made with a tool that will cut completely through and entirely separate adjacent slabs.

(8) PROTECTION. When completed, the work shall be kept moist and protected from the elements and from traffic for at least 3 days. The

contractor must provide and use all necessary planking, clamps, etc., required to properly shape and guide the alignment and the grade. All refuse, surplus earth and waste materials shall be cleaned up and removed from the street immediately upon the completion of the walk. All materials used shall be of the best quality and subject to the approval of the Village Board.

(9) PERMIT TO LAY WALK. Every person in the Village, before building any standard sidewalk or one as good as the standard in the Village, shall make written application to the Village Board for permission to construct such walk, containing a full statement of the materials to be used in the construction of such walk, the width thereof and shall also request that the line and grade for the construction of such walk be furnished by the Village Board.

(10) REPAIR OF SIDEWALKS.

(a) Any person ordered by the Village Board to repair, rebuild or construct a sidewalk in front of his premises shall be required to perform such work or to have the same performed in accordance with the ordinances of the Village.

(b) The notice to which such person is entitled shall be 20 days. Thereafter the Village Board may perform the work. It may furnish the work, labor and materials in the construction and repair of sidewalks within the Village without advertising or submitting the same for bids.

(c) If the work is performed by the Village, the cost thereof shall be placed upon the tax roll against the property upon which the sidewalk has been laid.

(d) Every person in the Village, before repairing a sidewalk, shall make written application to the Village Board for permission to construct such walk, which written application shall contain a full statement of the materials to be used in the construction of such walk, the width thereof, and shall also request that the line and grade for the construction of such walk be furnished by the Village Board.

(11) SIDEWALKS DAMAGED BY SEWER AND WATER LINE INSTALLATION. Where the Village has installed sewer and water lines on private property and has crossed or tunneled under or cut through existing sidewalk, the Village shall pay the expense of installing new panel or panels.

(12) TIME OF INSTALLATION OF NEW SIDEWALKS.

(a) Sidewalks in compliance with this section shall be installed before an occupancy permit may be issued for any new construction, except as provided by this section.

(b) If for any reason conditions exist which preclude installation of a sidewalk prior to the time that new construction is otherwise ready for occupancy, an amount or bond equal to 100% of the current cost of installation, including all fees, shall be paid to the Village Clerk/Treasurer and an occupancy permit may be issued if all other requirements therefor are complied with. (Am. #097-23)

(c) Upon a showing to the satisfaction of the Building Inspector that a sidewalk has been properly installed, the amount paid to the Village Clerk/Treasurer shall be refunded. However, at any time after 6 months after the date of deposit, if the sidewalk has not been properly installed, the Village Board may, upon 10 days' written notice to the owner, install such sidewalk and deduct the cost thereof from the amount deposited, whereupon the balance, if any, shall be returned to the depositor and any deficiency shall be assessed against the property improved on the tax rolls in the same manner as delinquent water bills.

(d) The provisions of this section shall not apply to any property used or occupied as a dwelling or business on the effective date of this section until such time as sewer and water mains are installed on a street adjacent to such property.

(e) The provisions of this section shall not apply to unplatted lands, nor to platted lands where the frontage occupied by residences, public buildings or warehouses does not exceed 30% of the frontage of the block. However, the Village Board may order installation of sidewalks at any location in the Village at any time in order to establish a safe and continuous negotiable way for pedestrian traffic.

(f) Except as provided by pars. (d) and (e), within 3 years from July 13, 1964, sidewalks shall be installed along all streets in the Village, whether or not the property is occupied or used for residential or business purposes. If a sidewalk is not properly installed within such time, the Village Board may, without notice, install such sidewalk and submit to the owner a bill for installation. If such bill is not paid within 30 days, the amount due shall be assessed against the property improved on the tax rolls in the same manner as delinquent water bills.

(g) Every person failing or neglecting to comply with the provisions of this section, shall be guilty of an offense, and upon conviction, shall pay a forfeiture of not less than $1 nor more than $50, together with the costs of

prosecution, and upon failure to pay such forfeiture and costs, be committed to the County Jail for a period not to exceed 10 days.

(13) CORNER LOTS. The entire cost of construction of all sidewalks on a corner lot shall be borne by the owner.

(14) SURVEYOR'S FEE. Prior to installing any sidewalk pursuant to sub. (12), the owner of the property shall agree to pay to the Village a surveyor's fee equal to the cost to the Village for establishing the line and grade necessary for the proper installation of the sidewalk. The owner shall pay a deposit of $100 to be applied against such costs. In the case of a sidewalk to be installed pursuant to sub. (12)(a), the payment shall be made to the Building Inspector or such other person as the Village Board may designate, as a condition of obtaining a building permit. All other payments shall be made to the Village Clerk/Treasurer. After the sidewalk installation has been completed, the Village shall account to the owner for the cost of such surveyor's fee. The Village shall remit to the owner any excess deposit or shall submit a statement to the owner for any deficiency over and above the deposit. Any such deficiency shall be payable within 30 days. In the event of nonpayment, the same shall be carried on to the next tax roll as a tax against the property of the owner fronting on the installed sidewalk.

8.02 UNIFORM ASSESSMENTS FOR STREET IMPROVEMENTS.

(1) STANDARDS OF ASSESSMENTS. The following standards are adopted for the determination of special assessments against benefited properties for street improvements in the Village, including streets, curbs, gutters and driveway approaches:

(a) Basis of Assessment. Properties shall be assessed on the basis of an average footage cost of the improvements.

(b) Standard Lots. Properties will be assessed at 80% of the actual front foot cost of the project.

(c) Corner Lots. The first 60' on the long side of a corner lot shall be exempted. The remainder of the long side and the short side of a corner lot shall be assessed at 80% of the actual front foot cost of the project.

(d) Driveway Approaches. Driveway approaches shall be assessed at 100% of the cost of such approaches to the property.

(e) Village Properties, Intersections and Alleys. All Village property frontage and all intersections and alleys shall be paid by the Village and shall not be assessed to other properties in the project.

(f) Installments. At the option of the property owner, assessments may be paid in 10 annual installments. Interest shall be charged at the same rate at which the Village borrows funds to finance the project. No carrying charges shall be charged to the property owners.

(2) SUBDIVISIONS. The provisions herein shall not in any way reduce the obligations of subdividers to install public improvements in subdivisions as a part of plat approval as provided in Ch. 18 of this Municipal Code.

8.03 STREET GRADES.

The following street grades within the Village are hereby established (all grades are on USGS Datum):

(1) 87TH STREET. (Am. #089-17)

	Elevation
At a point 385' north of the centerline of Durand Ave.	694.50
At a point 435' north of the centerline of Durand Ave.	693.82
At a point 485' north of the centerline of Durand Ave.	692.86
At a point 560' north of the centerline of Durand Ave.	691.42
At the centerline of Corliss Ave.	690.66
At a point 760' north of the centerline of Durand Ave.	689.54
At a point 960' north of the centerline of Durand Ave.	691.58
At a point 1,060' north of the centerline of Durand Ave.	693.58
At a point 1,160' north of the centerline of Durand Ave.	694.71
At a point 1,260' north of the centerline of Durand Ave.	694.10
At a point 1,485' north of the centerline of Durand Ave.	690.77
At a point 1,510' north of the centerline of Durand Ave.	690.64
At a point 1,535' north of the centerline of Durand Ave.	691.00
At the C.M. St. P. & P. RR south right-of-way	691.22

(2) 90TH STREET. Beginning at station 0-00, such station being described as the west ¼ corner of Section 27, T3N, R22E, Racine County, Wisconsin, with stationing to increase to the north, along the west lines of Section 27 and 22, T3N, R22E, and with intervals of 100' between stations.

Station	Description	Elevation
Sta. 0-00	Future centerline of Broadway Dr.	703.30
Sta. 0-45	North line of Broadway Dr.	703.28
Sta. 2-90.59	South line of Boys Dr.	699.80

Sta. 3-50.59	North line of Boys Dr.	699.80
Sta. 5-96.18	South line of Carol Ann Dr.	696.46
Sta. 6-56.18	North line of Carol Ann Dr.	696.46
Sta. 9-01.77	South line of Hulda Ave.	694.99
Sta. 9-61.77	North line of Hulda Ave.	694.99
Sta. 12-00		696.18
Sta. 12-91.87		697.60
Sta. 14-41.87	South line of Mount Pleasant Ave.	701.30
Sta. 15-01.87	North line of Mount Pleasant Ave.	701.30
Sta. 16-16.87		704.00
Sta. 17-91.87		706.70
Sta. 19-82.15	South line of Chandler Ave.	708.30
Sta. 20-42.15	North line of Chandler Ave.	708.30
Sta. 23-20.15		706.90
Sta. 24-98.65		703.30
Sta. 25-98.65	South line of Durand Ave.	702.50
Sta. 26-78.65	North line of Durand Ave.	702.00
Sta. 28-40.65		698.20
Sta. 32-18.65	South line of Corliss Ave.	693.36
Sta. 32-78.65	North line of Corliss Ave.	693.36
Sta. 34-00		693.97
Sta. 35-43.65		695.98
Sta. 37-43.65		699.18
Sta. 38-34.49	P.C.V.C.	701.16
Sta. 38-74.49	P.T.V.C.	701.70
Sta. 38-94.89	P.C.V.C.	701.80
Sta. 39-34.89	P.T.V.C.	702.31
Sta. 40-05.32	P.C.V.C.	703.76
Sta. 41-05.32	P.T.V.C.	704.90
Sta. 41-55.15		705.25
Sta. 41-60	P.C.V.C.	705.27
Sta. 43-60	P.T.V.C.	705.27
Sta. 47-37	P.C.V.C.	703.38
Sta. 49-37	P.T.V.C.	699.09

(3) 91ST STREET. (Am. #088-12)

	Elevation
At a point 19’ north of the north line of Durand Ave.	701.55
At a point 110’ north of the north line of Durand Ave.	700.80
At a point 260’ north of the north line of Durand Ave.	699.24
At the centerline of Corliss Ave.	697.51
At a point 90’ north of the centerline of Corliss Ave.	699.00
At a point 240’ north of the centerline of Corliss Ave.	701.83

At a point 390’ north of the centerline of Corliss Ave.	702.96
At a point 490’ north of the centerline of Corliss Ave.	704.20
At a centerline of Michigan Ave.	705.21
At the north right-of-way line of Hulda Ave.	696.52
At a point 250’ north of the centerline of Hulda Ave.	699.21
At a point 300’ north of the centerline of Hulda Ave.	700.21
At a point 400’ north of the centerline of Hulda Ave.	702.81
At a point 500’ north of the centerline of Hulda Ave.	705.24
At the north right-of-way line of Mt. Pleasant Ave.	705.65
At a point 360’ north of the centerline of Mt. Pleasant Ave.	709.20
At a point 507’ north of the centerline of Mt. Pleasant Ave.	709.98
At the north right-of-way of Chandler Ave.	709.93
At a point 187’ north of the centerline of Chandler Ave.	711.50

(4) 92ND STREET. (Am. #088-12)

	Elevation
At the centerline of Corliss Ave.	705.25
At a point 10’ north of the north line of Corliss Ave.	706.45
At a point 60’ north of the north line of Corliss Ave.	707.77
At a point 160’ north of the north line of Corliss Ave.	711.50
At a point 310’ north of the north line of Corliss Ave.	712.89
At a point 460’ north of the north line of Corliss Ave.	713.67
At the south line of Corliss Ave.	705.74
At a point 18’ south of the south line of Corliss Ave.	705.08
At a point 533’ south of the south line of Corliss Ave.	703.96
At the centerline of Michigan Ave.	713.14
At the centerline of Chandler Ave.	706.13
At a point 50’ north of the centerline of Chandler Ave.	706.23
At a point 170’ north of the centerline of Chandler Ave.	705.75
At a point 270’ north of the centerline of Chandler Ave.	705.11
At a point 345’ north of the centerline of Chandler Ave.	704.82
At the centerline of Mt. Pleasant Ave.	710.09
At a point 211’ north of the centerline of Mt. Pleasant Ave.	708.75
At a point 261’ north of the centerline of Mt. Pleasant Ave.	708.27
At a point 361’ north of the centerline of Mt. Pleasant Ave.	707.11
At a point 461’ north of the centerline of Mt. Pleasant Ave.	706.51
At the centerline of Hulda Dr.	699.80
At a point 50’ north of the centerline of Hulda Dr.	700.31
At a point 125’ north of the centerline of Hulda Dr.	701.90
At a point 150’ north of the centerline of Hulda Dr.	702.20
At a point 300’ north of the centerline of Hulda Dr.	705.68
At a point 450’ north of the centerline of Hulda Dr.	708.92
At the south line of Carol Ann Dr.	699.80

At the centerline of Boys Dr.	701.20

(5) 93RD STREET. (Am. #088-12)

	Elevation
At the north right-of-way line of Broadway Dr.	704.14
At a point 200’ north of the centerline of Broadway Dr.	703.50
At a point 400’ north of the centerline of Broadway Dr.	702.50
At a point 563’ north of the centerline of Broadway Dr.	701.40
At the centerline of Carol Ann Dr.	701.55
At the centerline of Hulda Dr.	702.90
At a point 50’ north of the centerline of Hulda Dr.	703.38
At a point 300’ north of the centerline of Hulda Dr.	708.38
At a point 350’ north of the centerline of Hulda Dr.	709.44
At a point 400’ north of the centerline of Hulda Dr.	710.20
At a point 450’ north of the centerline of Hulda Dr.	711.24
At the centerline of Mr. Pleasant Ave.	712.18
At a point 15’ north of the centerline of Mt. Pleasant Ave.	712.13
At a point 50’ north of the centerline of Mt. Pleasant Ave.	712.70
At a point 160’ north of the centerline of Mt. Pleasant Ave.	713.80
At a point 210’ north of the centerline of Mt. Pleasant Ave.	714.10
At a point 260’ north of the centerline of Mt. Pleasant Ave.	713.87
At a point 310’ north of the centerline of Mt. Pleasant Ave.	712.58
At a point 360’ north of the centerline of Mt. Pleasant Ave.	710.76
At a point 407’ north of the centerline of Mt. Pleasant Ave.	708.65
At a point 457’ north of the centerline of Mt. Pleasant Ave.	707.42
At the centerline of Chandler Ave.	706.80
At a point 95’ north of the centerline of Chandler Ave.	707.08
At a point 270’ north of the centerline of Chandler Ave.	705.85
At a point 320’ north of the centerline of Chandler Ave.	705.38
At a point 430’ north of the centerline of Chandler Ave.	704.98
At a point 510’ north of the centerline of Chandler Ave.	706.70
At a point 520’ north of the centerline of Chandler Ave.	707.16
At a point 570’ north of the centerline of Chandler Ave.	708.79
At a point 65’ north of the north line of Durand Ave.	711.64
At a point 165’ north of the north line of Durand Ave.	713.64
At a point 265’ north of the north line of Durand Ave.	715.30
At a point 525’ north of the north line of Durand Ave.	716.41
At the centerline of Corliss Ave.	716.33
At a point 65’ north of the north line of Corliss Ave.	717.12
At a point 165’ north of the north line of Corliss Ave.	717.48
At a point 290’ north of the north line of Corliss Ave.	716.93

At a point 415' north of the north line of Corliss Ave.	715.38
At the centerline of Michigan Ave.	715.05

(6) 94TH STREET. (Am. #088-12)

	Elevation
At the centerline of Hulda Ave.	706.30
At the centerline of Mt. Pleasant Ave.	713.35
At a point 100' north of the centerline of Mt. Pleasant Ave.	713.05
At a point 150' north of the centerline of Mt. Pleasant Ave.	712.65
At a point 200' north of the centerline of Mt. Pleasant Ave.	712.05
At a point 300' north of the centerline of Mt. Pleasant Ave.	710.61
At a point 350' north of the centerline of Mt. Pleasant Ave.	710.17
At a point 400' north of the centerline of Mt. Pleasant Ave.	709.55
At a point 450' north of the centerline of Mt. Pleasant Ave.	709.01
At the centerline of Chandler Ave.	708.50
At a point 59' north of the centerline of Chandler Ave.	708.94
At a point 109' north of the centerline of Chandler Ave.	709.15
At a point 209' north of the centerline of Chandler Ave.	709.71
At a point 309' north of the centerline of Chandler Ave.	711.63
At a point 409' north of the centerline of Chandler Ave.	713.29
At a point 459' north of the centerline of Chandler Ave.	713.93
At a point 509' north of the centerline of Chandler Ave.	714.93
At a point 559' north of the centerline of Chandler Ave.	715.94
At a point 220' north of the north line of Durand Ave.	717.82
At a point 370' north of the north line of Durand Ave.	718.48
At a point 520' north of the north line of Durand Ave.	719.20
At the centerline of Corliss Ave.	718.80
At a point 15' north of the north line of Corliss Ave.	718.91
At a point 265' north of the north line of Corliss Ave.	716.91
At the centerline of Michigan Ave.	715.88

(7) 95TH STREET. (Am. #088-12)

	Elevation
At the centerline of Hulda Ave.	707.78
At a point 150' north of the centerline of Hulda Ave.	708.62
At the centerline of Mt. Pleasant Ave.	710.96
At a point 35' north of the centerline of Mt. Pleasant Ave.	710.78
At a point 200' north of the centerline of Mt. Pleasant Ave.	711.37
At a point 225' north of the centerline of Mt. Pleasant Ave.	711.30
At a point 475' north of the centerline of Mt. Pleasant Ave.	712.05
At the centerline of Chandler Ave.	712.35
At a point 19' north of the centerline of Chandler Ave.	712.55

At a point 69’ north of the centerline of Chandler Ave.	713.25
At a point 219’ north of the centerline of Chandler Ave.	717.00
At a point 269’ north of the centerline of Chandler Ave.	717.80
At a point 519’ north of the centerline of Chandler Ave.	720.40
At the south right-of-way line of Durand Ave.	721.00
At a point 65’ north of the north line of Durand Ave.	721.33
At a point 340’ north of the north line of Durand Ave.	720.35
At a point 417’ north of the north line of Durand Ave.	720.63
At the centerline of Corliss Ave.	720.00
At a point 260’ north of the north line of Corliss Ave.	717.48
At the centerline of Michigan Ave.	716.76

(8) 96TH STREET. (Am. #088-12)

	Elevation
At a point 360’ north of the centerline of Hulda Dr.	712.22
At a point 303’ north of the centerline of Hulda Dr.	711.44
At a point 100’ north of the centerline of Hulda Dr.	709.98
At the centerline of Hulda Dr.	709.30
At a point 60’ south of the south line of Hulda Dr.	709.60
At the centerline of Carol Ann Dr.	706.48
At a point 53.4’ north of the centerline of Durand Ave.	724.02
At a point 457.4’ north of the centerline of Durand Ave.	723.05
At the centerline of Corliss Ave.	721.65
At a point 100’ north of the centerline of Corliss Ave.	720.95
At a point 200’ north of the centerline of Corliss Ave.	720.15
At the centerline of Michigan St.	718.78

(9) 97TH STREET.

	Elevation
At the south line of Chandler Subdivision	708.80
At the centerline of Mount Pleasant Ave.	712.80
At the centerline of Hulda Dr.	710.80
At the centerline of Chandler Ave.	713.80
At a point 190’ north of the north line of Chandler Ave.	715.80
At the centerline of Valley St.	722.20
At a point 94’ north of the north line of Durand Ave.	728.78
At a point 194’ north of the north line of Durand Ave.	729.32
At the centerline of Corliss Ave.	725.80
At the centerline of Michigan Ave.	722.93

(10) MICHIGAN AVENUE.

	Elevation
At the east right-of-way line of Wisconsin St.	726.30

At a point 150’ east of the centerline of Wisconsin St.	725.40
At a point 300’ east of the centerline of Wisconsin St.	723.45
At the centerline of 97th St.	722.93
At a point 29’ east of the centerline of 97th St.	722.70
At a point 279’ east of the centerline of 97th St.	719.20
At the centerline of 96th St.	718.78
At a point 243’ east of the centerline of 96th St.	717.01
At the centerline of 95th St.	716.76
At a point 162’ east of the centerline of 95th St.	716.30
At the centerline of 94th St.	715.88
At the centerline of 93rd St.	715.05
At a point 150’ east of the centerline of 93rd St.	714.30
At a point 250’ east of the centerline of 93rd St.	713.92
At the centerline of 92nd St.	713.14
At a point 116’ east of the centerline of 92nd St.	710.56
At a point 216’ east of the centerline of 92nd St.	707.58
At a point 316’ east of the centerline of 92nd St.	705.42
At the centerline of 91st St.	705.21
At a point 134’ east of the centerline of 91st St.	703.40
At the west right-of-way line of 90th St.	702.10

(11) CORLISS AVENUE. (Am. #089-17)

	Elevation
At the east line of 90th St.	693.39
At a point 397’ east of the centerline of 90th St.	691.96
At a point 442’ east of the centerline of 90th St.	691.91
At a point 447’ east of the centerline of 90th St.	691.96
At a point 547’ east of the centerline of 90th St.	692.36
At a point 572’ east of the centerline of 90th St.	692.41
At a point 597’ east of the centerline of 90th St.	692.36
At a point 822’ east of the centerline of 90th St.	691.46
At a point 847’ east of the centerline of 90th St.	691.32
At a point 872’ east of the centerline of 90th St.	691.10
At the west line of 87th St.	690.35
At the centerline of 87th St.	690.66
At the east line of 87th St.	690.35
At a point 1,072’ east of the centerline of 90th St.	691.43
At a point 1,122’ east of the centerline of 90th St.	691.67
At a point 1,172’ east of the centerline of 90th St.	691.25
At a point 1,322’ east of the centerline of 90th St.	689.03

(12) CHANDLER AVENUE. (Am. #088-12)

Elevation

At the centerline of 97th St.	713.80
At the centerline of 95th St.	712.35
At the east line of 95th St.	712.12
At a point 100’ east of the centerline of 95th St.	711.10
At a point 300’ east of the centerline of 95th St.	708.62
At the centerline of 94th St.	708.50
At a point 70’ east of the centerline of 94th St.	708.02
At a point 300’ east of the centerline of 94th St.	706.92
At the centerline of 93rd St.	706.80
At a point 33’ east of the centerline of 93rd St.	706.75
At a point 315’ east of the centerline of 93rd St.	705.86
At the centerline of 92nd St.	706.13
At a point 35’ east of the centerline of 92nd St.	706.16
At a point 285’ east of the centerline of 92nd St.	709.86
At the centerline of 91st St.	710.30
At a point 27’ east of the centerline of 91st St.	710.08
At the west line of 90th St.	708.37
At the centerline of 90th St.	708.30

(13) MT. PLEASANT AVENUE. (Am. #088-12)

	Elevation
At the centerline of Buckingham Rd.	695.94
At a point 35’ east of the centerline of 90th St.	701.02
At a point 135’ east of the centerline of 90th St.	699.52
At a point 200’ east of the centerline of 90th St.	697.99
At a point 279’ east of the centerline of 90th St.	696.40
At the centerline of 90th St.	701.30
At a point 250’ west of the centerline of 90th St.	705.01
At the centerline of 91st St.	705.71
At a point 136’ west of the centerline of 91st St.	707.78
At a point 261’ west of the centerline of 91st St.	709.48
At the centerline of 92nd St.	710.09
At a point 20’ west of the centerline of 92nd St.	710.04
At a point 80’ west of the centerline of 92nd St.	710.38
At a point 180’ west of the centerline of 92nd St.	710.98
At a point 280’ west of the centerline of 92nd St.	712.02
At the centerline of 93rd St.	712.18
At a point 20’ west of the centerline of 93rd St.	712.12
At a point 150’ west of the centerline of 93rd St.	712.67
At a point 190’ west of the centerline of 93rd St.	713.33
At a point 240’ west of the centerline of 93rd St.	713.66
At a point 325’ west of the centerline of 93rd St.	713.39
At the centerline of 94th St.	713.35

At a point 70' west of the centerline of 94th St.	712.73
At a point 120' west of the centerline of 94th St.	712.55
At a point 270' west of the centerline of 94th St.	711.41
At the centerline of 95th St.	710.80
At the centerline of 97th St.	712.80

(14) DURAND AVENUE. All grades shall be as established by the Wisconsin Department of Transportation.

(15) CAROL ANN DRIVE.

	Elevation
At the centerline of 90th St.	696.47
At the centerline of 92nd St.	699.85
At the centerline of 93rd St.	701.55

(16) BOYS DRIVE.

	Elevation
At the centerline of 90th St.	699.79
At the west right-of-way line of 90th St.	699.70
At a point 500' west of the centerline of 90th St.	702.00
At a point 683' west of the centerline of 90th St.	701.20
At the centerline of 92nd St.	701.20

(17) HULDA DRIVE. (Am. #088-12)

	Elevation
At the centerline of 90th St.	694.80
At the centerline of 91st St.	696.80
At the centerline of 92nd St.	699.80
At the centerline of 93rd St.	702.90
At the centerline of 94th St.	706.30
At the centerline of 95th St.	707.78
At the centerline of 96th St.	709.30
At the centerline of 97th St.	710.80

(18) ALLEYS IN BLOCK l, TOWNSITE OF CORLISS.

	Elevation
At the centerline of the east and west alley at the east line of Wisconsin St.	729.88
At the centerline of the intersection of north and south alley and the east and west alley	731.80
At the centerline of the east and west alley at the west line of 97th St.	729.08

At the centerline of the north and south alley 202' north of the north line of the east and west alley	730.00
At the centerline of the north and south alley 277' north of the north line of the east and west alley	729.43
At the centerline of the north and south alley 327' north of the north line of the east and west alley.	728.70
At the centerline of the north and south alley 352' north of the north line of the east and west alley	728.16

(19) BROADWAY DRIVE.

	Elevation
At the centerline of Buckingham Rd.	697.42
At the west line of Buckingham Rd.	697.42
At the centerline of Kennsington Square Rd.	684.00
At the east line of Kennsington Square Rd.	684.00
At a point 130' east of the east line of Kennsington Square Rd.	683.35

(20) BUCKINGHAM ROAD.

	Elevation
At the north right-of-way line of Broadway Dr.	697.27
At a point 722' north of the north right-of-way line of Broadway Dr.	694.10
At a point 872' north of the north right-of-way line of Broadway Dr.	693.11
At the centerline of East Coventry Dr.	692.98
At a point 22' north of the centerline of East Coventry Dr.	693.08
At a point 422' north of the centerline of East Coventry Dr.	695.44
At the centerline of Mount Pleasant Ave.	695.96
At a point 139' north of the centerline of Mount Pleasant Ave.	698.34
At a point 289' north of the centerline of Mount Pleasant Ave.	701.79
At the centerline of Buckingham Dr.	703.80

(21) EAST COVENTRY DRIVE.

	Elevation
At the centerline of Buckingham Rd.	692.98
At a point 100' east of the centerline of Buckingham Rd.	691.48
At a point 150' east of the centerline of Buckingham Rd.	690.48
At a point 250' east of the centerline of Buckingham Rd.	688.68

(22) SOUTH KENNEDY DRIVE.

	Elevation
At the north right-of-way line of Broadway Dr.	688.42
At a point 200' north of the centerline of Broadway Dr.	689.95

At a point 380' north of the centerline of Broadway Dr.	690.85
At the centerline of East Coventry Dr.	688.66
At the centerline of Westminster Dr.	687.73
At a point 60' north of the centerline of Westminster Dr.	688.37
At a point 240' north of the centerline of Westminster Dr.	692.21
At the centerline of Westbrook Dr.	692.86

(23) KENNSINGTON DRIVE.

	Elevation
At the centerline of Westminster Dr.	686.50
At a point 300' south of the centerline of Westminster Dr.	685.30
At a point 600' south of the centerline of Westminster Dr.	683.80
At a point 960' south of the centerline of Westminster Dr.	685.38
At the centerline of Broadway Dr.	684.25

(24) WESTMINSTER DRIVE. (Am. #091-10)

	Elevation
At the centerline of South Kennedy Dr.	687.73
At the centerline of Kennsington Dr.	686.50
At a point 50' east of the centerline of Kennsington Square Rd.	686.80
At a point 250' east of the centerline of Kennsington Square Rd.	690.20
At the centerline of 86th St.	690.08
At a point 134' east of the centerline of 86th St.	688.95
At a point 534' east of the centerline of 86th St.	686.95

(25) 86TH STREET. (Am. #091-10)

	Elevation
At the centerline of Westminster Dr.	690.08
At a point 30' north of the centerline of Westminster Dr.	689.98
At the centerline of Westbrook Dr.	691.33
At the centerline of Buckingham Dr.	692.94
At a point 128' north of the centerline of Buckingham Dr.	693.58
At a point 529' north of the centerline of Buckingham Dr.	698.38
At a point 50' south of the centerline of STH 11	696.36

(26) BUCKINGHAM DRIVE. (Am. #091-10)

	Elevation
At the centerline of Buckingham Rd.	703.80
At a point 72' east of the centerline of Buckingham Rd.	703.25
At a point 422' east of the centerline of Buckingham Rd.	701.29
At a point 522' east of the centerline of Buckingham Rd.	700.55
At a point 772' east of the centerline of Buckingham Rd.	697.13

At a point 872' east of the centerline of Buckingham Rd.	694.97
At the centerline of 86th St.	692.94
At the west right-of-way line of 86th St.	693.32

(27) WESTBROOK DRIVE. (Am. #091-10)

	Elevation
At the centerline of South Kennedy Dr.	692.86
At a point 32' east of the centerline of South Kennedy Dr.	692.91
At a point 255' east of the centerline of South Kennedy Dr.	695.32
At a point 455' east of the centerline of South Kennedy Dr.	694.52
At the centerline of 86th St.	691.31

(28) KENNSINGTON SQUARE ROAD.

	Elevation
At the centerline of Broadway	684.00
At the centerline of Westminster Dr.	686.50

8.04 <u>ESTABLISHING THE CROSS SECTION OF ALL UNPAVED STREETS</u>.

(1) CENTERLINE. The centerline of all unpaved streets in the Village shall conform to the established grade.

(2) TOP OF CURBS. The top of the curbs shall also conform to the established grade.

(3) GUTTERS. The gutters shall not be more than 8" and not less than 6" below the centerline of the streets, to be fixed within those limits so as to provide for proper drainage.

(4) CROSS SECTION. The cross section of all unpaved streets shall be of the form known as "quarter crown"; that is, at a point equally distant from the centerline and the curb line, the fall from the centerline shall be equal to ¼ of the total amount of the crown.

8.05 <u>STANDARDS FOR CURBS AND GUTTERS</u>.

(1) ESTABLISHED. Unless otherwise specified or authorized in writing by the Village Board, curbs and gutters hereafter constructed within the Village shall be in conformity with the standards set forth in this section.

(2) WORKMANSHIP.

(a) Combined curb and gutter shall be constructed on a solid foundation and shall be built of one course construction. When built as a part of a paving project,

they shall be doweled to the pavement with ½" deformed steel bars 2' long, spaced 30" on centers. The concrete shall be finished true to the line and grade established by the Village Engineer. All exposed surfaces shall be finished with a steel trowel followed by transverse brushing.

(b) Transverse contraction joints shall be formed by inserting steel plates in the forms and removing them during the finishing operation. Such joints shall be spaced 10' apart.

(c) Transverse expansion joints shall be located at the end of every radius and at intervals of not less than 200' nor more than 400' within the blocks, as directed by the plans or the Village Engineer. Such joints shall be ¾" thick.

(d) All transverse joints shall extend entirely through the curb and gutter so concrete cannot span the joint. Joints shall be perpendicular to the face of the curb and the grade of the gutter.

(e) One-half inch expansion joints shall be placed to the back of the curb at all places where sidewalks, approach aprons and similar structures abut the curb.

(3) MATERIALS.

(a) All cement used for curb and gutter shall be air-entraining Portland cement which conforms to A.S.T.M. Specification C-176-56. Specification C-150-55 Type 1 may be used with an air-entraining agent added to provide 5% to 8% entrained air. Cement used for underground structures shall be standard Portland cement conforming to A.S.T.M. Specification C-150-55 Type 1.

(b) In addition to the air-entraining agent, other admixtures to provide better workability may be used and a reduction in cement content up to ½ bag per cubic yard of concrete will be allowed, but only upon written request and where it can be definitely shown that such admixtures will maintain the strength of the concrete.

(c) Sand shall be clean, washed and well graded from fine to coarse and shall be free from clay, silt, organic matter or other deleterious material. In size it shall range from that passing a ¼" screen to that retained on a 100-mesh sieve.

(d) Coarse aggregate shall be crushed stone or crushed gravel which shall have been washed after crushing. It shall be free from crusher dust, clay balls, silt, organic matter or other deleterious material. Stones ranging in size from that passing a ¾" screen to that retained on a ¼" screen shall be used.

(4) TESTING. Specimens for compression tests shall consist of 12" cylinders 6" in diameter. At least 2 specimens shall be taken from each daily pour of more than 25 yds. Additional specimens may be required by the plans or the Village Engineer. Contractor shall, at his own cost, provide all equipment necessary to obtain such specimens and shall ship the cylinders to the testing laboratory directed by the Village Engineer.

8.06 CURB LINES TO BE FIXED AND MARKED.

The curb line on all streets shall be established and located by the Village Engineer, and permanent marks or monuments placed in and upon such streets, and every person who shall erect, build or construct any sidewalk, curb or any other structure whatsoever, or cause to be erected, built or constructed any sidewalk, curb or any other structure, outside of such curb line as established and located by the Village Engineer shall be guilty of a violation of this code.

8.07 DRIVEWAY APPROACHES WITH CURBS AND GUTTERS.

All driveway approaches abutting permanent streets shall be poured concrete according to specifications contained in Section 8.05(3) of this chapter.

8.08 CULVERTS: COST OF INSTALLATION.

(1) Whenever, in the opinion of the Village Engineer, it shall be necessary to install a new culvert underneath a private driveway entering onto a public street to facilitate or provide proper drainage, a culvert of such material, size and dimension as is prescribed by the Village Engineer shall be installed at the cost of the owner of the property served by such driveway. However, the cost to the property owner shall not exceed the price of the installed culvert, such price to be determined at the time of installation.

(2) When the installation of a new culvert is necessary due to damage to an existing culvert by the Village, as a result of construction contracted for by the Village, or if the existing culvert has become unserviceable due to neglect on the part of the Village in maintaining proper flow through the culvert, the Village will assume the cost of the new culvert.

(3) When the installation of a new culvert is necessary due to natural deterioration or disintegration, or due to damage by persons not under hire by or acting for the Village, or if the existing culvert was of such construction or material so as not to meet the requirements of the Public Works Committee, the cost for the new culvert shall be borne by the property owner.

(4) When the installation of a new culvert is necessary to replace an existing culvert which is of insufficient cross section for proper drainage, the property owner shall pay the difference between the then current cost of the size culvert removed and the then current cost of the new culvert, provided that the existing culvert meets all the requirements of the Public Works Committee other than size. If the existing culvert is of 12" or larger size and meets all the requirements of the Public Works Committee other than size, there will be no charge to the property owner.

8.09 <u>OPENING OF VILLAGE HIGHWAYS</u>. (Rep. & recr. #98-07)

(1) PERMIT REQUIRED. Any person, firm, corporation, utility, or other entity ("Permittee") who wishes to excavate or place an obstruction within any Village highway shall first obtain a permit from the Director of Public Works or an authorized representative. For the purpose of this section, "highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.

(2) PERMIT REQUIREMENTS. In order to obtain a permit, an application must be completed upon a form provided by the Village Clerk/Treasurer. In addition, a permit fee, in an amount established by resolution of the Village Board from time to time, must be paid to the Village Clerk/Treasurer. No permit fee shall be refunded. The issuance and acceptance of the permit shall obligate the Permittee to the following conditions:

(a) A cash bond or irrevocable letter of credit in the amount of $1,250 shall be filed with the Village Clerk/Treasurer. Such cash bond or letter of credit shall be held by the Village to guarantee the conditions of the permit for a period of two (2) years from the date of the issuance of the permit.

(b) The Permittee agrees to indemnify and hold harmless the Village, its employees and its agents, from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed, because of the issuance or exercise of this permit, or because of any adverse effect upon any person or property which is attributed to the partially or entirety completed works of the Permittee.

(c) The Village of Sturtevant, through its Director of Public Works or an authorized representative, shall have complete authority at all times over construction or repair operations which may have an influence on the highway.

(d) The permitted facilities shall, if necessary, be altered at the expense of the Permittee to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted work shall be the obligation of the Permittee unless a contract for such costs has been executed.

(e) This permit authorizes only the described works of and for the Permittee indicated on the face of the permit. It does not grant authority for the facilities of any other person or entity, either by present installation or future installation.

(f) This permit does not transfer any land, or give, grant or convey any land right nor easement.

(g) No part of the permitted work operations shall be commenced until warning signs, devices and methods to protect the public are established, in place and fully functional. Warning signs and devices shall conform to the appropriate sizes, design and arrangements specified within the most current "Wisconsin Department of Transportation's Manual on Uniform Traffic Control Devices." It shall be the responsibility of the Permittee to provide and maintain at least the quantity of signs and devices therein described, but to also supplement those with such additional signs, devices and flagmen as are necessary to functionally protect persons and property from injury or damage at all times and under all conditions, including changed or changing conditions. The Permittee shall assure that all traffic control facilities are well maintained and functional until all operations related to the permitted work are completed.

(h) Issuance of this permit does not constitute authority for any interference with traffic. A minimum of one lane of traffic shall be open at all times. Whenever the contractor's operations obstruct or endanger a traffic lane and no marked detour has been provided, the contractor shall furnish a flagman to direct traffic through or around the congested area. The Village shall have the right to require additional flagmen as it shall deem necessary.

(i) Vehicles, equipment, and materials shall not be stored on the live lanes of the highway at any time. No vehicles or supplies shall be stored on the shoulder areas directly opposite the area of current operation. The Permittee shall regulate equipment, material, and vehicles to assure consistently safe conditions. Any material or equipment left on the shoulder areas overnight shall be properly marked with standard flashers.

(j) It shall be the responsibility of the Permittee to determine the location of and protect or cause to be protected from any damage, any facilities already in

place in the area to be influenced by the permitted work. All notification of others is likewise the responsibility of the Permittee.

(k) The Permittee shall be responsible for perpetuating all existing section corner markers which might be affected by the work authorized by this permit. The County Surveyor shall be notified prior to any section corner monument being disturbed or removed.

(1) All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of the Village Director of Public Works or an authorized representative. Access to all private drives and public street intersections shall be maintained, and all disturbed areas shall be repaired with like material prior to the work authorized by this permit.

(m) When restoration is not accomplished voluntarily and without delay, the Village may issue a notice setting forth a final date by which restoration shall be completed. If the Permittee fails to satisfactorily complete all restoration within the time thus established, the Village may arrange directly for all needful restorations, and all costs associated with such restorations and the arrangements therefor shall be a cost obligation of the Permittee, and may be charged against the cash bond or letter of credit. In the event the cash bond or letter of credit is insufficient for such purposes, the Permittee shall be liable to the Village for the excess cost over the amount of the cash bond or letter of credit.

(n) Any damage or maintenance due to settlement of any other causes occurring within the highway right-of-way, as a result of the issuing or exercising of this permit, must be corrected by the Permittee, or his agent, successors or assigns, in the time and manner designated by the Village Director of Public Works or an authorized representative, for a period of 2 years from the date of the issuance of this permit.

(o) The Permittee shall provide the supervisor of the permitted work with a copy of this permit and is responsible to assure the latter's familiarity with all details and requirements thereof. A copy of this approval, along with any plans and special provisions, shall be available on the job site. The Permittee is the responsible party for all work permitted under this permit and any complaints or requirements for correction will be taken up with the Permittee directly. The Permittee shall be responsible to the Village for any failure to comply with any part of the permit.

(p) Upon completion of the work the Permittee shall file a written notice with the Village Director of Public Works.

(3) EXCEPTIONS. The Village Sewer and Water Utilities are excepted from the provisions of this ordinance. In addition, those utilities and entities set forth in Section 66.045(6), Wis. Stats., and any amendments thereto, are excepted from those provisions pertaining to the filing and drawing upon of the cash bond or irrevocable letter of credit, but are required to secure a permit from the Village as otherwise set forth above.

8.10 JURISDICTION OVER STREET SIGNS.

Jurisdiction and control over all signs on Village streets shall be in the Public Works Committee of the Village Board. The Public Works Committee is authorized and empowered to erect, maintain, move and remove signs as may serve the best interests of the Village.

8.11 STREET TREES. (Rep. & Recr. #2001-17)

(1) DEFINITIONS. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public rights-of-way shall mean and include that part of every street and alley, and that area between the lot line and the curb (or proposed location of a curb) or roadway if a curb is not present.

Street shall mean every highway, as defined in § 340.01(22), Wis. Stats., within the corporate limits of the Village including alleys, as defined in § 340.01(2), Wis. Stats.

(2) POWERS. The Village Board shall have full power and authority over all trees, plants and shrubs planted and to be planted in the public rights-of-way of the Village, including the right to plant new trees and care for the same.

(3) PLANTING & REMOVING**.** The Village Board shall have the authority to order any and all trees and stumps removed, to plant other trees in their place and to plant trees in the public rights-of-way of the Village where no trees were previously planted.

(a) Recommended Trees. The Village Board shall allow only those trees to be planted which are recommended by the Wisconsin Electric Power Company in its booklet entitled "The Right Tree in the Right Place," a

copy of which may be obtained from the office of the Village Clerk. In public rights-of-way where overhead power lines are located, only the small and medium trees, as defined in this booklet, shall be planted. However, trees of the Buckthorn variety shall not be planted.

(b) Density and Placement. The Village Board or its appointed representative shall have the authority to determine the appropriate placement of trees planted in public rights-of-way, including street crossings and site triangles. Trees that are recommended for planting in streets and public parkways shall be planted no less than 60 feet apart. The placement of trees that are planted in alleys shall be determined on a case-by-case basis. If this subsection conflicts with any deed restriction or subdivision rule that is more restrictive than this subsection, then the deed restriction or subdivision rule controls.

(c) Special Assessment. If such work is done by the Village or its agent, it may be charged against the abutting property as a special assessment, pursuant to §66.0703, Wis. Stats. Those doing such work shall keep a strict account thereof showing all labor and materials furnished in the performance of same and report to the Village each month.

(d) Cost Sharing. The cost of planting one tree shall be shared equally by the Village and the owner of the property abutting the public rights-of-way where the tree is planted, provided the planting takes place between March 1 and June 15 of each year. If any tree so planted should die within a period of 2 years from the date of planting, the Village shall plant another tree without cost to the owner of the abutting property, provided that only one such replacement shall be provided by the Village within the 2-year period. The cost of replacement of a tree that dies after the 2-year period, and the cost of a second or subsequent replacement tree that dies within such 2-year period, shall be borne by the owner of the abutting property.

(4) TRIMMING. As trees develop, the trunk shall be pruned of branches 6’ to 6½’ from the ground and the lowest branches shall not be less than 7’ above the surface of the sidewalk or the surface of the ground where the sidewalks have not been put down and so that the lowest limb or branch thereof overhanging any portion of a public rights-of-way or other public place shall not be less than 10’ above the grade of the public rights-of-way or other public place when the same has been brought to grade. The Village shall cause trees located in the public rights-of-way of the Village to be

trimmed so as not to obstruct, hinder or endanger any person or property in or along such public rights-of-way. The cost of such trimming shall be borne by the Village.

(5) INJURY CAUSED BY MOVING OF BUILDINGS. If the moving of any building should cause or make necessary the moving of any tree, plant or shrub in any public rights-of-way, it shall be done under the supervision of the Village Board or its agent at the expense of the owner of the building. Should the moving cause the death of such trees, plants or shrubs, the owner of the building shall replace them and make good the loss at his expense.

(6) DANGEROUS TREES.

(a) No tree which, in the opinion of the Village Board, is so decayed or injured or which for any other reason is likely to fall upon any sidewalk or street shall be permitted to stand upon or near any sidewalk or street in the Village.

(b) Whenever the Village Board shall have notice of a tree or part of a tree which is located within the public rights-of-way or on public lands that is likely to fall upon any sidewalk or street, it shall cause such tree or part thereof to be removed.

(c) Whenever the Village Board shall have notice of a tree located on private lands or part of a tree which is likely to fall upon any public rights-of-way, it shall give notice in writing to the owner or agent of the private land whereon such tree is located, requiring such owner or agent to remove or cause to be removed such tree or part thereof within 30 days after receiving such notice or within such shorter period as shall be designated by the Village Board if the tree represents an immediate danger to the public safety. Such notice may be served personally on the owner or his agent or by registered or certified mail addressed to such owner or agent. Appeal may be taken from such order, pursuant to Ch. 68, Wis. Stats.

(d) Whenever the Village Board deems it necessary for reasons of public safety to remove a tree stump located in or near a public rights-of-way, regardless of size, it shall give notice in writing to the owner of the land where such stump is located, or his agent, requiring such owner or agent to remove or cause to be removed such stump within 30 days after receiving notice. Such notice may be served personally on the owner or agent or by registered mail addressed to the owner or his agent. Effective stump removal shall constitute cutting the stump to a depth of

6" below sidewalk or curb. Where there is no curb or sidewalk, the depth shall be established from the crown of the road of 6" below established street grade. Appeal may be taken from such order, pursuant to Ch. 68, Wis. Stats.

(e) If the owner or his agent fails to remove such tree or stump as ordered under pars. (c) and (d) within the time prescribed in the notice, the Village Board shall cause such tree or stump to be removed. The expense of removal shall be charged as a special assessment against the land upon which the tree or stump stood, pursuant to § 66.0703, Wis. Stats.

(f) The Village shall cause to be kept a strict account of the labor expended upon such work in front of each lot, part of a lot or parcel of land and the cost thereof and make a report to the Clerk/Treasurer on the first of each month stating and certifying the description of the lot, part of a lot or parcels of land in front of, rear of or upon which such work shall have been done.

(7) LEAKS IN GAS PIPES OR MAINS CLOSE TO TREES; REPAIRS. No person owning or maintaining any gas pipes or mains beneath the surface of any public rights-of-way or public place in the Village shall permit any leak to occur in such pipes or mains within a radius of 40' of any tree growing in any public rights-of-way or public place in the Village, and if any leak exists or occurs in any such pipes or mains, the person owning or operating such defective pipes or mains shall repair the same immediately and stop such leak in a manner so as to prevent a reoccurrence of the same after receiving notice in writing from the Village Board or its agent calling the attention of such person to the fact that such leak exists or has occurred. If such person fails within 5 days after the receipt of the notice to stop such leak in a manner so as to prevent a reoccurrence thereof, such person shall be guilty of a violation of this section, and a separate offense shall be regarded as committed after each day during which such person shall continue such violation.

8.12 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

(1) The occupants of every building, tenement or premises fronting upon any street within this Village, and the owners of any unoccupied buildings or premises fronting on any streets shall keep the sidewalks adjacent to their premises reasonably free and clear of snow and ice, and shall within 24 hours after every snowfall clear the snow off such sidewalk.

(2) The Village Board may remove the snow or ice where a person fails or neglects to comply with the provisions of this section, and charge the costs thereof to the owner of the property.

8.13 OBSTRUCTING, LITTERING AND DAMAGING OF STREETS, ALLEYS AND PUBLIC GROUNDS.

(1) OBSTRUCTING OR LITTERING STREETS, ALLEYS AND PUBLIC GROUNDS.

(a) Obstructions. No person shall place, deposit or cast or cause to be placed, deposited or cast upon any street, alley, gutter, sidewalk or public ground within the Village any timber, wood, lumber, ashes, rubbish, grass clippings, leaves, yard or garden debris, offal, vegetables, paper, shavings, garbage or earth, or anything of substance whatever which may obstruct any street, alley, gutter, sidewalk or public ground, or impede, hinder or endanger travel thereon, or which shall or may injure or disfigure the same, or tend to the injury or disfigurement thereof, or tend to render the same unclean or a nuisance; nor shall any person cause or suffer any vehicle or any box, crate, bail, baggage, merchandise or other thing to stand or be in or upon any such street, alley, sidewalk or public ground.

(b) Duties of Officers to Cause Removal. If any substance or material mentioned in par. (a) above is found remaining or lying upon any street, alley, sidewalk or public ground within the limits of the Village in violation of par. (a) above, the Director of Public Safety shall cause notice to be immediately given to any person who may have placed, caused or permitted to be placed such substance or thing upon such street, alley, sidewalk or public ground, or who may be the owner or have control of such substance or thing or who may suffer the same to lay or remain upon such street, alley, sidewalk or public ground, to remove such thing or substance, or cause the same to be removed within 48 hrs.; and if such person refuses, neglects or fails to remove, or cause to be removed the same within 48 hrs. after being so notified, the Director of Public Safety shall cause it to be removed to some convenient and safe place within the Village at the expense of such person to be recovered in an action against him prosecuted in the name of the Village.

(2) DAMAGING STREETS WITH MACHINERY.

(a) Damage to Streets. No person shall operate any construction implement or machinery, road machinery or other machinery on or adjacent to any public street, highway, alley, curbing or sidewalk in the Village if the operation or manner of operation of such equipment will break up, damage or disfigure or

tend to break up, damage or disfigure the pavement, surface or construction of such public street, highway, alley, curbing or sidewalk, unless a foundation composed of lumber, planks, boards or other suitable material sufficient to protect the pavement, surface and construction of such area from being broken up, damaged or disfigured is first provided by the owner or operator of such equipment.

(b) Duties of Village Board to Cause Repair. If the operator of any construction implement, machinery, road machinery or other machinery on or adjacent to any public street, highway, alley, curbing or sidewalk in the Village causes damage or disfigurement to the pavement, surface or construction of any of such areas, whether or not a protective foundation has been provided, the Village Board shall notify and require by either written or verbal notice the person who has caused such damage or disfigurement to make or cause to be made all necessary repairs; and if such person refuses, neglects or fails to make or cause to be made such repairs within the time specified in the notice, the Village Board may cause such repairs to be made at the expense of such person, to be recovered in an action prosecuted against him in the name of the Village.

8.14 STORING OF MATERIALS AND MACHINERY ON STREETS.

(1) PERMIT REQUIRED. Before placing any stone, brick, sand, dirt, gravel, cement, lumber, planks, boards or other building material or any hoisting machine or other machinery or barrels or mortar box upon any sidewalk, street or public grounds within the Village, any person desiring so to do shall first obtain a permit from the Building Inspector.

(2) FEES. No fee shall be charged for such permit for the first 15 days immediately following the date of the permit, but after 15 days, the fee for such permit shall be $5 per month for the next 2 months and $10 per month thereafter; but no permit shall be issued for less than $5 except for the first 15 days of the permit.

(3) LIMITATIONS ON USE. Such permits shall not authorize the use of more than 1/3 of the highway between curb lines opposite the premises of the person for whom the proposed building permit is granted or opposite the premises for which the permit is requested, and shall not authorize the placing of any such material or machinery or other thing upon the street or public ground which will unreasonably interfere with the public safety and convenience, or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street or alley. No more than 1/3 of the highway between curb lines shall in any event be occupied for the placing or storing of any such material, machinery or other

things, and no part of the sidewalk, parkway or curb between the building line and the street curb shall be utilized for the placing or storage of building materials.

(4) APPLICATION; BOND. Application for a permit to place material, machinery or other things connected with building purposes in a street, alley or public grounds shall be in writing, describe the premises by lot, block, street and street number, if any, in front of which such materials, machinery or other things connected with building purposes is desired to be placed and specify the character of the material for which the permit is desired. Before a permit is granted the applicant shall execute to the Village and have on file with the Building Inspector a bond of undertaking in a sum approved by the Village President, conditioned to save and keep the Village harmless from all liability which may be incurred by the deposit or maintenance of such materials, machinery or other things connected with building purposes in the street, alley or public ground by the applicant or by his contractors, servants, agents or employees whether such material, machinery or other things shall be placed within or beyond the limits specified by this section.

8.15 UNIFORM NUMBERING SYSTEM.

(1) ESTABLISHED. There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village and all houses and buildings shall be numbered in accordance with the provisions of this section.

(2) BASE LINES. The north Village limits on 90th St. shall constitute the base line for numbering along all streets running north and south and the east Village limits on Durand Ave. shall constitute the base line for numbering along all streets running east and west.

(3) SYSTEM. Numbering for each street shall begin at the base line. Numbers within the first block running east to west shall be from 8600 to 8699 and numbers in each succeeding block shall increase from the base line in units of 100, i.e., the first block shall be 8600 to 8699, second block 8700 to 8799, third block 8800 to 8899, etc. Numbers within the first block running north to south shall be from 1900 to 1999 and the numbers in each succeeding block shall increase from the base line in units of 100, i.e., the first block shall be 1900 to 1999, second block 2000 to 2099, the third block 2100 to 2199, etc. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other and one number shall be assigned to each 20’ of frontage. In blocks or equivalent space longer than 750’ which is not intersected by a street, if extended, the total length of space divided by 37.5 shall be used to determine the feet of frontage assigned to each number.

(4) PROCEDURE. All lots and houses on the north and west side of all streets shall be numbered with even numbers, each commencing with the hundred assigned to that block and shall increase from the base line, one number for each 20' of frontage or fraction thereof, except as provided in sub. (3). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing that the building is 20' or more in width. If the building is not 20' or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on 2 or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.

(5) STREETS NOT EXTENDED. All streets not extending through to the base line shall be assigned the same relative numbers as if the street has extended to the base line.

(6) SURVEY AND PLACEMENT OF NUMBERS.

(a) The Village Board shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street, avenue, alley or highway in the Village, its respective number under this section. When the survey has been completed and each house and building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under this section.

(b) Such number or numbers shall be placed within 20 days after the assigning of the proper number. The cost of the number shall be paid by the property owner and shall be procured from the Clerk/Treasurer or Director of Public Works at the unit price for the same, such price to be the cost of such units to the Village. Replacements of numbers shall be procured and paid for by the owner. The numbers used shall be not lees than 2½" in height.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than 50' from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gate post, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.

(7) MULTIPLE NUMBERS. Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of

any such house or building or for any part of such house or building fronting on any street, such owner, occupant or agent shall use the suffix "A", "B", "C", etc., as may be required.

(8) MAP. For the purpose of facilitating a correct numbering, a map of all streets, avenues and public highways within the Village showing the proper numbers of all lots or houses fronting upon all streets, avenues or highways shall be kept on file in the office of the Clerk/Treasurer. This map shall be open to inspection of all persons during the office hours of the Clerk/Treasurer.

(9) BUILDING INSPECTOR TO ASSIGN NUMBERS. The Building Inspector shall inform any party applying therefor of the number or numbers belonging or embraced within the limits of the lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Building Inspector shall determine the number of such lot or building.

(10) NUMBERS REQUIRED. Whenever any house, building or structure shall be erected or located in the Village after a uniform system of numbering has been completed, the owner shall procure the correct number as designated from the Building Inspector for the property and immediately fasten the number so assigned upon the building as provided by this section. No building permit shall be issued for any house, building or structure until the owner has procured from the Building Inspector the official number of the premises.

(11) ENFORCEMENT. All police officers of the Village shall report violation of any provision of this section.

(12) VIOLATIONS. If the owner or occupant of any building required to be numbered by this section neglects for the period of 20 days to attach and maintain the proper number of such building, the Director of Public Works shall serve upon him a notice requiring the same, and if he neglects to do so for 10 days after service of such notice, he shall be deemed to have violated this section.

8.16 <u>SMOKING</u>. (Cr. #095-23)

(1) DEFINITIONS. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Smoking shall mean possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

Village buildings shall mean all buildings owned by the Village and operated by its employees.

(2) ENFORCEMENT. The provisions of this section shall be enforced by the Village Police Department. The use of citations as described in Section 25.04(4) of the Municipal Code is hereby authorized.

(3) PENALTIES. Any person who violates sub. (4) shall be subject to a forfeiture of not less than one dollar nor more than $10 together with assessments and costs of prosecution. In default of payment thereof, the violator shall be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.

(4) PROHIBITION. No person may smoke in the following places:

(a) Any enclosed, indoor area located within any building owned by the Village and operated by its employees. This includes, without limitation, all elevators, public lobbies, corridors, waiting rooms, dining areas, rest rooms, stairwells, auditoriums, conference and/or training and testing rooms, offices, courtrooms and other associated hearing, counseling and waiting areas, garage and shop work areas, meeting rooms, data processing facilities, recreational facilities, those types of facilities designated in §101.123, Wis. Stats., including educational facilities, inpatient health care facilities, and all other enclosed, indoor area facilities contained within Village-owned buildings.

(b) Any Village-owned motor vehicle and any means of public conveyance owned or leased by the Village and operated by its employees.

8.17 ADDITIONAL SPECIAL ASSESSMENT PROCEDURES.

(1) PURPOSE. In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this Section.

(2) RESOLUTION REQUIRED. Whenever the Village Board shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this Section, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessment will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

(3) APPLICATION OF STATE STATUTES. The provisions of §66.60, Wis. Stats., shall apply to special assessments levied under this Section except that, when the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by §66.60(3), Wis. Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

(4) NOTICE OF HEARING. Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by §66.60(7) and (8)(d), Wis. Stats.

(5) LIEN AGAINST ASSESSED PROPERTY. Any special assessment levied under this ordinance shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of the levy.

(6) APPEAL. Any person against whose property a special assessment is levied under this ordinance may appeal therefrom in the manner prescribed by §66.60(12), Wis. Stats., within 40 days of the date of the final determination of the Village Board.

8.18 MAILBOX SPECIFICATIONS AND PLACEMENT.

(1) PURPOSE. The purpose of this Section is to recognize that mailboxes have been and are allowed on the street right-of-way as a matter of convenience to the property owners or occupants and not as a matter of right. Encroachments upon the street right-of-way are governed generally by Section 86.04 of the Wisconsin State Statutes. A mailbox and its supports can cause damage to a vehicle that strikes it and injure the vehicle's occupants and therefore may be a hazard. However, a mailbox with light-weight supports that cause minimum damage shall not constitute a hazard.

(2) SPECIFICATIONS AS TO SIZE AND PLACEMENT OF MAILBOXES.

(a) Height. The total height shall be within the range of 42 to 48 inches as measured from the top of curb. If no curb is present, then there shall be 6 inches added to the height so that the range is 48 to 54 inches as measured from the ground. Supports shall be buried no more than 24" into the ground.

(b) Set Back. The face of the mailbox shall be no more than 12 inches back from the face of the curb or future curb line, and the face of the mailbox must be behind the curb or future curb line.

(c) Mailbox Materials and Post Dimensions. The mailbox post shall not exceed the dimension of a 4 inch by 4 inch wood post and shall be able to break away upon impact. If the mailbox is constructed of these materials, the mailbox shall not constitute a hazard to the public use of the right-of-way. Steel, concrete piling, stone and posts larger than described above are hereby declared a hazard and are prohibited.

(d) Address Required. The address of the mailbox owner shall be required on each box.

(e) Snow Removal. The owner of each mailbox shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen
or accumulated in front of said mailbox and shall remove the snow for a distance of two (2) feet to each side of said mailbox.

(3) VILLAGE IS NOT LIABLE FOR MAILBOXES. If a mailbox is accidentally damaged in the process of removing snow, mowing the right of way, laying gravel to the shoulder area or any other act of maintaining the right-of-way by the Village, the Village is not liable to the property owners or occupants for such damage. It is solely the property owner's or occupant's obligation to maintain, repair or replace the mailbox in compliance with this section. This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Village to locate and remove obstructing mailboxes.

(4) ENFORCEMENT. Whenever and wherever in the Village it is determined by any inspection by the Building Inspector or other designated person that there exists a violation of this Section, the Building Inspector or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner or person reasonable time to remedy the violation.

(5) PENALTY. If the violation is not remedied within the time allowed, the person found to be in violation of any provision of this Section, or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village, at its option, may declare the violation a public nuisance if the person fails to remedy the violation within the time allowed.

8.20 PENALTY.

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

CHAPTER 9

PEACE AND ORDER

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
9.01	Loitering of Minors Prohibited		
9.02	Animals Running at Large		
9.03	Keeping Livestock Within the Village Limits		
9.04	Burning of Combustibles		
9.05	Disorderly Conduct		
9.055	Radios and Other Electric Sound Amplification Devices		
9.06	Unlawful Assemblies and Their Suppression		
9.07	Weapons	2001-44	12/4/01
9.08	Shoplifting		
9.09	Trespass on Private or Public Property		
9.10	Criminal Damage to Property		
9.11	Storage of Abandoned, Junked or Dismantled Motor Vehicles		
9.12	Possession of Marijuana		
9.125	Drug Paraphernalia		
9.13	Interference with Law Enforcement and Fire Fighting		
9.14	Theft		
9.15	Possession and Consumption of Intoxicants in or Upon Certain Public Places		
9.155	Offenses Involving Alcohol Beverages by Underage Person		
9.156	Purchase or Possession of Tobacco Products		
9.16	Deposit of Ashes		
9.17	False Fire or Rescue Alarm		
9.18	Village Parks		
9.19	Junkyards Prohibited		
9.20	Fair Housing		
9.21	Fireworks Prohibited		
9.24	Improper Use of 9ll Emergency Telephone System		
9.25	Penalty		
9.29.601–9.961.41	Offenses Against State Laws Subject to Forfeiture		

9.01 LOITERING OF MINORS PROHIBITED.

(1) CURFEW.

(a) No person 15 years or under shall loiter, idle, wander, stroll, play or otherwise be present on foot or in a vehicle upon the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the Village between 9 p.m. and 6 a.m. The provisions of this section shall not apply to a minor 15 years or under accompanied by his parent, guardian or adult person having legal custody or control of the minor, or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, attending an organized social function or pursuing the duties of his employment.

(b) No person 16 or 17 years of age shall loiter, wander, stroll, play or otherwise be present on foot or in a vehicle upon the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the Village between 11 p.m. and 6 a.m. The provisions of this section shall not apply to a minor 16 or 17 years of age accompanied by his parent, guardian or adult person having legal custody or control of the minor, or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, attending an organized social function or pursuing the duties of his employment.

(2) RESPONSIBILITIES OF PARENTS, GUARDIANS, ETC. No parent, guardian or other adult person having legal custody and control of any person under the age of 18 years shall knowingly allow or permit such minor to violate any of the provisions of this section.

9.02 ANIMALS RUNNING AT LARGE.

(1) Any owner or keeper of any horse, mule, cow, swine, goat, geese, sheep, poultry or rabbits shall not let the same run at large upon any public streets, alley or ground within the Village.

(2) The Village Police shall restrain and impound any such horse, cow, mule, swine, goat, geese, sheep, poultry or rabbits found so running at large, and hold and sell the same in the manner provided by Ch. 173, Wis. Stats.

9.03 KEEPING LIVESTOCK WITHIN THE VILLAGE LIMITS.

(1) No person shall erect, place, maintain or continue any stable, pen, coop, yard or other building upon any lot or ground in the Village for the purpose of confining or housing any domestic animal, fur bearing animal or fowl unless the same shall be at least 25' distant from any dwelling, house, apartment, hotel, restaurant, food or drinking establishment or rooming house, school, church or any building wherein people are employed, and unless the floor of such building, stable or coop be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and unless the location of such shall be authorized by the Board of Health.

(2) All stables and other buildings wherein livestock or fur bearing animals are kept shall be provided with fly-tight bins or other tightly closed receptacles for manure, which shall be removed sufficiently often and in such manner as to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground.

(3) Chicken hatcheries and nurseries shall be completely housed in buildings with adequate ventilating systems, the vent outlets of which shall be so located that no objectionable odors shall reach adjacent or surrounding premises or buildings.

(4) All pens, coops, enclosures or yards where domestic animals, fur bearing animals or fowl are confined shall be kept in a clean and sanitary manner and free from objectionable odors at all times.

(5) The Village Health Officer shall strictly enforce the provisions of this section and see that all violations thereof are promptly abated and the violators thereof prosecuted. The Director of Public Safety shall give attention throughout the Village to any case of violation of this section and promptly report to the Health Officer in writing each and every violation of this section within the Village which shall come to his knowledge.

9.04 BURNING OF COMBUSTIBLES.

(1) ORDINANCE PROVISIONS ADOPTED. Section 13-51 through 13-55 of the Racine County Code of Ordinances, and all acts amendatory thereof and supplementary thereto, relating to the burning of combustibles are adopted as a portion of this section so far as applicable to the Village, except as otherwise lawfully provided by Village ordinance.

(2) RESIDENTIAL BURNING. Open fires for the burning of combustible materials by persons owning a one or more than one family residence on that property shall be by

permit only. This permit shall be obtained from the Director of Public Safety or any authorized officer of the Fire Department. The fire must be set by the owner of the property or with his consent. The fire may not burn wet combustible rubbish, garbage, oily substances, asphalt, plastic, rubber products or any substance which creates dense black smoke upon combustion. The fire must be under control of the permit holder at all times. The fire must be not less than 15' from any buildings, structures, fences or piles of combustible materials. All residue from such fires is to be disposed of by permit holder.

9.05 <u>DISORDERLY CONDUCT</u>.

No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

9.055 <u>RADIOS AND OTHER ELECTRIC SOUND AMPLIFICATION DEVICES</u>. (Cr. #099-3)

(1) DEFINITION. Sound-amplifying device means any machine or device for the amplification of the human voice, music or any other sound, but shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

(2) PROHIBITION. No person may operate, park, stop or leave standing a motor vehicle while using a radio or other electric sound-amplifying device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. This subsection does not apply to any of the following:

(a) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

(b) The operator of a vehicle of a public utility, as defined in. §11.40(1)(a), Wis. Stats.

(c) The operator of a vehicle that is being used for advertising purposes.

(d) The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.

(e) The activation of a theft alarm signal device.

(f) The operator of a motorcycle being operated outside of a business or residence district.

(3) IMPOUNDMENT.

(a) In this subsection, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.

(b) A law enforcement officer, at the time of issuing a citation for a violation of Section 9.055(2) may impound any radio, electric sound amplification device or other sound-producing device used in the commission of a violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two or more prior convictions for violating this section within a three (3) year period.

(c) The vehicle in which the radio, electric sound amplification device or other sound-producing device is located may be impounded for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

(d) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of this section and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

(e) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under §342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.

(f) This section does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

(4) PENALTIES. Any person violating this section shall be subject to a forfeiture of not less than $40.00 nor more than $80.00 for the first

violation and not less than $100 nor more than $200 for the second or subsequent violation within a year, in addition to costs of impoundment and prosecution.

9.06 UNLAWFUL ASSEMBLIES AND THEIR SUPPRESSION.

(1) Policemen have a duty to suppress unlawful assemblies within their jurisdiction. For that reason they may order all persons who are part of an assembly to disperse. An "unlawful assembly" is an assembly which consists of three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(2) An "unlawful assembly" includes persons who assemble for the purpose of blocking or obstructing the lawful use of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, dwelling place or any portion thereof and which assembly does, in fact, so block or obstruct the lawful use by any other person of any such private and public thoroughfares, property or any position of access or exit to or from any private or public building, dwelling place or any portion thereof.

(3) No person shall fail or refuse to withdraw from an unlawful assembly which the person knows has been ordered to disperse.

9.07 WEAPONS.

(1) DEFINITIONS.

Concealed shall mean to wear or in any manner carry an object under one's clothes or conceal upon or about one's person.

Dangerous Weapon shall mean any object or instrument which, by its capabilities of use, is capable of producing death or great bodily harm or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The following are dangerous weapons per se: gun, pistol, rifle, airgun, blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, bow and arrow, crossbow and/or shaft, or any instrument which impels a missile by compressed air, spring or other means in the form of a ball, bullet, slug, shot, arrow or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force. In addition, any weapon upon which loaded or blank cartridges are used, cross knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife or any knife which has a blade that

may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade three inches (3") or longer, weapons known as Kung-Fu sticks or chuck sticks, which are basically 2 or more pieces of wood or other material connected by a piece of chain or other material. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

Discharge shall mean to shoot off, fire or release the trigger of any object or instrument that impels or releases a missile by compressed air, spring or other means in the form of a ball, bullet, slug, shot, knife, arrow or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force.

Firearm shall mean any gun, pistol, rifle, air gun, bow and arrow, crossbow and/or shaft, or other device used to propel a missile in the form of a ball, bullet, slug, shot or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force.

Peace officer shall mean any person specifically employed as a law enforcement officer as defined by sec. 165.85(2)(c), Wis. Stats.

(2) PROHIBITIONS.

(a) Concealed Dangerous Weapons. No person, except a bona fide Peace Officer, may go armed with a Dangerous Weapon or carry a Concealed Dangerous Weapon.

State Law Reference: Sec. 941.23, Wis. Stats.

(b) Carrying Of Dangerous Weapons. No person, except a bona fide Peace Officer, shall be found at or upon any public place in the Village carrying or having within his reach any Dangerous Weapon or Firearm, whether Concealed or in plain view. Plain view, within the meaning of this section, does not include weapons carried in a case which do not permit immediate access to such weapon. Private security guards approved by the Director of Public Safety and while on duty are exempt from the prohibition against carrying weapons in plain view.

State Law Reference: Sec. 941.235, Wis. Stats.

(c) Discharge of Dangerous Weapons.

(1) No person, except a bona fide Peace Officer, shall discharge any Dangerous Weapon or Firearm within the Village regardless of whether that person is on privately owned or public property, except as permitted in par. (2) below.

(2) The Discharge of BB guns may be permitted for safety programs recognized and approved by the Village Board.

(3) No person shall throw, toss or propel a Dangerous Weapon at or near another person whether either person is on privately owned or public property.

(3) PENALTY.

(a) Any person violating this section of the Municipal Code of Ordinances shall be subject to the penalty provisions in Section 25.04 of this Code.

(b) Any weapon involved in a violation of any subsection of this ordinance may be seized and held by the Village's Police Department until disposition of any citation or charge issued takes place. Upon conviction of a violation of any subsection, the weapon may be ordered destroyed by the court.

(4) EXCEPTIONS.

(a) The provisions of this Section shall not prohibit the discharge of Firearms in the following cases:

(1) By a bona fide Peace Officer while in the lawful discharge of official duties.

(2) By a member of the Armed Forces of the United States or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.

(3) By a person in the lawful defense of his person or property.

(4) By a person at an approved target range or legal game preserve.

(b) The Village is not required to negate any exception under par. (a). Any person that claims an exception under par. (a) has the burden of proving the exception by a preponderance of the evidence.

(c) A person may have a defense of privilege of self-defense or defense of others in accordance with §939.48, Wis. Stats.

9.08 SHOPLIFTING.

(1) No person shall intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession or the full purchase price of such merchandise.

(2) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(3) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer and/or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

9.09 TRESPASS ON PRIVATE OR PUBLIC PROPERTY.

(1) No person shall:

(a) Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

(b) Enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(c) Hunt, shoot, fish or gather any product of the soil on the premises of another or enter such premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

(d) Enter any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11" square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is in violation of this section.

(4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.

(5) Any authorized occupant of employer provided housing shall have the right to decide who may enter, confer and visit with him in the housing area he occupies.

(6) Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is in violation of this section.

9.10 CRIMINAL DAMAGE TO PROPERTY.

No person shall intentionally cause damage to any physical property of another without the person's consent.

9.11 STORAGE OF ABANDONED, JUNKED OR DISMANTLED MOTOR VEHICLES.

(1) PURPOSE. The purpose of this section is to preserve and promote the public health, safety and welfare, which is endangered by the presence, storage or keeping of abandoned, dismantled, inoperable, junked or wrecked motor vehicles or motor vehicle accessories or equipment on public or private property within the Village, which impedes traffic and road maintenance, reduces aesthetic values and tends to destroy the environment.

(2) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

Motor Vehicle. As defined in §340.01, Wis. Stats.

Motor Vehicle, Abandoned. A motor vehicle which has been left unattended on a public highway or on other property without the permission of the property owner for more than 3 consecutive days.

Motor Vehicle, Dismantled. A motor vehicle which has parts, accessories or equipment removed therefrom so that the same cannot be legally operated upon a public highway.

Motor Vehicle, Inoperable. A motor vehicle which due to damage, wreckage or removal of parts is rendered incapable of being safely or legally operated upon a public highway.

Motor Vehicle, Junked. A motor vehicle which has been dismantled, damaged or wrecked in such a manner that it cannot be safely or legally operated upon a public highway.

Motor Vehicle, Wrecked. A motor vehicle which has been damaged by collision or otherwise and the parts of which have been bent, broken or detached so that it cannot be safely or legally operated upon a public highway.

(3) PROHIBITIONS.

(a) No person shall abandon any motor vehicle within the Village and no person shall leave unattended any motor vehicle on any public highway or on any public or private property within the Village for such time and under such circumstances as to cause the motor vehicle to reasonably appear to be abandoned.

(b) No person having the custody or possession of any abandoned, dismantled, inoperable, junked or wrecked motor vehicle shall dump or store or cause to be dumped or stored any such motor vehicle within the Village and no person having ownership, custody or possession of property within the Village shall dump or store or permit to be dumped or stored any abandoned, dismantled, inoperable, junked or wrecked motor vehicle upon such property; provided, however, that the following shall not be prohibited if the motor vehicle has a currently paid registration with the Wisconsin Department of Transportation:

1. Storage of motor vehicles within a garage complying with the ordinances of the Village.

2. Temporary storage not to exceed 60 days of damaged motor vehicles by a sales or repair business located in a properly zoned area.

(4) REMOVAL OF MOTOR VEHICLES.

(a) Abandoned motor vehicles shall be removed by the Village Police Department and shall be disposed of in accord with the provisions of §342.40, Wis. Stats., as amended. The Director of Public Safety shall be the designated municipal representative to act on behalf of the Village under §342.40.

(b) No person shall cause any abandoned, dismantled, inoperable, junked or wrecked motor vehicle to be removed from any private property where such storage is not permitted to any other property within the Village where such storage is not permitted hereunder.

9.12 <u>POSSESSION OF MARIJUANA</u>.

(1) No person shall have in their possession, use or keep any tetrahydrocannabinol, Cannabis Sativa L. or marijuana unless such substance was obtained pursuant to a prescription of a licensed physician or except as otherwise authorized by law.

(2) Any person who violates this section shall upon conviction thereof be subject to a forfeiture of not less than $100 nor more than $500 and in default of payment shall be imprisoned in the county jail not more than 30 days.

9.125 <u>DRUG PARAPHERNALIA</u>. (Cr. #095-8)

(1) DEFINITIONS. As used in this section:

Drug paraphernalia means all equipment, products and materials of any kind which are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this section. "Drug paraphernalia" includes, but is not limited to:

(a) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(b) Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(c) Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant which is a controlled substance.

(d) Testing equipment used, designed for use or primarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(e) Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances.

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances.

(g) Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances.

(i) Capsules, balloons, envelopes or other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances.

(j) Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances.

(k) Hypodermic syringes, needles and other objects used, designed for use or primarily intended for use in parenterally injecting controlled substances into the human body.

(l) Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water pipes.

3. Carburetion tubes and devices

4. Smoking and carburetion masks.

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

6. Miniature cocaine spoons and cocaine vials.

7. Chamber pipes.

8. Carburetor pipes.

9. Electric pipes.

10. Air-driven pipes.

11. Chilams.

12. Bongs.

13. Ice pipes or chillers.

Primarily means chiefly or mainly.

(2) DETERMINATION OF DRUG PARAPHERNALIA.

(a) In determining whether an object is drug paraphernalia, the following shall be considered, in addition to any other legally relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.

3. The proximity of the object, in time and space, to a direct violation of this section.

4. The proximity of the object to controlled substances.

5. The existence of any residue of controlled substances on the object.

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

7. Oral or written instructions provided with the object concerning its use.

8. Descriptive materials accompanying the object which explain or depict its use.

9. National and local advertising concerning its use.

10. The manner in which the object is displayed for sale.

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

12. The existence and scope of legitimate uses for the object in the community.

13. Expert testimony concerning its use.

(b) In determining under this section whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.

(c) In determining under this section whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

(3) PROHIBITED ACTIVITIES.

(a) Possession of Drug Paraphernalia. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.

(b) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.

(c) Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates sub. (3)(b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

(d) Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This section does not prohibit the possession, manufacture, delivery or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

(4) PENALTIES.

(a) Any drug paraphernalia possessed in violation of this section shall be seized and forfeited to the Village.

(b) Any person who violates sub. (3)(a) or (b) shall, upon conviction, be subject to a forfeiture of not more than $250, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.

(c) Any person who violates sub. (3)(c) shall, upon conviction, be subject to a forfeiture of not more than $500, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.

9.13 <u>INTERFERENCE WITH LAW ENFORCEMENT AND FIRE FIGHTING</u>.

(1) INTERFERENCE WITH LAW ENFORCEMENT. No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority. In this section:

Obstructs. Includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.

Officer. A peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.

(2) INTERFERENCE WITH FIREFIGHTING. No person shall intentionally interfere with the proper functioning of a fire alarm system or the lawful efforts of firefighters to extinguish a fire.

(3) INTERFERENCE WITH FIRE FIGHTING EQUIPMENT. No person shall interfere with, tamper with or remove without authorization any fire extinguisher, fire hose or any other fire fighting equipment.

(4) INTERFERENCE WITH FIRE HYDRANTS. No person shall interfere with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission.

9.14 <u>THEFT</u>.

(1) ACTS. No person shall:

(a) Intentionally take or carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with the intent to deprive the owner permanently of possession of such property.

(b) By virtue of his office, business or employment, or as a trustee or bailee, having possession or custody of money or of a negotiable writing of another, intentionally use, transfer, conceal or retain possession of such money, security, instrument, paper or writing without the owners consent, contrary to his authority, and with the intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money, security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as a trustee or bailee, upon the demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.

(c) Having a legal interest of movable property, intentionally and without consent, take such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(d) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with the intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with the intent not to perform it if it is a part of a false and fraudulent scheme.

(e) Intentionally fail to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired.

(2) DEFINITIONS. In this section, the following definitions shall apply:

Property. All forms of tangible property, whether real or personal, without limitation, including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

Property, Movable. Property whose physical location can be changed, without limitations, including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

Property of Another. Includes property in which the actor is a co-owner and the property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

Value. The market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

9.15 POSSESSION AND CONSUMPTION OF INTOXICANTS IN OR UPON CERTAIN PUBLIC PLACES.

(1) No person shall sell, serve or give to another person, or offer to sell, serve or give to another person, any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk or within a parked motor vehicle located on any public street or alley within the Village.

(2) No person shall consume or possess an open container containing any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk, or within a parked vehicle located on any public street or alley within the Village.

(3) No person under the legal drinking age unaccompanied by a parent, guardian or spouse who has attained the legal drinking age shall possess, transport or have under his control any alcohol beverage in any motor vehicle, unless such person is employed by a liquor licensee and such possession is during regular working hours and in the course of his employment.

9.155 OFFENSES INVOLVING ALCOHOL BEVERAGES BY UNDERAGE PERSONS. (Cr. #92-20)

(1) DEFINITIONS. The definitions set forth in §125.02, Wis. Stats., and any amendments thereto are incorporated by reference as though fully set forth herein.

(2) PROHIBITIONS. No underage person shall do any of the following:

(a) Knowingly possess or consume alcohol beverages, unless accompanied by his parent, guardian or spouse who has attained the legal drinking age.

(b) Procure or attempt to procure alcohol beverages from a licensee or permittee.

(c) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possess or consume alcohol beverages on licensed premises. This paragraph shall not apply, however, to possession of an alcohol beverage

during the course of employment as authorized in §125.07(4)(bm), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

(d) Enter, knowingly attempt to enter or is on a licensed premises in violation of §125.07(3), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

(e) Falsely represent his age for the purpose of receiving alcohol beverages from a licensee or permittee.

(f) Intentionally carry an official identification card not legally issued to him, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

(g) Make, alter or duplicate an official identification card purporting to show that he has attained the legal drinking age.

(h) Present false information to an issuing officer in applying for an official identification card.

(i) Intentionally carry an official identification card or other documentation showing that the person has attained the legal drinking age with knowledge that the official identification card or documentation is false.

(j) Provide to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age with knowledge that the official identification card or documentation is false.

(3) PENALTIES.

(a) Any person violating any of the prohibitions of sub. (2) is subject to a forfeiture as set forth in §125.07(4), Wis. Stats., suspension of the person's operating privilege in accordance with §343.30(6), Wis. Stats., participation in a supervised work program in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

(b) The court may also impose the additional orders set forth below:

1. In this paragraph "defendant" means a person found guilty of violating any of the prohibitions of sub. (2) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (a), the court with the agreement of the defendant may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this subparagraph shall require the defendant to submit to an alcohol abuse assessment, participate in an outpatient alcohol abuse treatment program, participate in a court approved alcohol abuse education program or any combination of the above. The types of alcohol abuse treatment programs to be utilized and the procedure to be followed by the court and defendant are set forth in §125.07(4) (e), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

9.156 <u>PURCHASE OR POSSESSION OF TOBACCO PRODUCTS</u>. (Cr. #093-18)

(1) DEFINITIONS.

(a) "Cigarette" has the meaning given in §139.30(1), Wis. Stats.

(b) "Law enforcement officer" has the meaning given in §30.50(4s), Wis. Stats.

(c) "Tobacco products" has the meaning given in §139.75(12), Wis. Stats.

(2) PROHIBITIONS. No person under the age of 18 shall:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(3) EXCEPTION. A child may purchase or possess cigarette or tobacco products for the sole purpose of resale in the course of employment during his working hours, if employed by a retailer licensed under §134.65, Wis. Stats.

(4) SEIZURE. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) committed in his presence.

(5) PENALTIES. Any person violating this section shall be subject to the penalty provisions in Section 25.04 of this Municipal Code.

9.16 <u>DEPOSIT OF ASHES</u>.

No person shall deposit any ashes or residue from any fire anywhere within the Village within 24 hrs. after same have been taken from any stove, furnace, fireplace or other similar place, unless the deposit is made into some noncombustible receptacle, and upon deposit in such receptacle the same shall not be removed or redeposited elsewhere during the 24-hour period.

9.17 FALSE FIRE OR RESCUE ALARM.

No person by any means or in any manner shall give, make or cause anyone else to give or make any false, misleading or untruthful call or alarm which causes or which is given under such circumstances as to be likely to cause any fire department or rescue equipment to respond with men or equipment as if to attend an actual fire or rescue call.

9.18 VILLAGE PARKS.

(1) Village parks shall be closed to all persons between 10 p.m. and 6 a.m. on the following day, with the exception of supervised activities such as ball games or special events.

(2) No person shall have in his possession or consume intoxicating beverages while in any of the Village parks except that beer and soda may be sold and consumed at the Municipal Park under the following conditions:

(a) A permit is obtained from the Clerk/Treasurer and approved by the Village Board.

(b) A licensed bartender is on the premises at all times.

(c) Only beer and soda shall be served.

(d) Service and consumption shall only be in the area specified by the Village.

(e) Only beer and soda sold or served by the licensee shall be permitted.

(3) No dogs are allowed in any Village park.

(4) No unauthorized motor driven vehicles will be allowed in any Village park.

(5) No bike riding is permitted in any Village park.

(6) No glass containers are permitted in any Village park.

(7) No horses are allowed in any Village Park.

9.19 JUNKYARDS PROHIBITED.

(1) No person shall maintain or operate a junkyard within the Village.

(2) For the purposes hereof, a junkyard is defined as a yard or place for the storage of rags, rope, paper, old metal, glass objects, broken or damaged automobiles or such other material commonly classified and identified as junk.

9.20 FAIR HOUSING. (Cr. #092-17)

(1) DECLARATION OF POLICY. It is hereby declared to be the policy of the Village pursuant to the constitutions of the United States and the State and its power to protect the public health, safety and general welfare that all persons, regardless of sex, race, color, handicap, religion, national origin, sexual orientation, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry, are entitled to fair and equal access to housing.

(2) DEFINITIONS. In this section, unless the context requires otherwise, the following definitions apply:

Discriminate and Discrimination. Segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, religion, national origin, sexual orientation, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

Handicap. Any physical disability or development disability as defined in §51.01(5)(a), Wis. Stats.

Housing. Any improved property, including any mobile home as defined in §66.058, Wis. Stats., which is used or occupied or is arranged, intended or designed to be used or occupied as a home or residence.

Person. Any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee manager, employee or any other agent of any such person.

Unimproved Residential Lot. Any residential lot upon which no permanent building or structure containing living quarters has been constructed.

(3) PROHIBITED ACTS.

(a) No person shall discriminate in the Village:

1. By refusing to sell, lease, finance or construct housing or by refusing to discuss the terms thereof.

2. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

3. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

4. By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in housing.

5. For a person in the business of insuring against hazards, by refusing to enter into or by exacting different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling.

6. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(b) No person shall induce or attempt to induce any other person to sell, rent or lease any dwelling in the Village by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin or economic status or by representations to the effect that such present or prospective entry will or may result in:

1. The lowering of real estate values in the area concerned;

2. A deterioration in the character of the area concerned;

3. An increase in criminal or antisocial behavior in the area concerned; or

4. A decline in the quality of the schools or other public facilities serving the area.

(c) No person in the Village may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this

section or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.

(4) ACTS NOT PROHIBITED.

(a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(d) Nothing in this section shall be deemed to prohibit an owner or his agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning his family, marital, financial and business status, but not concerning race, color or creed.

(5) PENALTIES.

(a) Any person who willfully violates this section shall for the first such violation forfeit not less than $100 nor more than $1,000. In default of such payment, the violator shall be imprisoned in the county jail for not less than 5 days nor more than 30 days.

(b) Any person adjudged to have violated this section within 5 years after having been adjudged to have violated this section shall, for every violation committed within the 5 years, forfeit not less than $1,000 nor more than $10,000. In default of such payment, the violator shall be imprisoned in the county jail for not less than 30 days nor more than one year.

(c) Payment of any forfeiture under this section shall be stayed during pendency of any appeal.

9.21 FIREWORKS PROHIBITED. (Cr. #095-26)

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks within the Village.

(1) FIREWORKS DEFINED. Any firecracker, blank, cartridge, toy pistol or cannon or cane in which explosives are used, contrivances using nonpaper caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedo, sky rocket, Roman candle, aerial salute, American or Chinese bomb or other device of like construction and any similar device containing any explosive or flammable compound, nitrates, chlorates, exalates, sulphide of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound of the same and commonly known as fireworks.

(a) The above ban shall not apply to any of the following commonly found in permanent retail outlets such as department stores and supermarkets:

1. Toy pistols, canes, guns or other devices using paper caps made in accordance with U.S. Interstate Commerce Commission regulations. Paper caps also are permitted.

2. Gold Star producing sparklers on wires which contain no magnesium, chlorate or perchlorate.

3. Toy snakes which contain no mercury.

4. Smoke novelties and party novelties which contain less than ¼ gram of explosive mixtures.

(b) The above mentioned list of fireworks excepted from the ban may only be used on private property and shall not be permitted on public property. Streets, alleys, parks and parkways are considered public property where fireworks are banned.

(2) EXCEPTIONS. Nothing contained in this section shall prohibit fireworks in the following circumstances:

(a) For use in pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals when a permit to do so has been issued by the Director of Public Safety or his designee. The Director of Public Safety may issue such permits as he deems advisable under the circumstances of each case, but the issuance of any such permit shall not be deemed a guarantee by the Fire Department or the Village

that the use of any fireworks shall be safe. In addition, the Director of Public Safety or his designee may specify in such permit the days when valid and may further limit the times of the day when the pyrotechnic display may be held. If the Director of Public Safety denies a request for a permit, the applicant may appeal to the Village Board to review the decision.

(b) The use or sale of blank cartridges for circus or theatrical purposes, for signal purposes in athletic or sports events or for use by militia, police or military organizations, and the use or sale of colored flares or torpedoes for railway, aircraft or highway signal purposes.

(c) The sale by a resident wholesaler, dealer or jobber at wholesale, but only when the same are shipped or delivered directly outside the State or to an organization or group permitted to use the same under the provisions of par. (a) above or the Wisconsin Statutes.

9.24 <u>IMPROPER USE OF 911 EMERGENCY TELEPHONE SYSTEM</u>. (Cr. #098-08)

(1) <u>DEFINITION</u>. "911 Emergency Telephone System" shall mean an emergency telecommunications system as defined in §146.70(1)(i), Wis. Stats.

(2) <u>PROHIBITIONS</u>.

(a) No person shall use the 911 emergency telephone system for regular business or non-emergency calls.

(b) No person shall use the 911 emergency telephone system to report an emergency, knowing that the fact situation which he or she reports does not exist.

(3) <u>PENALTIES</u>.

(a) First Offense. Any person who violates subsection (2)(a) or (2)(b) shall, upon conviction thereof, be subject to a forfeiture of not more than $300.00, together with the costs of prosecution.

(b) Second Offense. Any person found guilty of violating subsection (2)(a) or (2)(b) who has previously been convicted of a violation of the same ordinance within 4 years shall, upon conviction thereof, be subject to a forfeiture of not more than $500.00 for each such offense, together with the costs of prosecution.

9.25 PENALTY.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. In addition to any penalty imposed for violation of Section 9.943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates Section 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.

9.29.601–9.961.41 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (Am. #091-13; #095-27)

The following statutes following the prefix "9" defining offenses against the peace and good order of the State of Wisconsin, as set forth in the Wisconsin Statutes, as amended from time to time, are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Section 25.04 of this Municipal Code:

9.29.601(3)(a)	Throwing Refuse in Waters
9.110.075(7)	Producing, Manufacturing or Using Inspection Sticker Fraudulently
9.134.06	Motor Vehicles Sales/Bonus to Chauffeurs for Purchases Forbidden
9.134.66	Sale or Gift of Cigarettes or Tobacco Products to a Child
9.146.70	Statewide Emergency Services Number
9.175.25	Illegal Storage of Junked Vehicles
9.218.0145	Used Cars/Prohibited Acts
9.218.0147	Motor Vehicles/Sale to Minor
9.254.76	Causing Fires by Tobacco Smoking
9.285.30(6)	Tampering with Pollution Control System or Mechanism
9.939.05	Parties to Crime
9.939.22	Words and Phrases Defined
9.939.32	Attempt
9.940.19(1)	Battery
9.941.10	Negligent Handling of Burning Materials

9.941.12(2), (3)	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20(1)	Reckless Use of Weapon
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.943.01(1)	Criminal Damage to Property (Less than $1,000)
9.943.07	Criminal Damage to Railroad
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.20	Theft (Less than $500)
9.943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator ($500 or Less)
9.943.22	Use of Cheating Tokens
9.943.23(2)	Operate Auto Without Owner's Consent
9.943.24	Issue of Worthless Checks
9.943.50	Shoplifting
9.944.15	Fornication
9.944.17	Sexual Gratification
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.34	Keeping Place of Prostitution
9.945.01	Definitions Relating to Gambling
9.945.02	Gambling
9.945.03	Commercial Gambling
9.945.04	Permitting Premises to Be Used for Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42(1)	Escape
9.946.44	Assisting or Permitting Escape
9.946.69	Falsely Assuming to Act as a Public Officer or Employee
9.946.70	Impersonating Peace Officers
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.047	Metal or Glass Debris in or on the Shore of Any Body of Water
9.947.06	Unlawful Assemblies and Their Suppression
9.948.40	Contributing to the Delinquency of a Child
9.948.45	Contributing to Truancy
9.951.01–9.951.18	Crimes Against Animals

9.961.41(1)	Unlawful Manufacture, Distribution or Delivery of Controlled Substance
9.961.41(3g)	Possession of Controlled Substance

CHAPTER 10

PUBLIC NUISANCES

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
10.01	Public Nuisances Prohibited		
10.02	Public Nuisance Defined		
10.03	Public Nuisances Affecting Health		
10.04	Public Nuisances Offending Morals and Decency		
10.05	Public Nuisances Affecting Peace and Safety		
10.06	Dutch Elm Disease		
10.07	Emission of Dense Smoke		
10.08	Cleanup of Animal Waste Products	2000-26	11/21/00
10.10	Abatement of Public Nuisances		
10.11	Cost of Abatement		
10.12	Penalty		

10.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

10.02 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time 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 of 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 or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 10.02:

(1) ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hrs. after death.

(3) BREEDING PLACES FOR INSECTS OR VERMIN. 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 can breed.

(4) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) PRIVY VAULTS AND GARBAGE GANS. Privy vaults and garbage cans which are not flytight.

(6) NOXIOUS WEEDS. All noxious weeds, as defined in §66.96, Wis. Stats., and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed 1'. The Village may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under §66.60(16), Wis. Stats.

(7) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(8) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

(9) STREET POLLUTION. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

(10) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 10.02:

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. (Rep. & recr. #095-28) All gambling devices, slot machines and punch boards. Gambling devices include, but are not limited to, video games that simulate one or more games commonly referred to as poker, blackjack,

craps, hi-lo, roulette or other common gambling forms, though not offering the player the opportunity to obtain something of value. The term also includes any video game that awards game credits or replays and contains a meter or device which records unplayed credits or replays,

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

(4) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

10.05 <u>PUBLIC NUISANCES AFFECTING PEACE AND SAFETY</u>.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.02:

(1) DANGEROUS SIGNS, BILLBOARDS, ETC. All signs, 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.

(2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Village ordinances relating to materials and manner of construction of buildings and structures within the Village.

(3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any device, sign or signal.

(4) OBSTRUCTION OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or

highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) LOW-RANGING TREE LIMBS. See Section 8.11(3) of this Municipal Code.

(6) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS. All use or display of fireworks except as provided by State laws and Village ordinances.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(9) LOW HANGING WIRES AND CABLES. All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

(10) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.

(11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(12) UNLAWFUL ASSEMBLIES. 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.

(13) BLIGHTED BUILDINGS AND PREMISES. Premises existing within the Village which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Village. Elimination and prevention of blighted premises in the future is in the best interest of the citizens and this shall be fostered and encouraged by this chapter. It is essential to the public interest that this chapter be liberally construed to accomplish the purposes of this subsection.

10.06 DUTCH ELM DISEASE.

(1) DEFINITIONS. Whenever used in this section, unless a different meaning is apparent from the context, the following terms shall have the meanings indicated:

Disease. The Dutch elm disease, a fatal disease of elms caused by the fungus Ceratostomella ulmi Buisman, as well as the casual fungus.

Forester. The Village Board or their appointed representative.

Owner. The owner of real estate or the person in possession of real estate and shall include any person, firm or corporation.

Tree Material. Any elm firewood, stump, log, branch or other bark bearing part of an elm tree.

Vector. The native elm bark beetle Hylurgopinus refipes (Eichh.) and the small European elm bark beetle Scolytus multistriatus (Marsh) which transmit the fungus to elm trees and elm material.

(2) PERMISSION TO VILLAGE EMPLOYEES. Every owner in the Village shall permit employees of the Village to enter upon such real estate for the purpose of examining trees. If it shall appear to any Village employee that an elm tree may be diseased, such employee shall be permitted to take the necessary sample of wood from the tree for diagnosis.

(3) NOTICE TO OWNER. If an examination made as above provided or made at the instance of the owner discloses that the tree has the disease, the Forester shall give notice to the owner at his last known address to have such diseased tree cut down and the same destroyed by burning within 5 days of giving such notice. If the owner does not so cut down the diseased tree and destroy the same by burning within 5 days after such notice is given, such tree shall be cut down and destroyed by burning by Village employees on order of the Forester. Accurate record of the expenses of such cutting and burning shall be made and a report thereof given to the Clerk/Treasurer, who shall enter the amount against the respective real estate in the next and subsequent tax roll as a special tax against such real estate, and the same shall be collected in all respects like other Village taxes upon real estate.

(4) INFECTED ELM SHALL NOT BE KEPT, STORED, SOLD OR TRANSFERRED.

(a) No owner shall keep, store, sell, offer for sale, give away or transfer any elm tree material which is infected with the fungus or infested with the vector or transport the same into or within the Village except for the purpose of immediately destroying the same by burning; or, if not so infected or infested without removing and burning the bark, or treating such elm material with a complete covering of an approved vector destroying chemical.

(b) Every owner in the Village shall permit Village employees to enter upon their real estate and every garage or other structure thereof for the purpose of determining whether any elm material infected with the fungus or infested with the vector is located on such real estate. Each owner shall permit such employee to take a sample of any elm material for the purpose of determining whether it is infected with the fungus or infested with the vector and if the examination of such sample discloses that any such material is so infected or infested, the Forester shall notify the owner to destroy by burning all of such elm material located on such real estate or any structure thereon.

(c) If the examination of the elm sample obtained as above described discloses that the elm material is not infected with the fungus or infested with the vector, the Forester shall notify the owner that the elm material is not infected or infested, but that the owner shall remove and burn the bark or treat such elm material with a complete covering of an approved vector destroying chemical. The owner shall notify the Forester in writing of his compliance.

(d) If the owner does not comply with any notice given as provided in this section within 10 days after the same is given, then, on order of the Village Board, Village employees will remove all such infected and infested elm material and all such elm material not infected and infested and burn the same. Accurate account of the expense of removal and burning shall be kept and report made to the Clerk/Treasurer who shall enter the amount thereof on the tax roll as provided in the preceding section.

(5) SPRAYING ELM TREES ON PRIVATE PROPERTY. When it has been determined that the disease is present in the Village, either in elm trees or in elm material, a spray program to protect all living elms of the Village shall be initiated which shall be in accord with the currently approved recommendations of the State of Wisconsin Dutch Elm Disease Committee; provided that, at the discretion of the Forester, this spray program shall commence with the confirmation of the disease in areas adjacent to the Village. Notice of the necessity of spraying elm trees on private property shall be given by the Forester to the owner and unless such owner shall have had such elm trees sprayed within 10 days of the time of giving such notice and have provided satisfactory evidence to the

Forester that any private spraying was done in accordance with prescribed procedure, Village employees shall spray such trees. Accurate record shall be kept of the cost of such spraying and report made to the Clerk/Treasurer, who shall enter the amount thereof on the tax roll as provided for in the preceding sections.

(6) DEAD OR DYING WOOD TO BE REMOVED FROM EVERY ELM TREE. Each owner of real estate in the Village shall cause all dead or dying wood to be removed from every elm tree on his real estate and to be burned. In the event that it appears to any Village employee that there is dead wood in any elm tree on private property in the Village, the Village Board shall cause notice to be given, then Village employees shall remove the same and burn it. Accurate record of the cost of removing and burning such dead wood shall be kept and report made to the Clerk/Treasurer, and the amount thereof shall be entered on the next and subsequent tax roll and collected as a special tax against such real estate as provided in the preceding sections.

10.07 EMISSION OF DENSE SMOKE.

To emit or cause or permit to be emitted into the open air within the corporate limits of the Village any dense smoke is hereby declared to be a nuisance, and the same is hereby prohibited. The owner of any stationary locomotive engine, portable boiler or furnace or tar kettle, and any officer, manager or agent of any corporation owning a stationary or locomotive engine, portable boiler or furnace or tar kettle, and the owner, lessee or occupant of any building, and any officer, manager or agent of any corporation or company owning, leasing or occupying any building from which dense smoke is permitted or allowed to issue or to be emitted within the corporate limits of the Village, shall be guilty of an offense.

10.08 CLEANUP OF ANIMAL WASTE PRODUCTS**.**

(1) ANIMAL WASTE NUISANCE. It shall be unlawful for any person in immediate control of any dog or cat to permit fecal matter, which is deposited by such animal while off of its own premises, to remain on any public property or private property, which is not owned or occupied by such person. It shall be solely the responsibility of the person in control of said dog or cat to immediately, after deposit, remove all fecal matter and dispose of the same. A proper disposal of the fecal matter shall be to place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.

(2) REMOVAL DEVICE OR OBJECT. Any person causing or permitting a dog or cat to be on any property, public or private, not owned or occupied by such person, shall have in his or her immediate possession a device or object suitable

for removal of excrement and subsequent disposal on the property owned or occupied by such person pursuant to Subsection (1).

(3) EXCEPTIONS. This Section shall not apply to a person, who is visually disabled, and in control of a service dog.

10.10 <u>ABATEMENT OF PUBLIC NUISANCES</u>.

(1) ENFORCEMENT. The Director of Public Safety and Village Administrator shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make inspections periodically and upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) SUMMARY ABATEMENT. If the inspecting officer determines that a public nuisance exists within the Village, and there is great and immediate danger to public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) ABATEMENT AFTER NOTICE. If the inspecting officer determines that a public nuisance exists on private premises, but that such nuisance does not threaten great and immediate danger to public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If the nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in sub. (2).

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.

(5) COURT ORDER. Except when necessary under sub. (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

10.11 <u>COST OF ABATEMENT</u>.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall he collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.12 PENALTY.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

CHAPTER 11

HEALTH AND WELFARE

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
11.01	Authority and Duties of the Health Officer		
11.02	Communicable Disease		
11.03	Garbage, Ashes and Rubbish		
11.04	Collection, Removal and Disposal of Garbage		
11.06	Disposal of Human Excreta and Liquid Waste		
11.07	Trailers, Tents, Garages, Motorized Vehicles and Boats as and for Dwellings	2003-19	6/17/03
11.08	Property Maintenance Code		
11.09	Regulation of Stagnant Pools		
11.10	Hazardous Wastes		
11.11	Recycling		
11.12	(Rep. #099-5)		
11.13	Unlawful Removal of Items Deposited for Collection	2000-29	12/5/00
11.14	Use of Balconies and Patios in Rental Units	2001-34	11/6/01
11.15	Use of Mini-Storage Units	2001-35	11/6/01
11.25	Penalty		

11.01 AUTHORITY AND DUTIES OF THE HEALTH OFFICER.

(1) The Health Officer of the Village:

(a) May make an annual sanitary survey and maintain a continuous sanitary supervision of the territory.

(b) May make a sanitary inspection periodically of all school buildings and places of public assemblage and report thereof to those responsible for the maintenance thereof.

(c) Shall promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.

(d) Shall take steps necessary to secure prompt and full reports of communicable diseases and prompt and full registration of births and deaths.

(e) Shall enforce the health laws and the rules and regulations of the Department of Health and Family Services.

(f) May inspect all stores, public buildings and other places of business for the purpose of enforcing this chapter and the rules and regulations of the Board of Health. These inspections may include:

1. Plumbing.

2. Refuse handling and disposal.

3. Sanitary conditions.

4. Public drinking fountains.

(g) Shall keep a record of all official acts.

(h) Shall report to the Department of Health and Family Services as required.

(i) Shall perform such other duties as are required by this Municipal Code or the Wisconsin Statutes.

(2) The Health Officer shall enforce strictly the provisions of this chapter and see that all violations are promptly abated and the violator thereof prosecuted, and the Health Officer and Sanitary Inspector shall give attention throughout the Village to any case of violation of this chapter and promptly report to the Village Board in writing every violation within the Village which shall come to their knowledge.

(3) The Health Officer shall make a monthly report which shall be submitted to the Clerk/Treasurer for distribution to all Village Trustees at the first Board meeting of each month.

11.02 COMMUNICABLE DISEASES.

(1) DEFINED. Those diseases which are in fact communicable and so designated by the Department of Health and Family Services under Ch. 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, are hereby declared to be communicable within the meaning of this and subsequent sections.

(2) PROVISIONS ADOPTED. Chapter 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, are adopted by reference and made a part of this chapter, and the Health Officer shall enforce the provisions thereof.

11.03 GARBAGE, ASHES AND RUBBISH.

(1) For the purpose of this section, waste materials are defined as follows:

Ashes. Waste products of coal and other fuels used for industrial purposes and in homes for cooking and heating.

Garbage. Organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food from any source whatever.

Rubbish and Refuse. Paper, rags, metal, wood, glass, crockery, packing materials, used boxes, used barrels, tree branches, grass clippings, leaves, yard and garden debris, used furniture, used bedding, tin, cans, ashes, discarded articles and machines, and all other household and business wastes not classified as garbage or as construction wastes.

(2) No person shall deposit or cause to be deposited in any street or public or private alley any garbage, ashes, rubbish, cuspidor cleanings, offal, carcasses, manure or any animal or vegetable waste thereon, or by transferring any filth from his own lot to that of another.

(3) No part of the contents or substance from any sink, privy, cesspool or any manure, ashes, garbage, rubbish or waste water shall be thrown upon any street or public place by any person or be allowed to run or drop upon or remain in any street or public place, nor shall the same be allowed to fall or run into any waters surrounding or flowing through the Village save through the public sewers, where available.

(4) No person shall store or accumulate refuse on any vacant or occupied lot or premises in the Village except at licensed junkyards, Village dumps, and, with respect to grass clippings, leaves, and yard and garden debris, in a compost container for personal recycling.

(5) Every owner, lessee, tenant, manager or occupant of any lot, building or premises, including place of business, hotel, restaurant, rooming house, apartment, tenement or other establishment shall keep the same at all times in a clean, inoffensive and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are regularly

intended. Any accumulation of refuse is hereby declared to be a nuisance and to be dangerous to the public health and welfare.

(6) No owner, lessee, tenant, occupant or manager of any building shall permit any infestation of vermin or rodents or the accumulation of any filth, garbage, ashes, rubbish, or offal in any hall, home, closet, cellar, attic, yard, shed, garage, outbuilding or on any other place or any such premises.

(7) The occupant of every single or 2 family dwelling, or the operator of every boarding house, restaurant or place of business who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide proper and conveniently located receptacles sufficient to receive all garbage, ashes, rubbish and other wastes between the times of collection. Proper garbage receptacles shall be watertight, provided with a tight fitting cover which shall not be removed except when necessary to place garbage in such cans or to empty or cleanse the same. All garbage accumulating between the times of collection shall be placed in such cans.

(8) All the operators of every apartment or flat accommodating more than two families shall provide cubic yard containers or compactors for storage and disposal of garbage. Such containers or compactors shall be equipped with self-closing covers.

(9) No occupant of any dwelling, house, building or structure, regardless of how such occupant came into occupancy of such premises, shall vacate any such premises without first removing or causing to be removed and properly disposing of all waste materials as defined in this section.

11.04 COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE.

(1) The words "garbage" and "offal" as used in this section shall be held to include every refuse, accumulation of animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruits and vegetables.

(2) The Health Officer is hereby authorized and directed to conduct and control the collection, removal and disposal of garbage in the Village in conformity with the following regulations:

(a) Garbage shall be prepared for collection by draining, wrapping and placing in a garbage receptacle which shall be of metal or plastic with a tight fitting closure and equipped with a handle or bail and except when otherwise especially permitted shall have a capacity of not more than 2 bushels.

(b) Receptacles shall be in an easily accessible place as the Health Officer may direct, shall be promptly delivered to the collector without delay and shall be promptly returned by the collector to the place; and no person excepting for the purpose authorized shall in any manner interfere with such receptacle or the contents thereof.

(c) Garbage shall be collected by the collector from householders at such intervals and in such manner as specified in the contract. Garbage accumulated by restaurants, hotels or other public eating places, or by wholesale or retail purveyors of food, may be collected and the Health Officer may require that garbage in excess of what can be handled by regular garbage collection be delivered to the municipal destruction plant or dump provided for that purpose.

(d) All vehicles or conveyors, whether publicly or privately owned, used for the collection or transportation of garbage shall be covered and so constructed as not to leak or spill, shall be kept clean and as free from offensive odors as possible and shall not be kept in any street, alley or public place, nor upon any private premises within the Village limits longer than is reasonably necessary to collect the garbage, except by permission of the Health Officer.

(e) All garbage and offal following collection shall be disposed of in the municipal destruction plant or under the direction of the Health Officer in a manner approved by him, except that garbage shall not be permitted to be buried in the earth or fed to swine on any premises within the Village.

(f) The expense of collection, removal and disposal of garbage shall be paid by the Village. To carry out the terms of this section the Village Board is empowered to employ all necessary labor and acquire and maintain the necessary equipment under terms approved by it or to enter into a private contract to handle the same.

(g) The Village Board shall make and publish such additional rules and regulations as may be found necessary for the proper collection, removal and disposal of garbage in the Village.

(h) No person, unless authorized to do so by the Health Officer, shall gather, collect, transport or have in his possession in any public street, alley or public place within the Village any garbage or offal.

(i) All garbage and offal will be placed at the proper point before 6 a.m. on the day of collection, but not before noon the day prior to collection.

(3) HANDLING AND DISPOSAL OF RECYCLABLES. (Cr. #092-7)

(a) Definitions.

Recyclables. All material having a present, economic, reusable value. Materials include glass containers, plastic containers, aluminum, tin, cardboard, newsprint and magazines.

Solid Waste Generator. Any person, organization or entity that generates solid waste within the Village.

(b) Separation Required. Every solid waste generator shall separate for disposal purposes garbage from recyclables as defined in par. (a). Disposal of such categories of solid waste shall be in accordance with this subsection.

(c) Drop-Off Center.

1. Solid waste generators may, upon showing proof of residency, dispose of recyclables at a drop-off center designated by the Village. Such disposal shall be during the hours and on the days determined by the Village.

2. Solid waste generators may drop off commingled recyclables at the designated site. Recyclables must be emptied from all containers and the containers, including bags, removed. Newsprint, cardboard and magazines to be separated. Nothing other than recyclables may be disposed of at the Village drop-off center.

(d) Recyclables Disposal; Preparation. Recyclables must be prepared for disposal as follows:

1. Glass Containers. Clear and colored; covers, metal and plastic bands removed; containers thoroughly rinsed. No plate glass, ceramics or clay items.

2. Plastic Containers. Plastic milk jugs and other containers with recyclable number codes 1, 2, 3 and 5, rinsed thoroughly. Discard covers, lids and rings. Remove any polystyrene or plastic label/wrap. No plastic bags or egg cartons.

3. Aluminum. Rinse out thoroughly. Any articles, such as TV dinner trays, foil wrap, potpie pans and aluminum cans.

4. Tin. Includes steel containers or combination steel and aluminum (bi-metal) containers. Thoroughly rinsed and crushed.

5. Newsprint. Bundled or stacked in paper bags or tied securely in manageable bundles. Newsprint shall be kept separate from other recyclable materials.

6. Magazines, Catalogs. Bundled or stacked in paper bags or tied securely in manageable bundles. Magazines and catalogs shall be kept separate from other recyclables.

7. Corrugated cardboard. Large quantities shall be bundled or cut up and placed in a cardboard box. No chipboard, such as cereal, cake or detergent boxes or 12 pack cartons. Cardboard shall be kept separate from other recyclables.

8. Waste Oil Disposal. Waste oil is banned from landfills and may not be placed in waste containers. Waste oil may be disposed of by dumping it into either of the tanks marked "Waste Oil" located behind the Village garage (Michigan Ave.). No containers may be left at site.

(e) General Prohibition. No recyclables shall be disposed of at the Village drop-off center in any manner other than as prescribed in this subsection.

11.06 DISPOSAL OF HUMAN EXCRETA AND LIQUID WASTE.

(1) No person shall build, erect, maintain, occupy or use any residence, place of business or other building in the Village wherein persons reside, congregate or are employed without providing for the use of such occupants adequate and properly maintained water closets and sinks conforming to the State Plumbing Code and local plumbing regulations or without providing a sanitary septic tank, constructed according to the plans and specifications approved by the state agency with jurisdiction over the same.

(2) The owner or agent of each building in the Village which abuts any street, alley or way along which there are public sewer or water lines or is within 250' of such a sewer or water line in the street abutting the property shall connect with such sewer all water closets, toilets, bathtubs, lavatories, sinks, urinals and similar devices so that their contents will empty into such sewer in accordance with the provisions of the State Plumbing Code and such additional local rules and regulations not inconsistent herewith.

(3) No person shall build, erect, construct or maintain any septic tank or private system for the disposal of human excreta, liquid waste or water upon any lot or premise

abutting or within 250' of any street, alley or way in which there is a public sewer and water line.

(4) Whenever any public sewer and water lines are laid along any street, avenue, lane or public alley in the Village and the same is ready for use, the Clerk/Treasurer shall notify in writing the occupant, owner or agent of every residence or building situated on lots abutting upon the streets, avenues or alleys along which such sewer and water lines are laid, to connect all water closets, toilets, sinks, bathtubs, lavatories, urinals and similar devices upon their respective lots with such sewer lines, so that the contents of the same will discharge into such sewer in a sanitary manner within 60 days after notice of such service, unless an extension is granted by the Village Board. Street excavations from the curb to the center of the street to make connections to the sanitary sewer shall be back filled with sand.

(5) All septic systems and septic tanks shall be maintained in a sanitary manner.

(6) Any water closet, sink, cesspool or septic tank existing or being maintained which does not conform to the requirements of this section shall be and is hereby declared a nuisance, dangerous to the public health and the Health Officer shall order abatement of such nuisance in accordance with the Wisconsin Statutes and this Municipal Code.

(7) The Health Officer shall strictly enforce the provisions of this section and see that each and every violation thereof is promptly abated and the violators prosecuted, and the Director of Public Safety shall promptly report to the Health Officer in writing each and every violation of this section within this Village which shall come to his knowledge.

11.07 TRAILERS, TENTS, GARAGES, MOTORIZED VEHICILES AND BOATS AS AND FOR DWELLINGS. (Am. 97-16)

No person shall use and no owner shall allow the use of house trailers, tents, garages and other similar structures, nor any motorized vehicles including, but not limited to, motor homes and boats, as and for dwelling purposes within the boundaries of the Village unless:

(1) Such structure or motorized vehicle is designed to be used as a temporary dwelling, is not used as a dwelling in excess of 72 hours within any 30-day period of time, and is located within 75' of water and toilet facilities available for use by such person; or

(2) Such structure or motorized vehicle is specifically exempted by federal or state law.

(3) Campgrounds are prohibited within the boundaries of the Village.

11.08 PROPERTY MAINTENANCE CODE.

(1) PURPOSE. The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards or vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the Village as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the Village. In sum, this section will preserve and promote the public health, safety, comfort, convenience, prosperity and general welfare of the people of the Village of Sturtevant and its environs.

(2) PROHIBITION. No person shall allow or permit any building or structure, whether dwelling, non-dwelling, or accessory on his/her property, including the premises surrounding such building or structure, to remain in or deteriorate to a condition that is not in accord with the following provisions:

(a) Ceilings, Walls and Foundations.

1. Every wall and ceiling shall be free of holes, breaks, loose, rotting or missing boards, timbers or other building materials or any other conditions which might admit rain or dampness to the interior portions of walls, or to the occupied spaces of the building.

2. Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.

(b) Paint and Other Preservatives. Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

(c) Doors, Windows and Basement Hatchways.

1. Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.

2. Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.

(d) Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios. Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.

(e) Roofs and Drainage.

1. All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.

2. All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible.

(f) Fence and Retaining Wall Requirements.

1. All fences shall be properly maintained and kept in a good and sound state of repair.

2. Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(g) Exterior Property Areas. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.

(h) Landscaping. All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.

(i) Public Nuisances. All buildings, structures, and surrounding premises shall be nuisance free as required under Chapter 10 of these ordinances and Chapter 823 of the Wisconsin Statutes.

(3) PROHIBITION AS TO RENTAL HOUSING.

(a) Scope. The provisions of this subsection shall apply to all dwelling units within the Village, all or a portion of which are rented, except such buildings as shall be subject to the Wisconsin Uniform Dwelling Code and to which this section is prohibited in its application.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

Cellar. A portion of a building located partly or wholly underground, but having ½ or more of its clear floor to ceiling heights below the average grade of the adjoining ground.

Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communication corridors, closets and storage spaces.

Building Inspector. The Building Inspector of the Village or his or her authorized representative.

Lodging House. A residential building or portion thereof containing lodging rooms which accommodate in the aggregate 3 or more persons who are not members of the keeper's family, for which lodging or meals or both, or lodging and kitchen privileges are provided for compensation.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. Includes a room or rooms so rented in a single family dwelling or dwelling unit.

Occupant. Any person over one year of age living, sleeping or eating or having actual possession of a dwelling unit.

Owner. Any person who, alone or jointly or severally with others shall be the record holder of the title, with or without actual possession thereof, or who has charge, care or control of any dwelling as agent of the owner or as executor, administrator, trustee or Guardian of the estate of the owner.

Person. Includes owners, their agents, tenants and any individual, firm, corporation, partnership or association.

(c) Standards For Basic Equipment and Facilities of Habitable Living Quarters. No person shall occupy as owner or let to another for occupancy any dwelling or dwelling unit within the scope of this section for the purpose of living or sleeping therein, which does not comply with the following requirements for healthful living:

1. Toilet and Lavatory. Every dwelling unit shall contain a water flush toilet within a room which affords privacy to a person in such room. Artificial light shall be provided. Toilet and lavatory rooms shall be provided with reasonably adequate ventilation by mechanical means or by natural means, and if by natural means, the openings shall not be less than 3½% of the floor area or minimum exhaust ventilation of 50 cfm, and in no event shall be less than 1½ sq. ft. in area. Every dwelling unit shall contain a lavatory basin, preferably but not exclusively in the same room as the toilet. Such toilet and lavatory basins shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working order by the owner.

2. Bathing Facilities. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower, which shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working condition by the owner.

3. Multiple Use. The occupants of a lodging house or lodging rooms or not more than 2 dwelling units may share a single water flush toilet and a single bathtub or shower if:

a. The number of occupants sharing such facilities does not exceed 10.

b. The toilet and bathtub or shower are within a room separate from the habitable rooms and is accessible to the occupants of each dwelling unit without going through the dwelling unit of another or outside the building.

c. The toilet or shower room is on the same floor with or not more than one floor above or below the dwelling unit it serves.

4. Lighting. Artificial light shall be provided in all common or public spaces within a dwelling.

5. Kitchen Facilities. Every dwelling or dwelling unit shall have a specific kitchen space containing a sink with counter, work space, hot and cold running water and adequate space for the installation of cooking and refrigeration equipment and for storing cooking utensils. All such facilities shall be maintained in a good and sanitary working condition by the owner.

6. Water Supply. Every lavatory basin, bathtub and shower shall be connected with operable hot and cold water lines.

7. Water Heating Facilities. Every dwelling unit shall have properly installed water heating facilities of not less than 30 gals. capacity, which shall be capable of heating water to such a temperature as to permit water to be drawn at every required lavatory basin, bathtub or shower or sink at a temperature of not less than 110°F. The water heating facilities shall be maintained in a good and safe working condition and shall be properly connected to the hot waterlines required under provisions of pars. (e) and (f) above.

8. Insect Protection. When flies are prevalent, windows and door openings into the outer air shall be effectively screened. Screen doors shall be self-closing. Screens shall be hung not later than June 1 of each year.

9. Space. Every dwelling unit shall contain at least 150 sq. ft. of floor space for the first occupant thereof and 100 sq. ft. for every additional occupant thereof; provided that:

a. Floor area shall be calculated on the basis of total habitable room area.

b. At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7'; and the floor area of that part of any room where the ceiling height is less than 4' shall not be considered as part of the floor area in computing the total floor area of the dwelling unit for determining the maximum permissible occupancy.

c. Each child over the age of one year shall count as one person in the maximum permissible occupancy.

10. Bedroom Space. There shall be provided in each dwelling unit a suitably private space used for sleeping. A bedroom shall not be used as the only means of access to another habitable room other than another bedroom.

11. Heating. Every dwelling or dwelling unit designed or intended to be used or actually used for dwelling purposes shall be equipped, maintained and operated with a heating system which at all times is capable of maintaining minimum temperatures of 67°F in all bathrooms and toilet compartments with an outside temperature of -10°F.

12. Electric Service. Every habitable room shall contain either 2 or more separate floor or wall type electric convenience outlets or one such convenience outlet and one supplied ceiling type or wall type electric fixture. Every bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall type electric fixture. Every such outlet and fixture shall be properly installed and connected to the source of electric power and shall be maintained in good and safe working condition by the owner.

13. Plumbing Fixtures. Every plumbing fixture required under this section shall be maintained by the owner so as to be reasonably impervious to water and easily cleaned.

14. Toilet and Bathroom Floors. The floors of all toilet rooms and bathrooms shall be constructed and maintained by the owner so as to be reasonably impervious to water and easily cleaned.

15. Discontinuance of Service. No occupancy shall be permitted in any dwelling or dwelling unit to which the electrical, water or gas service has been disconnected, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress or during a temporary emergency when discontinuance of service is approved by the enforcing officer.

16. Cleanliness. Each dwelling or dwelling unit, including surrounding grounds and accessory structures shall be kept in a clean and sanitary condition. Prior to moving, vacating or relinquishing occupancy or control, each dwelling or dwelling unit shall be made free of all garbage, rubbish and refuse.

17. Extermination of Pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. The owner of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit. Extermination of any infestation in a dwelling unit shall be the responsibility of the owner when the condition may have been caused by a previous occupant.

(4) ENFORCEMENT. This section shall be enforced by the Building Inspector for the Village of Sturtevant, after authorization by the Community Programs and Board of Health Committee ("the Committee"). He or she shall prohibit or terminate the occupancy of any dwelling or dwelling unit which is unfit for human occupancy under the provisions of this section until the necessary corrections have been made.

(a) Enforcement Procedures. The Building Inspector shall on his/her own motion or upon written complaint made by another, inspect any property within the scope of this Section to determine compliance to this and related Village ordinances.

(b) Access to Property. The Building Inspector after proper identification shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this and related ordinances. If denied access the Building Inspector may acquire an Inspection Warrant for such access.

(c) Notice of Violation. Whenever the Building Inspector finds upon inspection any violation of this section, he or she shall seek authorization from the Committee to proceed further. If such authorization is given, the Building Inspector shall notify the owner, occupant or agent responsible therefor by means of a written notice of violation. In such notification the Building Inspector shall set forth the specific condition found, the correction necessary to bring about compliance and a specific and reasonable time for such correction and compliance. Each condition continued or repeated after the time specified in such notification shall constitute a separate violation of this section.

(d) Service of Notice. Each notice or order provided under this section shall be deemed to have been properly served when it has been delivered personally or mailed postage prepaid by certified mail and return receipt requested, to the owner, occupant or agent, as the case may be, of the dwelling or dwelling unit which is the subject of such notice or order.

(e) Occupancy of Rental Unit After Notice. Upon the failure of the owner, occupant or agent, after due notice to comply with the provisions of this section within the time prescribed by the Building Inspector, the subject dwelling or dwelling unit shall be considered unfit for human habitation, occupancy and use and shall be so designated and placarded by the Building Inspector in accordance with §66.05, Wis. Stats. Any dwelling or dwelling unit designated as unfit for human habitation shall be vacated within 30 days after due notice to the owner and occupant by the Building Inspector and shall not again be used for human habitation until the corrections prescribed by the Building Inspector have been made.

(f) Appeal. Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Village Board. Requests for such hearing will be filed with the Clerk/Treasurer no later than 3 business days from the date of the notice or order.

(g) Emergency Enforcement Procedure. Notwithstanding any other provisions of this section, if the Building Inspector determines that any dwelling is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or vermin infested that it creates a hazard to the health or safety of the occupants or the public, the Building Inspector may placard such dwelling and within 24 hours thereafter serve notice to the occupant and owner or his agent responsible therefor, as the case may be, that the dwelling is unfit for human habitation and that it shall be vacated within a responsible time as ordered by the Building Inspector. The appeal procedure referred to in par. (f) above shall apply to any order for vacation made by the Building Inspector under this paragraph.

(h) Appeals to the Village Board. The Village Board shall conduct a hearing on any appeal filed by any person affected by any notice or order issued in connection with the enforcement of the provisions of this section. A majority vote shall be required to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this section.

(i) Notification of Vacant Apartment. The owner or caretaker of any rental dwelling or rental dwelling unit shall notify the Building Inspector of any

vacant apartment within 72 hours of vacation. The Building Inspector shall then inspect the vacant dwelling or dwelling unit to ensure that the requirements of this section are met prior to the issuance of an occupancy permit. Inspection and occupancy permit fees shall be as determined by the Village Board from time to time.

(5) PENALTIES.

(a) Any person who violates any of the provisions of this section shall upon conviction, forfeit not less than $100 or more than $500, together with costs of prosecution.

(b) Each day a violation of this section exists after service of notice of such violation by the Building Inspector shall constitute a separate violation.

11.09 REGULATION OF STAGNANT POOLS.

(1) PURPOSE. This section is enacted to promote the public health, safety and welfare. Because of the growing urban concentration within the Village, with the attendant increase in population and, in particular, the increase in the number of young children, the presence, of stagnant pools of water within the Village are declared to be a nuisance in that they attract young children, are often dumping grounds for junk and refuse, are a breeding ground for mosquitoes, flies and insects and serve as habitat for rodents and other unwholesome animals.

(2) DEFINITION. As used herein "stagnant pools of water" refers to waters which are standing in pools without any outlets for at least one-month. A pool shall not cease to be such because it may overflow during periods of rainstorms or melting snows if such outlet does not provide for full drainage of such pool.

(3) PROHIBITION. No person shall permit stagnant pools of water to remain or exist upon any real property under his control within the Village.

(4) DUTIES OF OWNERS. Every owner or manager of real property within the Village shall drain or fill or cause to be drained or filled any stagnant pools of water on such real property within the Village. Such pools shall be filled with clean fill which does not contain any decomposable, toxic or combustible materials or any rubbish, trash or waste materials.

11.10 HAZARDOUS WASTES.

(1) PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley or public

property; onto the ground, surface waters, subsurface waters or aquifers; or on any private property within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious affect on the environment.

(2) CONTAINMENT, CLEANUP AND RESTORATION. Any person in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village.

(3) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to Village Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(4) PUBLIC PROTECTION. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, or in his absence the Deputy Coordinator, or the senior Village police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the President of the Village or the Village Board can take appropriate action.

(5) VEHICLES TRANSPORTING OR STORING HAZARDOUS MATERIALS. (Cr. #93-9)

(a) <u>Prohibited From Parking and Being Left Unattended</u>. No motor vehicle which is in the process of storing or transporting hazardous materials or hazardous substances shall be parked or left unattended within the Village, whether on public or private lands, within 300' of any single or multiple family residence, apartment building or school except for the following purposes:

1. To deliver or pick up such materials or substances to or from customers.

2. To clean up any hazardous materials or substances.

3. To comply with applicable traffic regulations.

4. To effect repairs to the motor vehicle or trailer in emergency situations.

5. To engage directly in construction work within the area.

(b) Definitions.

1. *Hazardous material* shall have the meaning as set out in 49 C.F.R. 171.8 and 172.101.

2. *Hazardous substance* shall have the meaning as set out in §144.01(4m), Wis. Stats.

3. *Unattended* shall have the following meanings:

a. If the operator of the motor vehicle is asleep.

b. If the operator of the motor vehicle is not in view of the motor vehicle.

c. If the operator of the motor vehicle is more than 150' away from the subject vehicle, regardless of whether the operator is in view of the motor vehicle.

(6) ENFORCEMENT. (Rn. #93-9) The Coordinator of Emergency Government and his deputies as Village police officers shall have authority to issue citations or complaints under this section.

(7) CIVIL LIABILITY. (Rn. #93-9) Any person in violation of this section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation.

(8) PENALTIES. (Rn. #93-9) Any person in violation of this section shall forfeit to the Village upon conviction thereof not less than $50 nor more than $3,000, plus the costs of prosecution. Each day a violation exists shall constitute a separate offense.

11.11 RECYCLING. (Cr. #094-38)

(1) TITLE. This section shall be referred to as the Village of Sturtevant Recycling Ordinance.

(2) PURPOSE. The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

(3) STATUTORY AUTHORITY. This section is adopted as authorized under §287.09(3)(b), Wis. Stats.

(4) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.

(5) INTERPRETATION. In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statues, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544, Wis. Adm. Code standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.

(6) SEVERABILITY. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(7) APPLICABILITY. The requirements of this section apply to all persons within the Village of Sturtevant, Racine County, Wisconsin.

(8) ADMINISTRATION. The provisions of this section shall be administered by the Village Board and its duly designated agents.

(9) EFFECTIVE DATE. The provisions of this section shall take effect as of January 1, 1995.

(10) DEFINITIONS. For the purposes of this section:

Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

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.

HDPE means high density polyethylene, labeled by the SPI code #2.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air-conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

Multiple-family dwelling means a property containing 5 or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Non-residential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

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.

Other resins or *multiple resins* means plastic resins labeled by the SPI code #7.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code #1.

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.

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by the SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

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, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

Solid waste has the meaning specified in §144.01(15), Wis. Stats.

Solid waste facility has the meaning specified in §144.43(5), Wis. Stats.

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.

Suitable container means clear plastic bag stamped with "Village of Sturtevant" on bag.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including stumps, roots or shrubs with intact root balls.

(11) SEPARATION OF 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, unless a variance is granted by the Wisconsin DNR, pursuant to Ch. NR 544, Wis. Adm. Code:

(a) Lead acid batteries.

(b) Major appliances.

(c) Waste oil.

(d) Yard waste.

(e) Aluminum containers.

(f) Bi-metal containers.

(g) Corrugated paper or other container board.

(h) Glass containers.

(i) Magazines.

(j) Newspaper.

(k) Office paper.

(l) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.

(m) Steel containers.

(n) Waste tires.

(o) Foam polystyrene packaging.

(12) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (11) do not apply to the following:

(a) 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 State DNR that

recovers the materials specified in sub. (11) from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material as herein specified for which a variance has been granted by the DNR under §287.11(2m), Wis. Stats., or Ch. NR 544.14, Wis. Adm. Code.

(13) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (11) 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 manner which protects them from wind, rain, and other inclement weather conditions.

(14) 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:

(a) Lead acid batteries shall be taken to an area retail business that sells vehicle batteries for return.

(b) Major appliances shall be periodically picked up by the Village's solid waste contractor for proper disposal, for single-family and 2- to 4-unit residents only.

(c) Waste oil shall be handled at the Village recycling center for waste oil and then removed by licensed vendor, or a resident may take waste oil to a licensed vendor of resident's choice.

(d) Yard waste shall be placed at the curb at specified times of the year, in disposable brown bags or taken to the Village's compost site.

(e) Branches shall be placed at the curb at specified times of the year, untied.

(15) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village Board or its designated representative,

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 sub. (11)(e)–(o):

(a) Aluminum containers shall be placed in suitable container at curbside after same have been cleaned.

(b) Bi-metal containers shall be placed in suitable container at curbside after same have been cleaned with ends cut.

(c) Corrugated paper or other container board shall be placed at curbside and shall be free of debris, flattened, stacked and tied.

(d) Glass containers shall be placed in suitable container at curbside after same have been cleaned.

(e) Magazines shall be placed in suitable container at curbside.

(f) Newspaper shall be placed in suitable container at curbside in brown paper bags or tied in bundles of 8” or less.

(g) Office paper shall be placed in suitable container at curbside.

(h) Rigid plastic containers shall be placed in suitable container at curbside and prepared and collected as follows:

1. Plastic containers made of PETE, shall be rinsed free of product residue and caps shall be removed and discarded.

2. Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.

3. Plastic containers made of PVC, LDPE, PP, PS, or other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded.

4. Steel containers shall be rinsed free of product residue and placed in a suitable container at curbside.

5. Waste tires shall be disposed of by residents at any approved facility.

(i) Foam polystyrene packaging shall be placed in a suitable container at curbside.

(16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(a) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in sub. (11)(e)–(o):

1. Provide adequate, separate containers for the recyclable materials.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the waste by tenants and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order 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.

(b) The requirements specified in par. (a) 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 DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.

(17) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in sub. (11)(e)–(o):

1. Provide adequate, separate containers for the recyclable materials.

2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

3. Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order 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.

(b) The requirements specified in par. (a) 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 DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.

(18) 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 sub. (11)(e)–(o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(19) ENFORCEMENT.

(a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Village solid waste contractor or the designated agent of the Village Board 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 Village solid waste collector or the designated agent of the Village Board who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any person who violates a provision of the section may be issued a citation by the Village Police Department 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.

(c) Penalties for violating this section may be assessed as follows:

1. Any person who violates sub. (18) may be required to forfeit $50 for a first violation, $200 for a second violation, and not more than $2,000 for a third or subsequent violation.

2. Any person who violates a provision of this section, except sub. (18), may be required to forfeit not less than $10 nor more than $1,000 for each violation.

11.12 (Rep. #099-5)

11.13 UNLAWFUL REMOVAL OF ITEMS DEPOSITED FOR COLLECTION**.**

(1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this section:

***Recyclable material(s)* shall mean (except materials subject to a Wisconsin Department of Natural Resources variance or exemption granted under NR 544.14, Wisconsin Administrative Code) major appliances, aluminum containers, corrugated paper or other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE (#1), HDPE (#2), and other resins or multiple resins which have an SPI Code designation of 1 or 2, steel containers, bi-metal containers, foam polystyrene packaging and rigid plastic containers, including those made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), and empty aerosol containers.**

***Solid waste* shall mean that type of solid waste material generated by the Village or its residents, such as household garbage and refuse.**

***Garbage* shall mean discarded materials resulting from the handling, processing, storage and consumption of food.**

Refuse shall mean all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

Large household items shall mean household furniture and shall include, but not be limited to, davenports, recliners, overstuffed chairs, bookcases, dressers, tables, desks and similar items.

White goods shall mean household appliances, including but not limited to, microwaves, dehumidifiers, dishwashers, refrigerators, freezers, stoves, washing machines, clothes dryers, water heaters and air conditioners.

(2) PROHIBITION. No person, firm, association or corporation, unless granted permission by the Village, shall scavenge, collect or remove recyclable materials, solid waste, white goods and other household or similar items that have been deposited or placed by any person adjoining such premises for collection and disposal.

(3) PENALTIES.

(a) First Offense. Any person who shall violate the provisions of sub. (1) shall, upon conviction thereof, forfeit not less than $25 nor more than $100, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.

(b) Second Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance within one year, shall, upon conviction thereof, forfeit not less than $50 nor more than $500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.

(c) Third Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance 2 times or more within one year, shall upon conviction thereof, forfeit not less than $100 nor more than $500 for such third offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.

11.14 USE OF BALCONIES AND PATIOS IN RENTAL UNITS.

(1) PURPOSE. The purpose of this Section is to recognize that the Sturtevant Fire Department has been receiving complaints about the use of gas and charcoal barbecue grills on Balconies and Patios; that the use of barbecue grills and similar equipment within 15 feet of Rental Unit constitutes great potential harm for loss of life and property; and that storage on Balconies, Patios and other Exits interfere with the ability of the Sturtevant Fire Department to perform its community caretaker duties.

(2) DEFINITIONS.

Balcony. A landing or porch projecting from the wall of a building used as a means of egress, a second Exit and/or a jump platform.

Exit. That portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment to provide a protected way of passage to leave the building or structure. Exits include exterior Exit doors, Exit passageways, horizontal Exits and separated Exit stairs or ramps.

Patio. A flat surface abutting a Rental Unit, whether constructed of cement or other material, used as a means of egress or as a second Exit.

Rental Unit. A unit held out for rent to the public, whether in an apartment building, duplex or other similar building.

(3) PROHIBITIONS.

(a) No person shall store or operate a barbecue grill or other similar equipment used for preparing, grilling or cooking any type of food or store gas or charcoal on a Balcony or Patio of a Rental Unit.

(b) No person shall store or operate a barbecue grill or other similar equipment used for preparing, grilling or cooking any type of food or store gas or charcoal within 15 feet of a Rental Unit.

(c) No person shall place any item or materials on a Balcony that will encumber, obstruct or interfere with its instant use as an Exit in case of fire or other emergency.

(4) ENFORCEMENT.

(a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.

(b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that there exists a violation of this Section, it shall be declared a fire hazard.

(c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner or person reasonable time in which to remove the hazard.

(5) PENALTY. If the fire hazard is not removed within the time allowed, the person found to be in violation of any provision of this Section, or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village, at its option, may declare the fire hazard a public nuisance if the person fails to remove the fire hazard.

11.15 STORAGE OF HAZARDOUS MATERIALS IN MINI-STORAGE UNITS.

(1) PURPOSE. This Section is enacted to regulate the storage of hazardous materials in Mini-Storage Units for either short-term or long-term storage.

(2) DEFINITIONS.

Mini-Storage Unit. An individual unit in an unoccupied compartmentalized building used for storage, regardless of whether units are rented to persons for either short-term or long-term storage.

Low Hazard Materials. Noncombustible or low hazard materials, that do not ordinarily burn rapidly, including but not limited to: asbestos, chalk, non-alcoholic beverages, brick and masonry, ceramic products, gypsum, glass and metals, beer or wine in metal or glass containers, electrical motors and coils, and fertilizers.

Moderate Hazard Materials. Materials which are likely to burn with moderate rapidity, but that do not produce either poisonous gases, fumes or explosives, including but not limited to: cloth, burlap, and paper bags, bamboo and rattan, canvas and leather belting, baskets, books and paper in rolls or packs, boots and shoes, cardboard and cardboard boxes, clothing, cordage, furniture, furs, glue, mucilage, paste and sizing, linoleum, silk, soap, sugar, tobacco products, wax candles, athletic equipment, musical instruments, beverages

containing more than 12% alcohol, furniture other than metal business machines, electronics, and plastic products not classified as High Hazard.

High Hazard Materials. Highly combustible or explosive products or materials, which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions, highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flame, fumes, poisonous irritant or corrosive gases, materials producing explosive mixtures or dusts that result in the division of matter into fine particles subject to spontaneous ignition.

(3) USAGE OF MINI-STORAGE UNITS. Mini-Storage Units may be utilized for:

(a) Storage of non-hazardous materials and Low Hazard Materials to Moderate Hazard Materials; and

(b) Storage of motor vehicles only if the fuel tank has been purged and the battery has been disconnected.

(4) PROHIBITION. No person shall store High Hazard Materials in a Mini-Storage Unit and no owner of a Mini-Storage Unit shall allow such materials to be stored. Uses other than for storage are prohibited except for the provision of a rental or manager's office in a Mini-Storage Unit may be provided, subject to the provisions of Wis. Admin. Code Chapter Comm 54.

(5) UNIT ADDRESS REQUIRED. All Mini-Storage Units in the Village shall have an address and individual numbers placed on each individual unit.

(6) OCCUPANCY NOTICE REQUIRED. Owners of Mini-Storage Units are to submit the following information to the Director of Public Safety:

(a) The name, address, and telephone number of the person renting a Mini-Storage Unit.

(b) A list of items to be stored in the unit, i.e., materials, hazards, etc.

(7) ENFORCEMENT.

(a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.

(b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that

there exists a violation of this Section, it shall be declared a fire hazard.

(c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner reasonable time in which to remove the hazard.

(8) PENALTY. Any person found to be in violation of any provision of this Section or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village may declare such violation a public nuisance if the violator fails to remove the hazardous item(s).

11.25 PENALTY. (Rn. MCC 95)

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code.

CHAPTER 12

LICENSES AND PERMITS

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
12.01	Licenses Required		
12.02	General Provisions		
12.03	Intoxicating Liquor and Fermented Malt Beverages		
12.04	Nonintoxicating Beverages		
12.05	Dog Licensing and Regulation		
12.06	Amusement Devices		
12.07	Regulation and License of Jukeboxes		
12.08	Massage Establishments and Massage Technicians		
12.09	Adult Bookstores and Motion Picture Theaters		
12.10	Regulating Direct Sellers		
12.11	Auction Sales		
12.12	Parades		
12.13	Carnivals		
12.14	Public Dances and Dance Halls		
12.15	Pool and Billiards		
12.16	Pot-Bellied Pig Licensing and Regulation		
12.17	Cigarette and Tobacco Products		
12.18	Tents		
12.20	Penalty		

12.01 LICENSES REQUIRED.

A license shall be required for each of the following businesses or activities at the indicated license fee, which shall be for one year unless otherwise indicated. (Am. #89-27)

	Category		*Amount*
(1)	FERMENTED MALT BEVERAGES. (Am. #95-1)		
	(a)	Class "A" Retailer's License	$100
	(b)	Class "B" Retailer's License	$100
	(c)	Part-time License	Prorated by the month
	(d)	Club License	$10
	(e)	Operator's License	$25
(2)	INTOXICATING LIQUOR. (Am. MSC '91)		
	(a)	Retail Class "A"	$100
	(b)	Retail Class "B"	$500
(3)	NONINTOXICATING AND SODA WATER BEVERAGES		$5
(4)	AMUSEMENT DEVICES		
	(a)	Amusement Centers	$40
	(b)	Coin-operated Amusement Devices	$20
(5)	JUKEBOXES		$15 per machine
(6)	MASSAGE ESTABLISHMENTS		
	(a)	Establishments	$100
	(b)	Massage Technicians	$50
(7)	ADULT BOOKSTORES AND THEATERS		$100
(8)	AUCTIONEERS		$50
(9)	CARNIVALS		$50
(10)	PUBLIC DANCES		$40
(11)	POOL AND BILLIARD TABLES		$15 each table
(12)	DIRECT SELLERS		$10 investigation $50 license
(13)	POT-BELLIED PIGS (Cr. #092-5)		
	(a)	License ($5 if pot-bellied pig becomes 5 months of age after July 1)	$10
	(b)	Impoundment Fee	$25
(14)	TENTS		$25 per tent

12.02 GENERAL PROVISIONS.

Unless otherwise specifically provided by state laws or ordinances of the Village, the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this chapter:

(1) CLERK/TREASURER TO FURNISH FORMS. All applications for licenses or permits shall be made upon forms approved by the Village Board and furnished by the Clerk/Treasurer to the applicant.

(2) FEES TO BE PAID IN ADVANCE. The license or permit fee shall be first paid to the Village Clerk/Treasurer and his receipt therefor shall be attached to the application.

(3) APPLICATION TO BE SIGNED; WHEN NOTARIZED. The application shall be signed by the applicant and, where required, sworn to before a notary public or public officer authorized to administer oaths and filed with the Clerk/Treasurer.

(4) CONSIDERATION AND HEARING. The Clerk/Treasurer shall present the application to the Board at its next meeting, except when some Village officer, board or commission is first required to examine or report upon the application, in which case the Clerk/Treasurer shall refer the application to such officer, board or commission and present the application and report to the Village Board as soon as reasonably possible thereafter. Opportunity shall be given by the Village Board to any person to be heard for or against the granting of any license or permit.

(5) ISSUANCE. The Clerk/Treasurer shall issue such license or permit upon authorization by the Village Board or proper officer, unless otherwise directed by the Board.

(6) ISSUANCE BY ADMINISTRATIVE AUTHORITIES. When administrative authority to issue any license or permit is delegated to any Village officer, board or commission under this chapter, such officer, board or commission shall grant such license or permit when proper application has been made in accordance with this chapter, unless the granting of the same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reasons for denial shall be put in writing and delivered or mailed to the applicant. The applicant may, at any time within 30 days thereafter, request the Village Board to review such determination or any failure to make the same, which action shall be taken by the Village Board within 30 days after written request has been filed with the Village Clerk/Treasurer.

(7) CONDITIONS OF ISSUANCE. Before any license or permit shall be issued under the provisions of this chapter, the Village Clerk/Treasurer shall check all Village records to determine whether or not any applicant is in arrears for taxes or any other obligation to any department of the Village. If the Clerk finds any applicant to be in arrears for taxes or any other obligation, the issuing officer or department shall withhold any and all licenses and permits for which application has been made until such taxes or obligations have been paid in full.

(8) TRANSFER OF LICENSE OR PERMIT. Licenses or permits shall not be transferable from one person to another, but may be transferred from one location to another by approval of the Village Board, and the full license or permit fee shall be charged for one year or any portion of a year. A fee of $10 shall be charged for any such transfer.

(9) REPLACEMENT OF LOST OR DESTROYED LICENSE OR PERMIT. Whenever any license or permit shall be lost or destroyed, a duplicate may be issued by the Clerk/Treasurer for $2.

(10) REVOCATION OF LICENSES OR PERMITS. Unless otherwise provided by this chapter or statute, any license or permit issued by the Village Board or any officer or department of the Village may be revoked by the Village Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Village Board. Notice of such hearing shall be given to the permit or license holder either personally or by registered mail by the Clerk/Treasurer at least 5 days prior to such hearing. Any license or permit issued by the Village Board, any Village Officer or department shall remain the property of the Village and upon revocation thereof, the same shall be returned to the Clerk's office, and if not so returned after demand, the Village reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of the same. Any person failing to return any such license or permit after revocation thereof and demand having been made as herein provided, shall be deemed to have violated the provisions of this chapter and shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. Whenever any license or permit shall be revoked, no refund of any portion of the fee paid shall be made.

12.03 <u>INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES</u>.

(1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including provisions relating to underage persons, are

adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) LICENSES, PERMITS, AUTHORIZATION REQUIRED.

(a) When Required. Except as provided by §125.06, Wis. Stats., no person shall, within the Village, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See §125.04(1), Wis. Stats.

(b) Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises where alcohol beverages are stored, sold or offered for sale. See §125.04(9), Wis. Stats.

(3) CLASSES OF LICENSES AND FEES. (Am. MSC '91) There shall be the following classes and denominations of licenses which, when issued by the Clerk/Treasurer under the authority of the Village Board after payment of the fee in Section 12.01, shall permit the holders to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in the referenced State Statute. Except as otherwise provided in Section 12.01, the full license fee shall be charged for the whole or fraction of any year.

(a) Class A Fermented Malt Beverage Retailer's License. See §125.25, Wis. Stats.

(b) Class B Fermented Malt Beverage Retailer's License. See §125.26, Wis. Stats.

(c) Class C Wine License. (Cr. MSC '92) A Class C license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.

(d) Retail Class A Liquor License. See §125.51(2), Wis. Stats.

(e) Retail Class B Liquor License. See §125.51(3), Wis. Stats.

(f) Special Event (Picnic) License. See §125.26(6), Wis. Stats.

(g) Operator's. See §125.17, Wis. Stats.

(h) Club's. See §125.27(1), Wis. Stats.

(4) LICENSE APPLICATION.

(a) Form. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue and filed with the Clerk/Treasurer. The premises shall be physically described, including every room and storage space to be covered by the license and all rooms joined by connecting entrances or not separated by a solid wall.

(b) Application to be Notarized. Applications shall be signed and sworn to by the applicant as provided by §887.01 Wis. Stats.

(c) List of Licensees. (Am. MSC '91) By July 15 of each year the Clerk shall forward to the State Department of Revenue a list containing the name, address and trade name of each person holding a license issued under this section, except a picnic, manager's or operator's license.

(5) LICENSE RESTRICTIONS.

(a) Statutory Requirements. Class A and B licenses shall be issued only to persons eligible therefor under Ch. 125, Wis. Stats.

(b) Location.

1. No retail Class A or B intoxicating liquor license shall be issued for premises the main entrance of which is less than 300' from the main entrance of any established public or parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises.

2. This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300' thereof by any school, hospital or church building.

(c) Violators of Liquor or Beer Laws or Ordinances. No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law, the provisions of this section or whose license has been revoked under §125.12, Wis. Stats., during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) Health and Sanitation Requirements. No retail Class B intoxicating liquor license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Commerce pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Family Services applicable to restaurants, and to all such ordinances and regulations adopted by the Village.

(e) License Quota. The number of persons and places that may be granted a retail Class B intoxicating liquor license under this section is limited as provided in §125.51(4), Wis. Stats.

(f) Corporations. (Am. MSC '87) No corporation organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of §125.04(6), Wis. Stats.

(g) Age Requirement. (Am. MSC '89) No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18.

(h) Effect of Revocation of License. Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(i) Delinquent Taxes, Assessments and Claims.

1. Premises. No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid.

2. Persons. No initial or renewal intoxicating liquor or fermented malt beverage license shall be granted to any person delinquent in payment of:

   a. Any taxes, assessments or other claims owed to the Village.

   b. A forfeiture resulting from a violation of any ordinance of the Village.

3. Hearing. Prior to denying any license application hereunder, an aggrieved party shall be entitled to notice and a hearing before the Village Board.

(j) Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverages in any dwelling house, flat or residential apartment.

(6) FORM AND EXPIRATION OF LICENSES. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided.

(7) TRANSFER OF LICENSES.

(a) As to Person. No license shall be transferable by licensee except as provided by §125.04(12), Wis. Stats.

(b) As to Place. Licenses issued pursuant to this section may be transferred to another premises once during any license year as provided in §125.04(12), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) POSTING AND CARE OF LICENSES. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in §125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

(9) REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Gambling and Disorderly Conduct Prohibited. (Am. MSC '92) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling (except as provided by state law) shall be allowed at any time on any licensed premises.

(b) Employment of Underage Persons. (Am. MSC '87) No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense or give away any alcohol beverage.

(c) Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(d) Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(10) CERTAIN ENTERTAINMENT AND OTHER PRACTICES PROHIBITED UPON LICENSED PREMISES.

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

(b) No licensee, either personally or through his agent or employee, shall furnish entertainment by or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are paid or not, unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing:

1. That portion of every costume to be worn by female dancers, performers or entertainers by the provisions of this subsection and which relates to the breast or chest area and to the area of the sex organs and buttocks shall be of nontransparent material.

2. As a minimum, the top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall encircle the body at the breast or chest area. Across the breast or chest area such portion of the costume shall consist of a band of material at least 2” in width and shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast (or its counterpart of a female impersonator) completely covered at all times.

3. As a minimum the lower portion of the costume worn by a female impersonator shall encircle the body at the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs and the mons pubis (or its counterpart of a female impersonator) and the cleavage of the buttocks at all times. Under no circumstances shall any animal fur piece or other device simulating the hair surrounding the mons pubis area that is worn in the area of the

genitals or mons pubis constitute compliance with the costume requirements of this subsection.

4. As a minimum, the lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organ and the cleavage of the buttocks at all times.

(b) No licensee, either personally or through his agent or employee, shall permit any person upon the licensed premises to perform acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. The touching, caressing or fondling of the breast, buttocks, anus or genitals;

3. The displaying of pubic hair, anus, vulva or genitals; or

4. The displaying of the covered male genitals in a discernibly turgid state.

(c) No licensee, either personally or through his agent or employee, shall furnish entertainment by or permit the performance of any act, stunt or dance unless such act, stunt or dance shall be performed on a stage area designated for such purpose. The use of the surface of the bar proper as a stage area is prohibited. When the stage area is located behind the bar, the nearest point of any such stage area shall be not less than 6' from the outer limits of patrons' side of the bar. When the stage area is located outside of the bar, that is, on the patrons' side of the bar, such area shall be raised from the floor level and shall be separated by a railing or other device so as to provide a distance of at least 6' between the patrons and the performers, so as to deter patrons from participating in any act, stunt or dance.

(d) No licensee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices of the management.

(e) No licensee, either personally or through his agent or employee, shall permit the solicitation by any entertainer of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on

the premises; and no entertainer or employee shall solicit any such drink from any customer, patron or other person on the premises.

(f) No licensee, either personally or through his agent or employee, shall permit any entertainer to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron, provided, however, that this subsection shall not apply to a member of the immediate family of the licensee or to any person claiming under him who lives in the same household as the licensee and is over 18 years of age.

(11) CLOSING HOURS. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of liquor:

(a) If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.

(b) If a retail Class A fermented malt beverage license, between midnight and 8 a.m.

(c) If a retail Class A intoxicating liquor license, between 9 p.m. and 8 a.m.

(d) If a retail Class B license, between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No package, container or bottle sales may be made between 9 p.m. and 8 a.m. on weekdays, between 9 p.m. on Saturday and 12 noon the following Sunday and from 9 p.m. on Sunday to 8 a.m. on Monday. (Am. MSC '88)

(e) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours. (Am. MSC '91)

(12) REVOCATION AND SUSPENSION OF LICENSES.

(a) Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by §125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.

(b) Effect of Revocation. See sub. (5)(h) of this section.

(c) Suspensions and revocations based upon accumulation of point values for alcohol beverage violations. (Cr. #096-18) In addition to suspensions or revocations issued pursuant to par. (a), the Village shall initiate proceedings for the revocation or suspension of any license under this section for accumulation of 100 or more points in a 12-month period. Points are accumulated upon conviction of an alcohol beverage violation according to the chart set forth below. In determining the number of points accumulated against a licensee within a 12-month period, the Village shall use the date each violation was committed as basis for that determination. A violation of a particular section by an agent or employee of a licensee shall constitute a violation by the licensee. Proceedings for revocation or suspension of a license under this section shall be conducted in accordance with §125.12, Wis. Stats.

Violations of Village Ordinances

Section No.	**Type of Violation**	Point
12.03(2)	Licenses, Permits, Authorization Required	100
12.03(4)	**False Statement on Application**	100
12.03(8)	Posting and Care of Licenses	25
12.03(9)(a)	Gambling and Disorderly Conduct Prohibited	25
12.03(9)(b)	Employment of Underage Persons	100
12.03(9)(c)	Sales by Clubs	25
12.03(9)(d)	Safety and Sanitation Requirements	25
12.03(10)	Certain Entertainment and Other Practices Prohibited	100
12.03(11)	Closing Hours	50
Any other Village ordinance under Section 12.03		20

Violation of State Statutes, as Incorporated Into the Municipal Code Via Section 12.03(1)

Section No.	**Type of Violation**	Point
125.07(1)	Alcohol Beverages; Restrictions Relating to Underage Persons	50
125.07(2)	**Sales of Alcohol Beverages to Intoxicated Persons**	50
125.07(3)	Presence of Minor in Place of Sale	25
125.07(7)	**Failure to Keep Proper Books**	25
Any other provisions of Chapter 125, Wis. Stats.		20

(13) NONRENEWAL OF LICENSES. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

(14) VIOLATIONS BY AGENTS AND EMPLOYEES. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(15) REVOCATION FOR NONUSE.

(a) Within 90 days from the issuance of a Class A retail liquor license, a Class B intoxicating liquor license or a Class B fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. If the licensee fails to do business within such time, such licensee shall be subject to revocation by the Village Board after a public hearing. The Board may, for good cause shown, extend such 90-day period.

(b) If a licensee shall suspend or cease doing business for a period of 6 consecutive months, that Class A retail liquor license or that Class B fermented malt beverage license shall be subject to revocation by the Village Board after public hearing.

12.04 NONINTOXICATING BEVERAGES.

(1) DEFINITIONS.

(a) Nonintoxicating Beverage. A nonintoxicating beverage is a beverage which contains less than one-half of one-percent alcohol by volume.

(b) Soda Water Beverage. See §97.34, Wis. Stats.

(2) LICENSE REQUIRED. No person shall maintain, operate or conduct the business of selling nonintoxicating liquors or soda water beverages, either at retail or wholesale, within the Village without first obtaining a license as provided in this section.

(3) QUALIFICATIONS FOR LICENSE. No license shall be granted to any person, unless to a domestic corporation, not a resident of this State and of the Village or, subject to §§111.321, 111.322 and 111.335, Wis. Stats., to any person who has been convicted of a felony, unless the person has been restored to civil rights.

(4) APPLICATION. Application for a license under this section shall be made to the Clerk/Treasurer on forms provided by him and shall contain the following information:

(a) Location of the intended business.

(b) Where the applicant has engaged in the business of selling nonintoxicating or soda water beverages in this State and where such business was conducted, if applicable.

(c) Whether applicant has been convicted of a felony or of violating any law or ordinance regulating the conduct of such a business.

(d) Whether the applicant meets the residency requirements of sub. (3) of this section.

(5) LIMITATIONS. No more than one license shall be granted to the same applicant during any one year unless the same becomes necessary by reason of conditions over which the applicant has no control and any change in the conditions of the licensed premises or nature of the business carried on without the consent of the License Committee of the Village Board shall be cause for revocation of the license.

(6) FEE. The fee required in Section 12.01 shall accompany the application.

12.05 DOG LICENSING AND REGULATION.

(1) LICENSE REQUIRED.

(a) The owner of any dog more than 5 months of age on January 1 of any year shall annually, at the time and in the manner provided by law for the payment of personal property taxes, pay his dog license tax and obtain a license therefor. Proof of rabies inoculation shall be given before a license will be issued.

(b) Upon receipt of the license fee in Section 12.01 the Clerk/Treasurer shall deliver to such person a tag for each such license tax paid, which tag shall be furnished the Clerk/Treasurer by the County Clerk. A person owning, keeping or harboring any dog shall affix and keep securely fastened to the collar of such dog the tag for which such license shall have been paid. Such license shall be in force until the first Tuesday in May following the payment thereof and shall bear the year in which the license shall expire.

(2) STATUTES ADOPTED. Chapter 174, Wis. Stats., as pertains to the relevant dog regulation is adopted herein by reference.

(3) KENNELS PROHIBITED. Dog kennels of any kind are hereby prohibited.

(4) NUMBER OF DOGS LIMITED. The keeping of more than 2 dogs over 3 months of age per premises is hereby prohibited in the Village limits.

(5) VICIOUS DOGS.

(a) No person shall knowingly keep or harbor any vicious dog. The word "vicious" shall be construed as meaning a dog that may suddenly assault a person while he is peacefully walking or riding on the public streets or while lawfully on the premises of the owner or keeper of such dog.

(b) Whenever any dog shall, upon verified complaint of at least 2 citizens, be found to be customarily fierce or dangerous or in the habit of biting, snapping or threatening any person or attacking other animals, such dog shall be removed from the Village by the owner within 24 hours after service of a written notice, by a representative of the Board of Health or the Village Police Department and whenever any dog shall be enclosed within any enclosure or wall upon the premises of any owner, such premises shall bear a sign plainly displayed at every point of entrance, giving warning of the presence of such dog and no person shall remove such sign while any dog is confined within such enclosure.

(6) DOGS RUNNING AT LARGE.

(a) No dog shall be permitted to run at large unless under the control of some person.

(b) No owner or keeper of any dog shall permit the same to run at large in the Village.

(c) A dog shall be deemed to be at large unless under the control of a person by means of a chain, rope, or cord cable of sufficient strength to control the action of such dog or such other personal presence and attention as will positively control the conduct of such dog.

(7) IMPOUNDMENT. Whenever any officer or constable shall find any dog running at large, as herein defined, he shall, if possible, pick up and impound such animal in such place as the Village Board may direct. However, if any such dog shall prove to be fierce or dangerous, such officer or constable may kill the same immediately, exercising due care and diligence to avoid injury to human beings by such killing. Whenever any impounded dog shall bear an identification mark such as a collar or license tag, the owner shall be notified. Any dog impounded shall be held for a period of 48 hours and at the end of such period shall be destroyed, unless the owner thereof shall reclaim the same and pay to the Clerk/Treasurer $10.

(8) NOISY DOGS. Whenever it shall be found, upon verified complaint of at least 2 citizens filed with the Village Board or Police Department, that any dog habitually howls, yelps or barks excessively and disturbs the peace, such dog shall be removed from the Village by the owner within 24 hours after service of notice by the Village Board or Police Department.

12.06 <u>AMUSEMENT DEVICES</u>.

(1) PURPOSE. The Village Board hereby finds:

(a) That the operation of coin operated amusement centers has caused a high concentration of persons in and around amusement centers resulting in a requirement for additional law enforcement attention.

(b) That the operation of coin operated amusement centers has resulted in a high concentration of youthful persons in a situation which is conducive to the presence and growth of unlawful activities such as gambling.

(c) That strict regulation and supervision of coin operated amusement centers is necessary to protect the health, welfare and safety of the public in the conduct of their affairs in and around such amusement centers.

(2) DEFINITIONS. The following terms shall have the meanings indicated:

Amusement centers. Any business which has on its premises 4 or more coin operated amusement devices available for use by the public and which is not licensed by the Village with a Class B fermented malt beverage or intoxicating liquor license or both.

Coin operated amusement devices. Any machine which, upon the insertion of a coin, slug, token, plate, disc or similar item, may be operated as a game, entertainment, contest of skill or amusement, whether or not registering a score. It shall include, but not be limited to, such devices as electronic or mechanical game machines, pinball machines, bowling machines and any other mechanical or electronic games or operations similar thereto, except shall not include coin operated pool tables, coin operated phonographs, jukeboxes and merchandise vending machines.

Gambling devices. Gambling devices include, but are not limited to, video games that simulate one or more games commonly referred to as poker, blackjack, craps, hi-lo, roulette or other common gambling forms, though not offering the player the opportunity to obtain something of value. The term also includes any video game that awards game credits or replays and contains a meter or device which records unplayed credits or replays. (Cr. #095-28)

Operator. Any owner, lessee, manager or employee who manages or operates an amusement center or business at which one or more coin operated amusement devices are operable.

Owner. The person who owns an amusement center or a business at which one or more coin operated amusement devices are operable.

(3) LICENSE REQUIRED. No owner or operator shall operate or cause to be operated an amusement center or a coin operated amusement device without first obtaining a license as required by this chapter.

(4) APPLICATION. An application for amusement center licenses and coin operated amusement device license shall be made at the office of the Clerk/Treasurer and shall contain the following information:

(a) Name of applicant; if a partnership, names of all partners; if a corporation, club or association, names of all officers.

(b) Residence of applicant.

(c) Age of applicant; if a corporation, club or association, state of incorporation.

(d) Type of business or activity.

(e) Place where machine or devices are to be displayed or operated.

(f) Description of types of machines to be displayed or operated.

(5) INSTALLATION OF COIN OPERATED AMUSEMENT DEVICES. No owner or operator shall install or allow to be installed in any place of business a coin operated amusement device for which a license has not been issued.

(6) DISPLAY OF LICENSES. The amusement center license and coin operated amusement device licenses required hereunder shall be displayed in a conspicuous place open to public view in the premises for which the licenses were granted.

(7) SUPERVISION.

(a) An adult employee responsible for management or operation of the amusement center shall be present on the premises of every business holding an amusement center license at all times during which such premises is open for business.

(b) An adult employee responsible for the management or operation of a business at which one to 3 amusement devices are located shall be present on the premises at all times during which such business is open for business.

(8) TRANSFER OF LICENSES. No amusement center license granted under this section shall be transferred or assigned from one owner or operator to another or from one premises to another. Coin operated amusement device license may be transferred from one amusement device to another within the premises for which such license was issued, upon notice to the Clerk/Treasurer.

(9) FEE. Upon application for any license issued hereunder, the applicant shall pay to the Village the fee required in Section 12.01 of this chapter.

(10) TERM. Any license granted hereunder shall expire on June 30 following

issuance thereof.

(11) PLACES NOT LICENSED. No amusement center license or coin operated amusement device license shall be granted for any place of business located within 300' of any church building, school building, hospital building or nursing home building unless a license granted hereunder was in effect prior to the occupation of real property within 300' thereof by such institution or facility or if the premises for which a license is requested was licensed with a Class B fermented malt beverage or intoxicating liquor license on June 30, 1947. Such distance shall be measured along the shortest route by sidewalk or street from the main entrance of the proposed licensed premises to the main entrance of any such institution or facility.

(12) REGULATIONS.

(a) No owner, operator or person in charge of an amusement center shall permit any person under the age of 18 years to play or use a coin operated amusement device during the normal academic school year for Racine Unified School District between the hours of 7 a.m. and 2:30 p.m. on any day in which regular classes are in session, except if such minor is present with his parent, guardian or adult spouse.

(b) No owner, operator or person in charge of an amusement center or a business holding one or more coin operated amusement device licenses shall permit any person under the age of 18 years to play or use any coin operated amusement device between the hours of 11 p.m. and 6 a.m. unless such minor is accompanied by his parent, guardian or other adult person having legal custody or control of the minor.

(c) The entrance to any amusement center licensed hereunder shall not be locked during any time that the amusement center is open for business. Each licensee of an amusement center hereby agrees that Village officers and employees charged with law enforcement or inspection functions may enter the licensed premises at any time during normal business hours for the purpose of inspecting such premises and enforcing the laws and ordinances relating to the operation thereof.

(d) At all times that an amusement center licensed hereunder is open for business, lighting shall be provided throughout the amusement center.

(13) EXCESSIVE NOISE PROHIBITED. No operator or owner of an amusement center or business to which one or more coin operated amusement device licenses are in effect shall permit the level of sound resulting from operation of the center or coin operated amusement devices

to exceed reasonable limitations.

(14) HOURS OF OPERATION. No operator or owner shall permit an amusement center licensed under this section to be open between the hours of midnight and 6 a.m. of any day except upon application to and consent of the Village Board.

(15) PROHIBITED USE. No owner or operator shall permit any person to use an amusement device licensed hereunder for gambling or for playing thereon a game of chance.

(16) DENIAL, REVOCATION.

(a) The License and Fees Committee may grant licenses applied for hereunder. If the Committee recommends denial of a license, the matter shall be referred to the Village Board for final action.

(b) The Village Board may revoke or refuse to renew any license issued hereunder when the operator or owner licensed hereunder has been convicted of a violation of this section or any other section of this Municipal Code, the Wisconsin Statutes or Administrative Code with regard to the premises licensed hereunder or with regard to offenses relating to the licensed premises and involving controlled substances, alcohol or any offense substantially relating to the conduct of the business licensed hereunder. The Printing and License Committee shall hold a hearing on such revocation of or refusal to renew the license. The licensee shall have the right to appear at the hearing in person or by counsel and shall have the right to examine and cross-examine witnesses and call witnesses. All testimony at such hearing shall be taken under oath. The Committee shall forward to the Village Board its recommendation to grant, deny or revoke such license, together with the grounds therefor.

(17) GAMBLING DEVICES. Gambling devices are prohibited from operation under this section and will not be licensed for use. (Cr. #095-28)

12.07 <u>REGULATION AND LICENSE OF JUKEBOXES</u>.

(1) DEFINITIONS. As used in this section, unless the context otherwise indicates:

(a) <u>Jukebox</u>. Any music or movie vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice

or other opening or by the payment of any price, operates or may be operated for the emission of songs, music, movies or similar amusement.

(b) Game. Any equipment, device, contrivance or other thing, whether mechanically operated or not, which is permitted to function or to be used by the payment of a coin, slug, token, plate or disc to the owner or of any business or place and which is operated for amusement only and does not dispense any form of payoff, prize or reward.

(c) Person. Any natural person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed compliance with this section.

(2) GAMBLING DEVICES NOT PERMITTED. Nothing in this section shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future laws of the State.

(3) LICENSE REQUIRED. Any person displaying for public patronage or keeping for operation any jukebox as defined in sub. (1) shall be required to obtain a license from the Village upon payment of a license fee. Application for such license shall be made to the Clerk/Treasurer upon a form to be supplied by the Clerk/Treasurer for that purpose.

(4) APPLICATION. The application for such license shall contain the following information:

(a) Name and address of the applicant, age, date and place of birth.

(b) Prior convictions of applicant, if any.

(c) Place where machine or device is to be displayed or operated and the business conducted at that place.

(5) INSPECTION; RENEWALS. After an application has been made for a license, the application shall be referred to the License Committee and the Committee shall pass upon the question of whether such license shall be granted. The Committee shall recommend to the Village Board the approval or disapproval of the granting of the license.

(6) EXPIRATION DATE. Any license issued under this section shall expire on the 30th day of June of each year. A license may be pro-rated according to the number of months remaining in the license year. However, if the license is surrendered voluntarily or is revoked by the proper revoking authority, no part of the license fee shall be refunded to the licensee.

(7) TRANSFER OF LICENSE. A license shall not be transferable from person to person or place to place, but shall be transferable from jukebox to jukebox.

(8) FEES. See Section 12.01 of this chapter.

12.08 MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS.

(1) PURPOSE AND INTENT. It is the purpose and intent of the Village that the operation of massage establishments and massage technicians as defined in this section be regulated so as to further the public interest, safety and welfare by providing minimum building, sanitation and health standards for establishments and providing minimum qualifications for massage technicians.

(2) DEFINITIONS. For the purpose of this section the following words and phrases shall mean or include:

(a) Massage. Any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating the superficial parts of the body with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatsoever.

(b) Massage Establishments. Any establishment wherein massages are given.

(c) Massage Technician. Any person who engages in the practice of massage as herein defined, for any form of consideration. The use of the masculine gender shall include in all cases the feminine gender as well.

(d) Recognized School. Any school or institution of learning which teaches the theory, method, profession or work of massage and requires a resident course of study of not less than 50 hrs. before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such courses of study or learning.

(3) MASSAGE ESTABLISHMENT PERMIT REQUIRED. No person shall engage in or carry on the business of massage unless he has a valid massage establishment

permit issued by the Village pursuant to this section for each and every separate office or place of business conducted by such person.

(4) PERMIT APPLICATION. Any person desiring a massage establishment permit shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) Type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

(b) Business address and all telephone numbers where the business is to be conducted.

(c) Complete list of the names and resident addresses of all massage technicians and other employees in the business.

(d) The following personal information concerning the manager or other person principally in charge of the operation of the business and concerning the applicant, if an individual; or each stockholder holding more than 10% of the stock of the corporation, each officer and director, if a corporation; or the partners, including limited partners, if a partnership:

1. Name, complete resident address and telephone number.

2. The 2 previous addresses immediately prior to the present address of the applicant.

3. Written proof of age.

4. Height, weight, color of hair and eyes, and sex.

5. Two portrait photographs at least 2” x 2”.

6. A massage or similar business history and experience, including but not limited to whether or not such person previously operating in this or another municipality or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to each action of denial, suspension or revocation.

7. All criminal convictions other than misdemeanor traffic violations and the reasons therefor.

8. Such other identification and information necessary to discover the truth of the matters required to be provided in the application.

9. Nothing contained in this section shall be construed to deny the investigation official the right to take fingerprints and additional photographs of the applicant.

10. Authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements contained in the application and the qualifications of the applicant for the permit.

(5) MASSAGE TECHNICIAN PERMIT REQUIRED. No person shall practice massage as a principal, employee or otherwise within the Village unless such person is issued a massage technician's permit and such permit remains in effect in conformity with the provisions of this section.

(6) APPLICATION FOR MASSAGE TECHNICIAN'S PERMIT. Any person desiring a massage technician's permit shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) Applicant's full name, residential address and telephone number.

(b) Name and address of the massage establishment where the applicant is to be employed and the name of the owner of the same.

(c) Names and addresses of any and all previous establishments where applicant has been employed as a massage technician.

(d) Criminal record, if any, other than misdemeanor traffic violations, of the applicant.

(e) Whether any permit to engage in the practice of massage as a massage technician or otherwise has previously been denied applicant or revoked and, if so, the circumstances of such denial or revocation.

(f) A portrait photograph at least 2" x 2" together with a complete set of such person's fingerprints which shall be taken by the Director of Public Safety or his agent.

(g) Written proof that the applicant is over 18 years of age.

(h) A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior to filing his application, been examined and found to be free from any contagious and communicable or venereal disease.

(7) PERMIT FEE. All applications for a permit under this section shall be accompanied by the fee in Section 12.01 of this chapter, no part of which shall be refundable.

(8) ISSUANCE OR DENIAL OF PERMIT. The Village Board shall issue such permit within 45 days of receipt of the application if upon investigation it is found that:

(a) The operation as proposed by the applicant, would comply with all applicable laws, including but not limited to the Village building, plumbing, electrical, zoning and health regulations and the provisions of this section.

(b) No person who is required to report under sub. (4) or (6) has been convicted of any crime involving dishonesty, fraud, lewd conduct or an offense involving the use of force or violence upon the person of another, unless such conviction occurred at least 5 years prior to the date of the application.

(c) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Village in conjunction therewith.

(d) The correct permit fee has been tendered to the Village and, in the case of a check or bank draft, honored with payment upon presentation.

(e) All the provisions of this section have been complied with.

(9) DISPLAY OF PERMITS. The massage establishment permit and each and every massage technician permit shall be displayed in an open and conspicuous place on the premises of the massage business.

(10) KEEPING OF RECORDS. Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection.

(11) TRANSFER PROHIBITED. No massage establishment permit nor massage technician permit is transferable, separate or divisible and such authority as a permit confers shall be conferred only on the permittee named therein.

(12) SANITATION REQUIREMENTS.

(a) All premises used by the permittees hereunder shall be subject to periodic inspection by authorized representatives of the Village Board for safety of the structure and the propriety of plumbing, electrical wiring, ventilation of the heating and sanitation. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given. The floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.

(b) Towels, sheets and linens of all types and items for personal use of operators and patrons shall be cleaned and freshly laundered. Towels, clothes and sheets shall not be used for more than one patron. Heavy white paper may be substituted for sheets provided that such paper is used once for each patron and then discarded into a sanitary receptacle.

(c) Rooms in which a massage is to be practiced or administered shall have at least 50 sq. ft. of clear floor area and shall maintain a light level of no less than 40 foot candles as measured at 3' above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent windowpane no less than 12" wide and 12" long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

(d) Every massage establishment shall have separate toilet rooms and shower facilities for men and women. Such establishments shall contain locker facilities for patrons' property.

(e) Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof.

(13) HOURS OF OPERATION. A massage establishment shall commence operations no earlier than 9 a.m. and the hours of operation shall extend no later than 9 p.m. Massage technicians shall not practice or administer massages at massage establishments at any time outside of the hours of operation. The entrances and exits of massage establishments, which are used by patrons shall be locked during the hours which the massage establishments are closed.

(14) SEXUAL MASSAGES PROHIBITED. No massage technician shall massage the genital area of any patron, including the breasts of any female patron, nor shall any operator or owner of a massage establishment allow or permit such massage in such massage establishment.

(15) REVOCATION OR SUSPENSION OF A PERMIT. Any massage establishment permit or massage technician permit shall be subject to suspension or revocation by the Village Board for violation of any provision of this section or any grounds that would warrant the denial of such permit in the first place. The Village Board, upon revocation or suspension, shall state the reasons in writing, specifying the particular grounds for such revocation or suspension.

12.09 ADULT BOOKSTORES AND MOTION PICTURE THEATERS.

(1) LICENSES REQUIRED. No person shall conduct or operate an adult motion picture theater, adult mini-motion picture theater or adult bookstore in any building or on any land area, nor give or conduct any show or performance therein, within the limits of the Village without first having obtained a license therefor as provided by this section.

(2) DEFINITIONS. For the purpose of this section, the following words and phrases shall mean or include:

(a) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

(b) Adult Motion Picture Theater. An enclosed building with the capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(c) Adult Mini-Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(d) Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(e) Specified Anatomical Areas.

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) LOCATION OF ESTABLISHMENT. Any adult bookstore, adult motion picture theater or adult mini-motion picture theater as defined in this section may be licensed to operate only within the areas zoned Business District B as that zoned area is defined in the Village Zoning Code, Ch. 17 of this Municipal Code.

(4) LICENSE APPLICATION. Any person desiring a license for an adult bookstore, adult motion picture theater or adult mini-motion picture theater, shall file a written application with the Village Board. The application shall be accompanied by the correct permit fee as provided in Section 12.01 of this chapter. Such application shall furnish the following:

(a) The type of ownership of the business, whether individual, partnership, corporation or otherwise.

(b) The business address and all telephone numbers where the business is to be conducted.

(c) A complete list of the names and resident addresses of all employees of the business.

(d) The following personal information concerning the manager or other person principally in charge of the operation of the business and the applicant, if an individual; each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the type of ownership is a corporation; or the partners, including limited partners, if the type of ownership is a partnership:

1. Name, complete resident address and telephone number.

2. The 2 previous addresses immediately prior to the present address of the applicant.

3. Written proof of age.

4. Height, weight, sex, color of hair and eyes.

5. Two portrait photographs at least 2" x 2".

6. A business history regarding experience in any similar establishments as covered in this section, including but not limited to, whether or not such person previously operating in this or another municipality or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupation subsequent to each action of denial, suspension or revocation.

7. All criminal convictions other than misdemeanor traffic violations and the reasons therefor.

8. Such other identification and information necessary to discover the truth of the matters required to be contained in the application.

9. Fingerprints and additional photographs, if deemed necessary by the investigating official.

10. Authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements contained in the application and the qualifications of the applicant for the permit.

(5) LICENSE FEE. All applications for an adult bookstore permit, adult motion picture theater permit or adult mini-motion picture theater permit shall be accompanied by the permit fee in Section 12.01 of this chapter, no part of which shall be refundable.

(6) ISSUANCE OR DENIAL OF LICENSE. The Village Board shall issue such license within 45 days of receipt of the application if upon investigation it is found that:

(a) The operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to, the Village building, plumbing, electrical, zoning and health regulations and the provisions of this section.

(b) No person who is required to report under sub. (4) has been convicted of any crime involving dishonesty, fraud, lewd conduct or an offense involving the use of force or violence upon the person of another, unless such conviction was at least 5 years prior to the date of the application.

(c) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Village in conjunction therewith.

(d) The correct license fee has been tendered to the Village and, in the case of a check or bank draft, honored with payment upon presentation.

(e) All of the provisions of this section have been complied with.

(7) HEARINGS. The Village Board shall hold a public hearing to consider approval or suspension or revocation of a license as provided for in this chapter. The applicant or licensee may be represented by an attorney and shall have an opportunity to be heard.

(8) DISPLAY OF LICENSE. The license for the establishment shall be displayed in an open and conspicuous place on the premises of the business.

(9) TRANSFER PROHIBITED. No license as provided for in this section is transferable, separate or divisible and such authority as a license confers shall be conferred only on the licensee named therein.

12.10 REGULATING DIRECT SELLERS.

(1) REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the Village without being registered for that purpose as provided herein.

(2) DEFINITIONS.

Charitable Organization. Shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Clerk. The Clerk/Treasurer or any authorized deputy of such Clerk/Treasurer.

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

Goods. Shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

Permanent Merchant. A direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant has continuously:

1. Operated an established place of business in the Village.

2. Resided in the Village and now does business from his residence.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this chapter:

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

(b) Any person selling goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown.

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this Village and who delivers such goods in their regular course of business.

(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41(6)(a), Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased, for at least one year, or purchased the premises from which he is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

(4) REGISTRATION.

(a) Applicants for registration shall complete and return to the Clerk a registration form, furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.

2. Age, height, weight, color of hair and eyes.

3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.

5. Nature of business to be conducted and a brief description of the goods and any services offered.

6. Proposed method of delivery of goods, if applicable.

7. Name, model and license number of any vehicle to be used by applicant in the conduct of his business.

8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.

9. Place where applicant can be contacted for at least 7 days after leaving this Village.

10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 yrs., the nature of the offense, and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.

2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.

3. A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, the fee prescribed in Section 12.01 of this chapter shall be paid to the Clerk to cover the cost of processing such registration. Such fee may be waived by the Clerk and the Director of Public Safety where they deem no investigation is necessary.

1. Upon payment of such fee and the signing of such statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5)(b).

(5) INVESTIGATION.

(a) Upon receipt of each application, the Clerk shall refer it immediately to the Director of Public Safety who shall make and complete an investigation of the statements made in such registration within 72 hrs.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 yrs., the nature of which is directly related to the applicant's fitness to engage in direct selling, or the applicant failed to comply with any applicable provision of sub. (4)(b).

(6) APPEAL. Any person denied registration may appeal to the Village Board by filing a written statement therewith within 14 days after the date registration was refused setting forth the grounds for appeal. The Village Board shall notify the applicant, at least 48 hrs. prior to the hearing date of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on appellant.

(7) REGULATION OF DIRECT SELLERS.

(a) Prohibited Practices.

1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 5 p.m. and 9 a.m. except by appointment; calling on Sundays and legal holidays; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

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

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

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

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

(b) Disclosure Requirements.

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

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in §423.203, Wis. Stats.

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

(8) RECORDS. The Director of Public Safety shall report to the Clerk all convictions for violation of this provision and the Clerk shall note any such violation on the record of the registrant convicted.

(9) REVOCATION OF REGISTRATION.

(a) Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales,

violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hrs. prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

12.11 <u>AUCTION SALES</u>.

(1) No person shall conduct an auction sale within the Village for the purpose of carrying on the sale of personal or real property of all kinds and description unless a license shall have been obtained as provided in this section.

(2) APPLICATION AND FEE. Every person desiring to conduct an auction sale shall first make written application therefor to the Village Board for a license. Ample off street parking shall be provided at the place where the auction is to be held. Application for such license shall be made to the Village Board and after the same has been granted, payment shall be made to the Clerk/Treasurer of the license fee in Section 12.01 of this chapter. The applicant shall deliver the receipt therefor to the Clerk who shall issue the license. Such license shall be valid for the specific auction and the date thereof, and each subsequent auction shall require an additional license and fee in accordance with this section.

(3) EXCEPTIONS. This section shall not apply to a resident of the Village who desires to conduct an auction to sell used personal property from his own residence.

12.12 <u>PARADES</u>.

(1) DEFINITIONS. The following terms shall have the meanings indicated:

(a) <u>Parade</u>. Any march or procession, whether composed of one or more units or organized or unorganized, consisting of persons on foot or in vehicles acting in concert.

(b) <u>Parade Permit</u>. A permit as required by this section.

(c) <u>Proposed Parade</u>. A parade for which an application for a permit is made under this section.

(d) <u>Public Way</u>. A public street or right-of-way in the Village.

(e) Residential Area. Any area zoned residential under the Village Zoning Code.

(2) PERMIT REQUIRED. No person shall form, start, organize, conduct or participate in any parade in or upon the public ways of the Village unless a parade permit has been obtained from the Village Board and the parade is conducted according to the conditions of the permit. This section shall not apply to:

(a) Funeral processions.

(b) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.

(c) A governmental agency acting within the scope of its functions.

(d) Persons engaging in lawful conduct in labor disputes as provided in the Wisconsin Statutes and other related State and federal acts.

(3) APPLICATION. A person seeking issuance of a parade permit shall file an application with the Clerk/Treasurer on forms provided by such officer.

(a) Filing Period. An application for a parade permit shall be filed with the Clerk/Treasurer not less than 30 days nor more than 60 days before the date on which it is proposed to conduct the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct the parade.

2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and the authorized and responsible head of such organization.

3. The name, address and telephone number of parade chairman or other person who will accompany the parade and be responsible for its conduct.

4. The date when the parade is to be conducted.

5. The route to be traveled, the starting point and the termination point.

6. The approximate number of persons, animals and vehicles which will constitute such parade and a description of the animals and vehicles.

7. The hours at which such parade will start and terminate.

8. A statement as to whether the parade will occupy all or only a portion of the width of the public way proposed to be traveled.

9. The location by streets of any assembly areas for such parade.

10. The time at which the units of the parade will begin to assemble at any such assembly area.

11. The purpose for which the parade will be conducted.

12. Any additional information which the Village Board shall find reasonably necessary to a fair determination as to whether a permit shall issue.

(c) Late Applications. The Village Board, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 30 days before the date the parade is proposed to be conducted.

(d) Fee. There shall he paid at the time of filing the application for a parade permit the fee required in Section 12.01 of this chapter.

(4) ISSUANCE OF PERMIT.

(a) Parade Permit Shall Not Issue. Notwithstanding any other provision of this section, the Village Board shall not issue a parade permit when, upon consideration of the application, it finds:

1. The route of the proposed parade is, in whole or in part, upon a public way within or abutting a residential area and any of the following to be the case:

   a. The proposed parade will be conducted in whole or in part between 8 p.m. and 9 a.m.

   b. The maximum number of persons who will constitute such proposed parade will exceed 25 in number.

c. The proposed parade will be conducted on a portion of the public way other than the public sidewalk.

2. A permit has already issued for a parade to be held on the same date as the proposed parade which will follow, in whole or in part, the same route as the proposed parade.

3. A permit has already issued to the applicant or another person on whose behalf the application has been made for a parade to be held on the same date as the proposed parade.

(b) Parade Permit Shall Issue. The Village Board shall issue a permit as provided for hereunder when, from consideration of the application and from such other information as may be otherwise obtained, it finds that:

1. The conduct of the proposed parade shall not disrupt the safe and orderly movement of other traffic contiguous to its route.

2. The conduct of the proposed parade will not require the diversion of so great a number of police personnel of the Village for such a period of time to properly police the line of movement of the proposed parade and areas contiguous thereto as to prevent the level of law enforcement in other areas of the Village necessary to adequately protect persons and property in those areas of the Village.

3. The conduct of the proposed parade will not interfere with the movement of fire fighting equipment.

4. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

(5) NOTICE OF REJECTION. The Village Board shall act upon the application for a parade permit within 15 days after filing thereof. The Clerk/Treasurer shall notify the applicant by mail of the action of the Village Board. If the permit is denied, the Village Board shall specify the reasons therefor. If the Village Board issues an alternative permit, it shall specify the conditions thereof.

(6) ALTERNATIVE PERMIT. The Village Board in denying an application for a parade permit may authorize the conduct of the proposed parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall within 5 days after the mailing of the notice of the

action of the Village Board by the Clerk/Treasurer file a notice of acceptance with the Clerk/Treasurer. Upon receipt of such notice the Clerk/Treasurer shall deliver an alternative permit to the applicant.

(7) CONTENTS OF PERMIT. Each parade permit shall have attached thereto a copy of the application pursuant to which it had been granted and shall contain a statement that the permit is granted on the condition that the conduct of the parade conform to the information stated in the application. In addition to the above, each alternative permit shall contain a statement of modification as to time, date or route made by the Village Board and shall have attached thereto a copy of the applicant's notice of acceptance of such modification.

(8) DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(9) POSSESSION OF PERMIT. The parade chairman or other person heading or leading the parade shall carry the parade permit upon his person during the conduct of the parade.

12.13 <u>CARNIVALS</u>.

(1) No person shall, within the Village, exhibit any carnival, menagerie, museum, collection of curiosities or show of any kind to which admission is gained by the payment of money without first having obtained a license therefor as provided in this section.

(2) LICENSES FEE. Such license may be obtained by paying to the Clerk/Treasurer the license fee required by Section 12.01 of this chapter for each day the same is operated and not held within a hall, opera house or church.

12.14 <u>PUBLIC DANCES AND DANCE HALLS</u>.

(1) DEFINITIONS.

(a) <u>Public Dance</u>. Includes any dance or ball to which the public generally may gain admission with or without the payment of a fee, whether such dance or ball constitutes all or part of the program or entertainment.

(b) <u>Public Dance Hall</u>. Includes any room, place or space in which a public dance may be held or any ballroom or academy in which classes in dancing are held or instruction in dancing given for hire.

(2) LICENSE REQUIRED. No person shall hold any public dance or classes in dancing or give instructions in dancing for hire in any public dance hall within the Village limits until the public dance hall in which the same may be given or held shall first have been licensed for such purposes. No person shall permit any room or building owned or controlled by him to be used for the purpose of a public dance hall unless the same shall be licensed as herein provided.

(3) APPLICATION FOR LICENSE.

(a) Any person desiring to procure a license as provided in this section shall file a written application with the Village Board. Such application shall contain the names, residences and ages of the applicant, if an individual, firm or partnership or the names of the principal officers, their residences and ages, if the applicant is an association or corporation. It shall also contain the name of one or more persons whom such firm, partnership, corporation or association shall designate a manager or person in charge and address of the same. The application shall further state the following:

1. Length of time the applicant has resided in the Village, previous places of employment, whether he has been convicted of violating any law or ordinance regulating the conduct of public dance halls or public dances and, if so, when and in what court.

2. Premises where such public dance hall is to be located or conducted, street and number of all entrances, location of any room to be occupied and total amount of floor space to be used for dancing purposes.

3. Whether the applicant or manager had, either alone or with someone else, previously engaged as owner or employee in conducting a public dance hall, when, where and for how long.

4. The name and address of the person owning the premises for which a license is sought.

5. Whether a hotel, rooming house or lodging house is conducted in any part of the premises for which a license is sought.

6. Such other information as the Village Board may from time to time require.

(b) The Village Board shall refer such application to the Community Programs & Health Committee which shall investigate or cause an investigation to be made

to determine whether the public dance hall sought to be licensed complies with the regulations, ordinances and laws applicable thereto and to determine whether the applicant is a suitable person to have such license and whether the manager or person in charge named in the application is a suitable person for such position. The Committee shall report its findings and recommendation to the Village Board.

(4) LICENSE.

(a) Upon the filing of the application and the report as provided in the previous subsection, the Village Board may, upon its approval of such application and the payment to the Village of the license fee in Section 12.01 authorize the Clerk/Treasurer to issue to the applicant a license to conduct and maintain a public dance hall as provided in sub. (2). No license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.

(b) All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the public dance hall, dates of issuance and expiration of the license, fee paid and the name of the licensee. No applicant to whom a license has been refused shall make further application until at least 6 months have elapsed since the last rejection, unless he can show that the reason for such objection no longer exists. No license shall be granted to a person under 18 years of age or renewed without a reinspection of the premises.

(5) REFUSAL OF LICENSE. No license shall be granted any dance hall unless adequate modern toilet facilities are provided with the building and an adequate supply of drinking water is available. The room shall be properly lighted and ventilated and all parts of the premises shall be safe and sanitary. A license or permit shall be refused by the Village Board to any applicant who has been convicted within 5 yrs., of the date of application of a second offense of any of the provisions of this section or an ordinance of similar purpose in this or any other community or to any association or corporation of which a member or shall have been so convicted.

(6) TRANSFER OF LICENSE. No license or permit shall be transferred as to location or license.

(7) SANITARY AND LIGHTING REQUIREMENTS. All public dance halls and facilities appertaining thereto shall be kept at all times in a clean, healthful and sanitary condition and all stairways and other passages and all rooms connected with a public dance hall shall be kept open and well lighted during the public use. Proper ventilation shall be maintained at all times.

(8) POWER TO CLOSE. The Village Board shall have the power to cause the place, hall or room where any public dance is held or given to be vacated whenever any rules or regulation or any provision of any law or ordinance with regard to public dance halls or public dances is being violated.

(9) HOURS. All public dances and dance halls shall be closed on each day at or before 2 a.m.; except that upon proper application, the Community Programs & Health Committee may grant a permit to continue a dance beyond that time where the circumstances justify such permission. Such application shall be made at least 5 days before the date on which the dance will be held. No public dance shall be held between 2 a.m. and 8 a.m., except as otherwise provided in this section.

(10) RESTRICTIONS. No person conducting a public dance or public dance hall or any manager or other agent of such person shall:

(a) Sell or accept or cause to be sold or accepted any ticket or token for admission after midnight.

(b) Permit gambling in any form on the premises.

(c) Discriminate between sexes by offering free admission to either sex as an inducement to stimulate attendance.

(d) Permit endurance dancing contests, commonly known as marathon dances.

(e) Permit persons in bathing suits or otherwise improperly dressed to dance or enter the dance floor.

(11) SUPERVISION. The members of the Village Board and its authorized agents and employees shall have access at all times to all public dance halls and public dances to investigate all complaints, inspect and supervise such public dance halls and dances.

12.15 <u>POOL AND BILLIARDS</u>.

(1) LICENSE REQUIRED. No person shall maintain or carry on any public pool room or billiard hall or other place of any name whatever in which billiard or pool tables shall be kept for public use within the Village unless such person shall have obtained a license therefor as provided in this section.

(2) FEE FOR EACH TABLE. Every person keeping and maintaining billiard halls or pool rooms in the Village shall make written application for a license therefor and pay to the Clerk/Treasurer the license fee required in Section 12.01 for each table.

(3) APPLICATION. Application shall be made on forms provided by the Clerk/Treasurer and shall be first submitted to the Community Programs & Health Committee. A license may be granted for any portion of the license year, which shall be July 1 to June 30, by payment of the prorated amount of the annual license fee.

(4) SUSPENSION OR REVOCATION. Any license under this section may be revoked or suspended as provided in Section 12.02 of this chapter for any disorderly conduct or breach of the laws of the state or ordinances of the Village.

12.16 POT-BELLIED PIG LICENSING AND REGULATION.

(1) DEFINITION. Pot-bellied pig shall mean any of the species sus scrofa, more commonly known as Vietnamese pot-bellied pig.

(2) STANDARDS. The Village adopts the following NAPPA standards for American pot-bellied pigs:

(a) Appearance. The general appearance of a pot-bellied pig is a structurally symmetrical animal, free of obvious defect, short of leg, with smooth flowing lines, pronounced pot belly, swayed back, erect ears and a straight tail. All measurements are based on pigs one year of age.

(b) Height. The height shall be measured at the withers, high point of the shoulders, with legs straight underneath. The maximum acceptable height is 18” with the ideal height being less than 14”.

(c) Length. In acceptable proportion to height.

(d) Weight. The maximum acceptable weight is 95 lbs. with the ideal weight being less than 50 lbs.

(e) Head. Ears shall be small and erect, somewhat flat. The nose shall be short to medium length in proportion to the head, allowing for free passage of air when breathing normally. The eyes shall be deep and wide set, clear, of varying color, except when evidence of albinism. The jowl shall be obvious and in proportion to head. The bite shall be even and correct, should not be over shot or under shot.

(f) Body. The back should be swayed through the saddle. The shoulders shall be sloping evenly from side to side. The neck should be short. The rump should flow gently to the base of the tail. The tail should be straight, of medium length with a switch on the end. The belly viewed from the side should be obviously rounded, but not exaggerated or touching the ground. Viewed from the top the belly should not round from the backbone and have only slight lateral protuberance. There shall be at least 5 pairs of teats, evenly spaced.

(g) Feet and Legs. The legs should be wide set standing well on the pasterns. The feet shall stand squarely with 2 toes of equal length on each pointing forward.

(h) Skin. Wrinkles may or may not be present. Hair will lay evenly over the back with seasonal variation. The color shall be black or black and white.

(i) Disposition. All pot-bellied pigs should be tractable and nonaggressive.

(3) LICENSE REQUIRED. No pot-bellied pig shall be allowed in the Village unless licensed in compliance with the following license requirements:

(a) Pot-bellied pigs are to be inoculated for erysipelas, pneumonia, rhinitis, rabies (once every 3 years).

(b) Pot-bellied pigs are to be spayed or neutered. Breeding of pot-bellied pigs is prohibited in the Village.

(c) Pot-bellied pigs shall ideally weigh no more than 50 lbs. at one year and are not to exceed 95 lbs. at any time. Proof of weight shall be required.

(d) The number of pot-bellied pigs per household is limited to one.

(e) Pot-bellied pigs shall be licensed upon verification of weight, spay or neuter and current shot records as defined herein by a licensed veterinarian. The Clerk shall collect the license fee as provided in Section 12.01 and issue the license tag. No license shall be issued unless applicant presents certification or other evidence of weight and current shot records. After issuance of license, the pot-bellied pig shall bear an ID tag with the owner's name, address and telephone number.

(f) No owner or keeper of any pot-bellied pig shall permit the same to run at large in the Village.

(g) A pot-bellied pig shall be deemed to be at large unless under the control of a person by means of a chain, rope, cord or cable of sufficient strength to control

the action of the pot-bellied pig or such other personal presence and attention as will positively control the conduct of the pot-bellied pig.

(h) Whenever any officer or constable shall find any pot-bellied pig running at large as herein defined, he shall, if possible, pick up and impound the animal in such a place as the Village Board may direct. Whenever any impounded pot-bellied pig shall bear an identification mark, such as a collar or license tag, the owner shall be notified. Upon notification, the owner shall claim the pig and pay the impoundment fee in Section 12.01.

12.17 <u>CIGARETTE AND TOBACCO PRODUCTS</u>. (Cr. #098-31)

(1) LICENSE REQUIRED. No person, firm or corporation shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products without securing a license from the Village Clerk as provided in §134.65, Wis. Stats.

(2) APPLICATION AND FEE. Each application for a license shall be accompanied by a $100 fee. The application and issued license shall specify the name of the licensee and the place where authorized to conduct the licensed business. All licenses issued pursuant to this section shall expire on the 30th day of June, next succeeding the date of issue, unless sooner revoked. Such license shall not be transferable from one person to another nor from one premise to another.

(3) DISPLAY. All persons granted licenses under this section shall cause their licenses to be prominently displayed in their places of business.

(4) REQUIRED RECORDS. Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be preserved on the licensed premises for two years in such manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized law enforcement officials.

(5) PENALTY. Any person violating this section shall forfeit not more than $100 nor less than $25 for the first offense and not more than $200 nor less than $25 for the second or subsequent offense. If upon such second or subsequent violation, the person so violating this section was personally guilty of a failure to exercise due care to prevent violation thereof, the person shall forfeit not more than $300 nor less than $25. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another license hereunder for a period of five years

thereafter, nor shall the person in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

12.18 <u>TENTS</u>.

(1) DEFINITION. As used in this section "tent" shall mean a portable, temporary shelter or structure, the covering of which is a pliable material greater than 12 feet by 12 feet, with or without sides.

(2) PERMIT REQUIRED. No person shall place or set up and no owner or lessor shall allow to be placed or set up any tent intended to be used for business or commercial purposes or for public assembly unless a tent permit is obtained from the Building Inspector and the appropriate permit fee is paid before the tent is erected.

(3) INSPECTION. Every tent erected in the Village must comply with the Wisconsin Administrative Code and be approved by the Fire Inspector before the tent may be occupied or used. Seating arrangements and displays in tents shall also be subject to approval by the Fire Inspector and shall allow convenient and rapid exit from the tent.

(4) PROHIBITIONS.

(a) No person shall smoke, or use or allow to be used any open flame, unguarded light, grill, deep fryer, charcoal grill or similar device in a tent.

(b) No tent shall be set up, whether partially or completely, for more than 30 days.

12.20 <u>PENALTY</u>.

Except as otherwise provided in this chapter, in addition to the suspension, revocation or non-renewal of any license under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

CHAPTER 13

MUNICIPAL UTILITIES

13.01 Water and Sewer Utility Committee
13.02 Discharge of Unpolluted Waters
13.03 Abandonment of Wells

SEWER AND WATER UTILITY

13.05 Cross Connections with Public Water System
13.06 Rules and Regulations
13.07 Tampering with Water Meters

SEWER USE AND WASTEWATER RATE

13.10 Definitions
13.11 Use of the Public Sewers
13.12 Control of Industrial Wastes Directed to Public Sewers
13.13 Basis for Sewer Service Charges
13.14 Amount of Sewer Service Charges
13.15 Billing Practice
13.16 Right of Entry, Safety and Identification
13.17 Sewer Construction and Connections
13.20 Violations and Penalties
13.21 Appeals
13.22 Audit
13.23 Effective Date

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
13.01	Water and Sewer Utility Committee		
13.02	Discharge of Unpolluted Waters		
13.03	Abandonment of Wells		
13.05	Cross Connections with Public Water System		
13.06	Rules and Regulations		
13.07	Tampering with Water Meters		
13.10	Definitions		
13.11	Use of the Public Sewers		
13.12	Control of Industrial Wastes Directed to Public Sewers		
13.13	Basis for Sewer Service Charges		
13.14	Amount of Sewer Service Charges		
13.15	Billing Practice		
13.16	Right of Entry, Safety and Identification		
13.17	Sewer Construction and Connections	*2001-40*	*11/20/01*
13.20	Violations and Penalties		
13.21	Appeals		
13.22	Audit		
13.23	Effective Date		

13.01 WATER AND SEWER UTILITY COMMITTEE.

(1) CREATED. There is hereby created a Water and Sewer Utility Committee consisting of 3 members of the Village Board to be appointed by the Village President.

(2) POWERS. The committee shall generally have jurisdiction as to all matters relating to the water and sewer utilities of the Village. The Committee shall supervise the operation of the water and sewer utilities. Subject to the approval of the Village Board, the Committee shall appoint a manager or superintendent and such other employees as may be necessary. The compensation, salaries, wages or benefits of all such employees shall be as established by the Village Board. The Committee shall see that all reports or other documents and papers required to be filed with government agencies, including, but not limited to, the Department of Natural Resources and the Public Service Commission, are prepared and filed as required.

(3) ORGANIZATION. The members of the Committee shall meet and choose from among its members a secretary. They shall make and adopt rules of procedure and cause books and records of account of the water and sewer utilities to be kept in the manner and form prescribed by the Public Service Commission of Wisconsin, which books and records shall be open at all times for the inspection of the public during normal working hours.

(4) SEPARATE FUND. The Village Clerk/Treasurer, under the direction of the Committee, shall keep a separate account of all moneys or income received from all water or sewer utility rates or charges collected relating to the water and sewer systems, and the fund thereby created shall be devoted to the expense of maintaining and operating such systems. Expenditures from such fund are to be made only upon orders approved by the chairman and secretary of the Committee. Checks issued against the account of the water and sewer utilities shall be signed by the Clerk/Treasurer and President. A monthly financial report shall be made to the Village Board by the Village Clerk/Treasurer.

(5) BUDGETS. (Am. 1/19/88) Annually, on or before November 15 of each year, the Committee shall prepare and submit to the Village Board a proposed budget for the operation of the water and sewer utilities for the ensuing year. Upon approval of the Village Board, the budget shall constitute the budget for the water and sewer utilities for such year. This budget will also be submitted to the residents of the Village at a public hearing.

(6) ACCOUNTABILITY. Annually, the Committee shall cause an audit to be made of the water and sewer utilities and shall submit a report thereof to the Village Board.

(7) EXTENSIONS AND EMERGENCY EXPENDITURES. All extensions to the water and sewer systems shall be made by and under the direction of the Village Board. The Committee shall have the power to authorize emergency repairs subject to ratification by the Village Board.

(8) MAPS. The Committee shall prepare and keep on file maps showing the location, size and type of all mains, valves, service pipes, hydrants and connections of the entire water works system and shall prepare and keep on file maps showing the location, size and type of all mains of the sanitary and storm sewers, and shall from time to time make such additions or alterations on such maps corresponding to the additions or alterations in the system. One map shall be kept in the office of the Committee and one in the office of the Village Clerk/Treasurer.

13.02 DISCHARGE OF UNPOLLUTED WATERS.

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage, which is not contaminated, into any sanitary sewer. Storm water and all uncontaminated drainage shall be discharged into storm sewers or to a natural outlet or watercourse in accordance with applicable laws, ordinances and regulations.

(a) Removal of water from the footing drains may be effected by means of a sump pump or other equally suitable method. Except as otherwise provided herein, the outlet or discharge point of any sump or other authorized discharge method shall be toward the front of the lot and shall not be nearer than 20' from the side yard line nor shall any person construct or cause or permit to be constructed any ditch or line from such discharge point toward the side yard line of such lot so as to cause the same to be discharged closer to the side yard line than is authorized herein. Where a lot is on a corner the water may discharge toward a side yard which abuts on a public street. (Rn. #97-15)

(b) Connection of Sump Pump to Storm Sewer System. (Cr. #97-15)

1. Upon securing the necessary permit from the Village of Sturtevant, a property owner may connect his/her sump pump so that it discharges directly into the Village's storm sewer system. The cost of accomplishing such connection shall be borne by the property owner. The property owner shall also be responsible for restoring any areas disturbed by said work.

2. At the written request of the property owner, the Village, in its discretion, may agree to accomplish connection of a property owner's sump pump to the Village's storm sewer system. Such request shall constitute a waiver

to a hearing on and consent to the imposition of a special assessment against the property for the cost of such connection, which shall be borne by the property owner. At the discretion of the Village, such amount may be repaid to the Village in the installments over a 5-year period, plus interest, all as more specifically agreed by and between the parties.

(2) Where a property owner establishes to the satisfaction of the Village Board or its authorized representative that discharging to the front of the lot shall be unduly burdensome, the Village may grant a permit to discharge at some other location, provided the property owner and occupant shall consent to inspection of the sump discharge at all reasonable times by authorized personnel of the Village and in the event of a refusal of access for any such inspection, such permit may be revoked after a hearing before the Village Board or its authorized committee or representative.

(3) Any person who shall violate any provision of this section shall upon conviction thereof forfeit not less than $100 nor more than $1,000, together with the costs of prosecution.

13.03 <u>ABANDONMENT OF WELLS</u>. (Cr. #098-18)

(1) PURPOSE. To protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may act as conduits for contamination of groundwater, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

(2) APPLICABILITY. This ordinance applies to all wells located on premises served by the Village of Sturtevant municipal water system.

(3) DEFINITIONS.

(a) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(b) "Noncomplying" means a well or pump installation which does not comply with §NR 812.42, Wisconsin Administrative Code, Standards for Existing Installation, and which has not been granted a variance pursuant to §NR 812.43, Wisconsin Administrative Code.

(c) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

(d) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of §NR 812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(e) "Unused" means a well or pump installation which is not used or does not have a functional pumping system.

(f) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

(g) "Well abandonment" means the filling and sealing of a well according to the provisions of §NR 812.26, Wisconsin Administrative Code.

(4) ABANDONMENT REQUIRED. Except as otherwise provided herein, all wells on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance and Chapter NR 812, Wisconsin Administrative Code, by April 1, 1999 or no later than one year from the date of the mandatory connection to the municipal water system pursuant to Section 13.06 of this Code, whichever date occurs last. A well on property connected to the municipal water system may be maintained for non-household uses only, provided a well operation permit has been obtained by the well owner from the Village Clerk/Treasurer.

(5) WELL OPERATION PERMIT. The Village/Clerk Treasurer shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may renew a well operation permit by submitting information verifying that the conditions of this section are met. The Village of Sturtevant, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk/Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

(a) The well and pump installation shall meet or shall be upgraded to meet the requirements of §NR 812.42, Wisconsin Administrative Code, and have a functional pumping system.

(b) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 samples taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resource approves, in writing, the continued use of the well.

(c) There shall be no cross-connections between the well's pump installation and the municipal water system.

(d) The proposed use of the well and pump installation can be justified as reasonable in addition to water provided by the municipal water system.

(6) ABANDONMENT PROCEDURES.

(a) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of §NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall notify the Village Clerk/Treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a representative from the Sturtevant Water Department.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk/Treasurer and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(7) PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than $5.00 nor more than $500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

SEWER AND WATER UTILITY

13.05 <u>CROSS CONNECTIONS WITH PUBLIC WATER SYSTEM</u>.

(1) DEFINITION. A cross connection is defined as any physical connection

or arrangement between 2 otherwise separate systems, one of which contains potable water from the Village water system and the other water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

(2) CROSS CONNECTIONS PROHIBITED. No person shall establish or maintain or permit to be established or maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village Utility Board, Water and Sewer Division and by the Wisconsin Department of Natural Resources in accordance with NR 111.25(3), Wis. Adm. Code.

(3) INSPECTIONS. The Plumbing Inspector or Deputy Plumbing Inspector shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Plumbing Inspector and as approved by the Wisconsin Department of Natural Resources. Upon presentation of credentials, the Plumbing Inspector or his deputy shall have the right to request entry at any reasonable time to examine any property served by the connection to the public water system of the Village for cross connections. If entry is refused, such inspector shall obtain a special inspection warrant under §66.122, Wis. Stats. On request the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(4) DISCONTINUATION OF WATER SERVICE.

(a) The Water Department of the Village is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as hereinafter provided. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(b) If it is determined by the Plumbing Inspector or his deputy that a cross connection or an emergency endangers public health, safety or welfare and

requires immediate action, and a written finding to that effect is filed with the Village Clerk/Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

13.06 RULES AND REGULATIONS. (Rep. & recr. #089-34)

The following rules and regulations in relation to the operation of the Village Water Works and Sewer System are hereby adopted and shall be considered a part of the contract with every person who shall obtain water or make a sewerage connection with such system:

(1) CONNECTIONS. Any person owning property fronting upon any street or portion thereof wherein water pipes shall have been laid, shall make connections with such pipes and tap the same under the rules and regulations of the Committee.

(2) COST OF CONNECTION. Each applicant for water service shall at the time of making application for such service, execute and deliver to the Committee a contract for such water service agreeing to pay the cost of putting in the service pipe and connections from the main to the water using property and to obey all the rules and regulations of the Committee and to pay the fixed rate for water used.

(3) CONNECTION AT OWNER'S EXPENSE. The owner of every property who makes a sanitary sewer connection with the sanitary sewer shall make such a connection at his own expense. If under Section 11.06 it is necessary to make such connection and in the case of neglect or refusal of the owner or agent to do so, the Committee may install such connection and charge the expense thereof against the premises supplied, to be collected with the next water rates due against the premises.

(4) MAINTENANCE OF SEWER AND WATER SERVICES. (Am. #92-23) All public sewer and water services within the Village extending from the street main to the property line, including all controls between the same, shall be maintained by the Village without cost to the owner of the adjoining property, except when they are damaged as a result of the negligence or carelessness of the property owner, an agent of the owner, a tenant or an occupant of the property, in which case they shall be repaired at the expense of the property owner. All sewer and water services inward from the property line shall be maintained in a proper condition, free of any defects, by and at the expense of the owner or occupant of the property. Notwithstanding any other provision of this section, each property owner shall be responsible for the installation, repair, maintenance and replacement of any laterals

extending from the property owner's improvement to the main sewer and the Water and Sewer Utility shall be responsible for the main sewer only.

(5) WATER RATES, METERS, CHARGES AND RULES. The authorized water rates and rules in Appendix B of the order of the Wisconsin Public Service Commission, dated September 21, 1989, as amended from time to time, are hereby incorporated by reference and shall constitute the water rates and rules of the Water Utility.

13.07 <u>TAMPERING WITH WATER METERS</u>. (Cr. #089-26)

(1) No person shall tamper with, bypass, disconnect or remove any water meter, including any remote reading equipment with respect thereto, of the Sewer and Water Utility within the Village without first obtaining the approval of the Sewer and Water Utility.

(2) Any person found to be in violation of this section shall, in addition to any penalties provided in Section 25.04 of this Municipal Code, be subject to a forfeiture equal to the cost of repairing, replacing or restoring any water meter having been tampered with, bypassed, disconnected or removed.

SEWER USE AND WASTEWATER RATE

13.10 <u>DEFINITIONS</u>.

APPROVING AUTHORITY. The Sewer and Water Committee of the Village or their authorized deputy, agent or representative.

BOD (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C, expressed as milligrams per liter (mg/1). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5' (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection or house lateral.

CATEGORY A. Those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 6 mg/1.

CATEGORY B. Those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/1 of BOD, 250 mg/1 of suspended solids and 6 mg/1 of phosphorus. Users whose wastewater exceeds the concentration for any one of these parameter shall be in Category B.

CHLORINE REQUIREMENT. The amount of chlorine in mg/1 which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

CITY. The City of Racine, Racine County, Wisconsin.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANTS. Biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants and, in fact, do remove such pollutants to a substantial degree.

EASEMENT. An acquired legal right for the specified use of land owned by others for wastewater conveyance or treatment.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not adversely interfere with the collection system.

GARBAGE. The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

GRANTEE. The Village for those projects in which the Village receives federal funding.

GROUND GARBAGE. The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than ½" in any dimension.

INCOMPATIBLE POLLUTANTS. Wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

INDUSTRIAL USER.

(a) Any nongovernmental, nonresidential user of publicly owned treatment works which discharges more than the equivalent of 25,000 gals. per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry, Fishing
Division B - Mining
Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas and Sanitary Services

Division I - Services

1. Grantee may exclude domestic waste or discharges from sanitary conveniences in determining the amount of a user's discharge for purposes of industrial cost recovery.

2. After applying the sanitary waste exclusion (if the grantee chooses to do so), dischargers in the above division that have a volume exceeding 25,000 gpd or the weight of BOD, suspended solids or phosphorus equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes are the wastes discharged from residential users.

(b) Any nongovernmental user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works or receiving waters.

(c) A commercial user of an EOA funded individual system.

INDUSTRIAL WASTE. The wastewater from industrial process, trade or business as distinct from sanitary sewage.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

(a) Has a flow of 50,000 gals. or more per average workday.

(b) Has a flow greater than 5% of the flow carried by the wastewater collection and treatment facilities receiving the waste.

(c) Has a material in its discharge included on a list of toxic pollutants issued under §147.07(1), Wis. Stats.

(d) Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

MUNICIPALITY. The Village of Sturtevant.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NORMAL, DOMESTIC STRENGTH WASTEWATER. Wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 6 mg/1.

OPERATION AND MAINTENANCE COSTS. All costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater and collection and treatment facilities.

PARTS PER MILLION. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

PERSON. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration 10-^{7}.

PHOSPHORUS. Total phosphorus and is expressed in mg/1 of P (phosphorus).

PUBLIC SEWER. Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.

SANITARY SEWAGE. A combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.

SANITARY SEWER. A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is "wastewater."

SEWER. A pipe or conduit that carries wastewater or drainage water.

SEWERAGE. The facilities used for collection, treatment and disposal of wastewater.

SEWER SERVICE CHARGE. A charge levied on users of the wastewater collection and treatment facilities to recover annual revenues for debt services, replacement costs and operation and maintenance expenses of such facilities. The user charge which covers operation and maintenance and replacement expenses is a part of the sewer service charge.

SHALL. Is mandatory; "MAY" is permissible.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hr. concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM DRAIN (sometimes termed Storm Sewer). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

STORM WATER RUNOFF. That portion of the rainfall that is drained in the sewers.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods," and referred to as nonfilterable residue.

TOWN. The Town of Mt. Pleasant, Racine County, Wisconsin.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER CHARGE. A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

VILLAGE. The Village of Sturtevant, Racine County, Wisconsin.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

WASTEWATER COLLECTION FACILITIES (or wastewater collection system). The structures and equipment required to collect and carry away domestic and industrial wastewater.

WASTEWATER TREATMENT FACILITY. The city's arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with wastewater treatment plant.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. A document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the regional wastewater treatment facility. WPDES permit and modifications thereof pertain to the City of Racine wastewater treatment facility.

13.11 <u>USE OF THE PUBLIC SEWERS</u>.

(1) SANITARY SEWERS. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water into any sanitary sewer.

Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Approving Authority.

(2) STORM SEWERS. Storm water, other than that exempted in sub. (1) above, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer, combined sewer or natural outlet.

(3) PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.

(d) Any waters or wastes having a pH in excess of 9.0.

(e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(f) The following described substances, materials, waters or waste shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a

nuisance. The Approving Authority may set limitations lower than the limitations established in this subchapter if, in its opinion, more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than 150°F (65°C).

2. Wastewater containing more than 25 mg/1 of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

3. Wastewater from industrial plants containing floatable oils, fat or grease.

4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

5. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.

6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the Approving Authority.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.

8. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

9. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

10. Materials which exert or cause:

    a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

    b. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

    c. Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate.

    d. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

    e. Incompatible pollutants in excess of the allowed limits as determined by city, State and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

(g) The Village shall comply with all the requirements of the City of Racine WPDES Permit and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES Permit and the modifications thereof.

(h) All waters or wastes entering the system shall be subject to all of the provisions of the Wastewater Control Ordinance of the City of Racine.

(4) SPECIAL ARRANGEMENTS. No statement contained in this section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth in this

subchapter are recognized and adhered to.

(5) NEW CONNECTIONS. New connections to the Village's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

13.12 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

(1) SUBMISSION OF BASIC DATA.

(a) Within 3 months after passage of this subchapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes, discharged to the wastewater collection and treatment facilities. The Approving Authority may require that this data be provided annually at a time specified by the Approving Authority. The following forms or the information needed to complete them will be accepted:

1. Annual NR 101 "Effluent Reporting Form".

2. Form 3400-28 "Industrial Waste Contribution to Municipal System".

(b) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(c) The above is required to comply with the City of Racine WPDES Permit.

(2) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by sub. (1), a request for extension of time may be presented to the Approving Authority for consideration.

(3) INDUSTRIAL DISCHARGES. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 13.11 and which in the judgment of the Approving Authority have a deleterious effect upon the sewerage works, processes, equipment or receiving waters or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 13.11(4).

(4) CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

(5) PRETREATMENT OF WASTEWATER.

(a) Ordinance Provisions Adopted. The provisions of sec. 98-150 through 98-155 of the Code of Ordinances of the City of Racine relating to pretreatment of wastewater, are hereby adopted by reference, the same as if fully set forth herein.

(b) Penalties and Costs.

1. Civil Penalties. Any industrial user who is found to have violated an order of the Board of Standards or who willfully or negligently failed to comply with any provisions of this section or any orders, rules, regulations and permits issued hereunder, shall forfeit not more than $1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the forfeitures provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other costs and expenses of litigation.

2. Costs of Damages. Any industrial user violating any of the provisions of this section which causes a deposit, obstruction, damage or other impairment to the Racine POTW shall become liable to the Village and/or the utility for any expenses, losses or damages caused by such violation. The Village and the utility may add to the industrial user's charges and fees the costs assessed for any cleaning, repair or replacement work

caused by the violation. Any refusal to pay the assessed costs shall constitute a violation of this section.

3. Falsifying Information. Any person who knowingly makes any false statements, representation or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this section or the wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be subject to a forfeiture of not more than $1,000.

(6) GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 13.11(3)(f)3., or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) practice.

(7) ANALYSES. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for sewer service charges.

(8) SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start

of their construction if the effluent from such facilities is to be discharged into the public sewers.

13.13 <u>BASIS FOR SEWER SERVICE CHARGES</u>.

(1) SEWER USERS SERVED BY WATER UTILITY WATER METERS. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, a wastewater treatment service charge based, in part, on the quantity of water used as measured by the Water Utility water meter used upon the premises.

(2) SEWER USERS SERVED BY PRIVATE WELLS. If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the Water Utility, all or part of which is discharged into the public sanitary sewer system, the person shall have water meters installed by the Water Utility at his expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter. The Water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer charge is billed.

(3) DEDUCT METERS. If a user feels that a significant amount of metered water does not reach the sanitary sewer, he can, at his own expense through the Approving Authority, install such additional meters as are necessary to calculate the volume not discharged to the sanitary sewer. Requests for a second meter or metered service shall be made in writing to the Approving Authority.

(4) RESIDENTIAL SUMMER IRRIGATION ALLOWANCE. The residential (up to and including 4 family units) sewer service charge shall be determined for the third quarter in the following manner: The metered water volume used as a basis for the sewer service charge shall be the second quarter water volume or the third quarter volume, whichever is less, provided the second quarter water volume was based on a full quarter of water usage.

13.14 <u>AMOUNT OF SEWER SERVICE CHARGES</u>. (Am. #089-34)

(1) SEWER RATES AND CHARGES. The authorized sewer rates and rules as set forth in Appendix D of the order of the Wisconsin Public Service Commission, dated September 21, 1989, as amended from time to time,

are hereby incorporated by reference and shall constitute the water rates and a portion of the rules of the Sewer Utility.

(2) REASSIGNMENT OF SEWER USERS, The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs, and other related information, indicates a change of categories is necessary.

(3) OPERATION, MAINTENANCE AND REPLACEMENT FUND ACCOUNTS.

(a) The annual replacement revenues shall be maintained in a separate account by the Village to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for authorized uses only with the approval of the Approving Authority.

(b) All revenues collected for the replacement fund and operation and maintenance of the wastewater collection facilities shall be used solely for such purposes.

13.15 <u>BILLING PRACTICE</u>.

(1) CALCULATION OF SEWER SERVICE CHARGES. Sewer service charges that shall be assessed to Village sewer users shall be computed by the village according to the rates and formulas presented in Section 13.14 of this chapter.

(2) SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the Village to the sewer users on a quarterly basis.

(3) PAYMENT OF SEWER SERVICE CHARGES. Bills for sewer service charges become due and payable on the 20th of the month following the quarter for which service is rendered.

(4) PENALTIES. Such sewer service charges levied by the Village against the sewer users in accordance with this chapter shall be a debt due to the Village and shall be a lien upon the property. If the Village is unable to collect this debt, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

13.16 <u>RIGHT OF ENTRY, SAFETY AND IDENTIFICATION</u>.

(1) RIGHT OF ENTRY. The Approving Authority or other authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter

all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter and §66.122, Wis. Stats.

(2) IDENTIFICATION, RIGHT TO ENTER EASEMENTS. The Approving Authority or other authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement, all subject to the terms, if any, of this negotiated easement.

13.17 <u>SEWER CONSTRUCTION AND CONNECTIONS</u>.

(1) WORK AUTHORIZED. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(2) SEWER CONNECTION CHARGE. (Am. #096-11; #097-30)

(a) Prior to the issuance of a permit allowing connection to the sanitary sewer system of the Village of Sturtevant, the Clerk/Treasurer shall collect the connection charge set forth below for each applicable lot, parcel of land or premises:

1. Single-Family Residential

Year of Connection	Amount of Charge
2002	**$3,200.00**
2003	**$3,264.00**
2004	**$3,329.28**
2005	**$3,395.87**
2006	**$3,463.78**
2007	**$3,533.06**
2008	**$3,603.72**
2009	**$3,675.79**
2010	**$3,749.31**
2011	**$3,824.30**

2. Multi-Unit Residential

Year of	Charge	Charge	Charge for Each

Connection	for 1st Unit	for 2nd Unit	Additional Unit
2002	$3,200.00	$2,000.00	$1,500.00
2003	$3,264.00	$2,040.00	$1,530.00
2004	$3,329.28	$2,080.80	$1,560.60
2005	$3,395.87	$2,122.42	$1,591.81
2006	$3,463.78	$2,164.86	$1,623.65
2007	$3,533.06	$2,208.16	$1,656.12
2008	$3,603.72	$2,252.32	$1,689.24
2009	$3,675.79	$2,297.37	$1,723.03
2010	$3,749.31	$2,343.32	$1,757.49
2011	$3,824.30	$2,390.18	$1,792.64

3. All Commercial, Industrial, Private and Public Institutions shall be charged on a reasonable basis as determined by the Village based on such factors as flow and nature of the sewer or waste, with a charge in an amount as set forth below or $400.00 per fixture, whichever amount is greater:

AMOUNT OF CHARGE										
		Meter Size								
Year of Connection		5/8"	¾"	1"	1-1/2"	2"	3"	4"	6"	8"
	2002	**$3500.00**	**$3600.00**	**$3800.00**	**$4300.00**	**$5000.00**	**$6300.00**	**$8500.00**	**$13500.00**	**$15000.00**
	2003	**3570.00**	**3672.00**	**3876.00**	**4386.00**	**5100.00**	**6426.00**	**8670.00**	**13770.00**	**15300.00**
	2004	**3641.40**	**3745.44**	**3953.52**	**4473.72**	**5202.00**	**6554.52**	**8843.40**	**14045.40**	**15606.00**
	2005	**3714.23**	**3820.35**	**4032.59**	**4563.19**	**5306.04**	**6685.61**	**9020.27**	**14326.31**	**15918.12**
	2006	**3864.28**	**3896.76**	**4113.24**	**4654.45**	**5412.16**	**6819.32**	**9200.68**	**14612.84**	**16236.48**
	2007	**3964.28**	**3974.70**	**4195.50**	**4747.53**	**5520.40**	**6955.71**	**9384.69**	**14905.10**	**16561.21**
	2008	**3941.57**	**4054.19**	**4279.41**	**4842.48**	**5630.81**	**7094.82**	**9572.38**	**15203.20**	**16892.43**
	2009	**4020.40**	**4135.27**	**4365.00**	**4939.33**	**5743.43**	**7236.72**	**9763.83**	**15507.26**	**17230.28**
	2010	**4100.81**	**4217.98**	**4452.30**	**5038.12**	**5858.30**	**7381.45**	**9959.11**	**15817.41**	**17574.89**
	2011	**4182.83**	**4302.34**	**4541.35**	**5138.88**	**5975.47**	**7529.08**	**10158.29**	**16133.76**	**17926.39**

Charges for meter sizes in excess of 8" will be determined on a case-by-case basis by the sewer utility, after consultation with its engineer.

(b) No unit connection charge shall be collected by the Village if the property to be serviced has been previously assessed for such connection charge.

(c) The property owner shall install the lateral from the sewer main at his/her own expense, which shall not be deducted from the connection fee under any circumstances.

(d) Additional connection charge:

1. In each and every case where a lot or parcel of land is connected to a sewer installed without levy of a special assessment against a lot or parcel, there shall be an additional connection charge for each front foot of land abutting or fronting a road. The additional charge shall be equal to the cost per assessable foot of the lot abutting or fronting upon the road, based upon the actual cost of installation of the sewer line, with interest at the rate of 5 percent per annum from the time of installation to the time of connection, including the cost of the size of the sewer main and its installation at the depth necessary to furnish sewer service to the lot or parcel of land. Where actual cost figures are not available, the Village Engineer shall estimate the cost utilizing available historical data. Such additional charge shall be collected simultaneously with the regular connection charge.

(3) USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Approving Authority to meet all requirements for this subchapter.

(4) MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(5) BUILDING SEWER GRADE. Whenever practical, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(6) STORM AND GROUNDWATER DRAINS. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is

connected directly or indirectly to a sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority. Exceptions to the above may be made by the Approving Authority.

(7) CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(8) INSPECTION OF CONNECTION. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

(9) BARRICADES; RESTORATION. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

13.20 <u>VIOLATIONS AND PENALTIES</u>.

(1) WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this chapter, except Section 13.15, shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a forfeiture, pay an amount to cover damage, both values to be established by the Approving Authority.

(3) CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than $500 together with the cost of prosecution. Each day in which any

violation is continued beyond the notice time limit shall be deemed a separate offense.

(4) LIABILITY TO VILLAGE FOR LOSSES. Any person violating any provision of this chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation which the Village may suffer as a result thereof. The Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

13.21 APPEALS.

(1) Any user, permit applicant or holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the Village Board.

(2) A fee of $25 shall accompany any appeal to the Village Board for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant. The written appeal shall be heard by the Village Board within 45 days from the date of filing. The Village Board shall make a final ruling on the appeal within 60 days from the date of filing.

13.22 AUDIT.

The Village shall conduct an annual audit to maintain the proper proportion between users and user classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement and debt service costs.

13.23 EFFECTIVE DATE.

(1) DATE OF EFFECT. This subchapter shall take effect and be in force from and after March 10, 1980.

(2) DATE OF ENACTMENT (APPROVAL). Adopted by the Board of the Village of Sturtevant in the County of Racine and the State of Wisconsin on the 4th day of March, 1980.

CHAPTER 14

STURTEVANT UNIFORM BUILDING CODE

(Rep. & recr. #099-08)

GENERAL

14.00 Scope
14.01 Title
14.02 Application of "Wisconsin Administrative Code"
14.025 Application of "Wisconsin Uniform Dwelling Code"
14.03 Application of "Wisconsin Uniform Building Code"

BUILDING INSPECTOR AND PERMITS

14.04 Department of Buildings
14.05 Permits
14.06 Approved Plans
14.07 Regulations for Moving Buildings
14.08 Razing of Buildings
14.09 Inspections
14.10 Stop-Work Order
14.11 Certificate of Occupancy

GARAGES AND ACCESSORY BUILDINGS

14.20 General Requirements

DECKS

14.30 General Requirements

SWIMMING POOLS

14.40 General Requirements

FOUNDATION REPAIR & DAMPPROOFING

14.50 Foundation Repair & Dampproofing

STURTEVANT UNIFORM BUILDING CODE

FIRE-RELATED PROVISIONS

14.60 Fire Limits, Inflammable Oils and Explosives
14.61 Automatic Fire Sprinklers
14.62 Smoke and Fire Detection and Warning Systems in Public Residential Buildings

MISCELLANEOUS & VIOLATIONS

14.70 New Materials & Methods
14.71 Tests
14.72 Identification of Products
14.73 Validity of Past
14.74 Violations
14.75 Failure to Obtain Permit

PENALTIES

14.81 Penalties

STURTEVANT UNIFORM BUILDING CODE APPENDIX

14.86 Table-1 Building Code Permit Fees
14.87 Electrical Permit Fees
14.88 Plumbing Fees
14.89 Fire Inspection Permit Fees

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
14.00	Scope		
14.01	Title		
14.02	Application of "Wisconsin Administrative Code"		
14.025	Application of "Wisconsin Uniform Dwelling Code"		
14.03	Application of "Wisconsin Uniform Building Code"		
14.04	Department of Buildings		
14.05	Permits		
14.06	**Approved Plans**		
14.07	Regulations for Moving Buildings		
14.08	Razing of Buildings		
14.09	Inspections		
14.10	Stop-Work Order		
14.11	Certificate of Occupancy		
14.20	Garages and Accessory Buildings–General Requirements		
14.30	Decks–General Requirements		
14.40	Swimming Pools–General Requirements		
14.50	Foundation Repair & Dampproofing		
14.60	Fire Limits, Inflammable Oils and Explosives		
14.61	Automatic Fire Sprinklers		
14.62	Smoke and Fire Detection and Warning Systems in Public Residential Buildings		
14.70	New Materials & Methods		
14.71	Tests		
14.72	Identification of Products		
14.73	Validity of Past		
14.74	Violations		
14.75	Failure to Obtain Permit		
14.81	Penalties		
14.86	Table-1 Building Code Permit Fees	2003-33	10/21/03
14.87	Electrical Permit Fees	2003-33	10/21/03
14.88	Plumbing Fees	2003-33	10/21/03
14.89	Fire Inspection Permit Fees	2003-33	10/21/03

GENERAL

14.00 SCOPE.

The provisions of the Sturtevant Uniform Building Code (this Code) shall govern the design, construction, alteration, demolition and moving of all buildings and structures.

14.01 TITLE.

These regulations shall be known and cited as "Sturtevant Uniform Building Code" and shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

14.02 APPLICATION OF "WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE".

The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Chapters Comm 50 through 64, Wis Admin. Code, both inclusive and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said code is on file in the office of the Village Clerk.

14.025 APPLICATION OF "WISCONSIN UNIFORM DWELLING CODE".

The Wisconsin Uniform Dwelling Code, Chapters Comm 20 through 25, Wis. Admin. Code, inclusive and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one and two family dwellings and alterations and additions thereto. This Code shall also apply to alterations and additions to all one and two family dwellings constructed prior to the effective date of the Wisconsin Uniform Dwelling Code. A copy of said code is on file in the office of the Village Clerk.

14.03 APPLICATION OF "STURTEVANT UNIFORM BUILDING CODE".

All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code.

(1) ZONING LAWS. No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.

(2) NEW BUILDINGS. The construction requirements of the Sturtevant Uniform Building Code shall apply to all buildings not covered under Section 14.02.

(3) EXISTING BUILDINGS. This Code shall also apply to buildings and conditions described in this section.

(a) An existing building to be occupied as a one or two family dwelling which building was not previously so occupied.

(b) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty (50) percent of the equalized value of the structure, said value to be determined by the assessor of the Village.

(c) Additions and alterations, regardless of cost, made to an existing building shall comply with the requirements of this Code. The provisions of sub. (4) of this section shall also apply.

(d) Roof Coverings. Whenever more than twenty-five (25) percent of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable sections of this Code.

(e) Additions and Alterations. Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable sections of this Code.

(4) ALTERATIONS AND REPAIRS. The following provisions shall apply to buildings altered or repaired.

(a) Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of non-conforming type of construction which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits or any of the above, then such existing construction shall be made to conform to the minimum requirements of this Code applicable to such occupancy and use and given type of construction.

(b) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not effect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection

or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

(c) Alterations When Not Permitted. When an existing building or structure, which for any reason whatsoever does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty (50) percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

(d) Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.

(e) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

(f) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

BUILDING INSPECTOR AND PERMITS

14.04 DEPARTMENT OF BUILDINGS.

(1) COMPOSITION. There is hereby established a department which shall be known as the Department of Buildings and which shall include a Building Inspector, Electrical Inspector, Plumbing Inspector and Heating, Ventilating and Air Conditioning (HVAC) Inspector. All four offices may be held by the same person or firm and shall be collectively referred to in this Code as Building Inspector.

(2) BUILDING INSPECTOR. The Building Inspector shall be appointed by the Village Board and there shall be a salary for such office as set by the Village Board.

(3) QUALIFICATIONS; DUTIES. The Building Inspector shall have the necessary ability to supervise the general construction of buildings and other permanent

equipment of buildings. He shall pass upon the plans and specifications of each building to be erected and not be interested, directly or indirectly, in the construction of buildings or in the preparation of plans and specifications therefor, or of any permanent building equipment, except as may be authorized by the Village Board. The Building Inspector shall be certified for inspection purposes in accordance with the Wisconsin Administrative Code and shall administer and enforce all provisions of this Code.

(4) RECORDS TO BE KEPT. The Building Inspector shall perform all administrative tasks required by Wisconsin law. The Building Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. The Building Inspector shall also keep a record of all fees collected, showing date of receipt and delivery to the Village Clerk/Treasurer. The Building Inspector shall make a monthly report and an annual report to the Village Board of the above matters.

(5) INSPECTIONS. The Building Inspector shall have power and authority at all reasonable times, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, electrical, plumbing or HVAC work or the required licenses therefor. No persons shall interfere with the Building Inspector while in the performance of the duties described in this chapter. In the event the Building Inspector is refused access to any premises, the Building Inspector may apply for a special inspection warrant pursuant to §66.122, Wis. Stats.

(6) NO ASSUMPTION OF LIABILITY. This chapter shall not be construed as assuming any liability on the part of the Village or the Building Inspector for damages to anyone injured or any property destroyed by any defect in any building or equipment or any electric wiring or equipment.

14.05 <u>PERMITS</u>.

(1) PERMITS REQUIRED. No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the Village or moved into, within or out of the Village except as hereinafter provided, unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector.

Permits required are as follows:
(a) Building
(b) Air conditioning
(c) Wrecking or razing
(d) Heating

(e) Moving of buildings
(f) Occupancy
(g) Reroofing and residing
(h) Fire Inspection
(i) Other permits as required by the Village and/or as listed in the Table No. 1 permit fee schedule.

(2) APPLICATION FOR PERMITS. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted, to the Building Inspector, three (3) complete sets of plans, specifications and three (3) copies of a survey.

(a) Survey. The survey shall be prepared and certified by a surveyor or registered by the State of Wisconsin; shall be made, in no case, prior to one (1) year prior to the issuance of a building permit; and shall bear the date of the survey. The certified survey shall also show the following:

1. Location and dimensions of all buildings on the lot, both existing and proposed.
2. Dimensions of the lot.
3. Dimensions showing all setbacks to all buildings on the lot.
4. Proposed grade of proposed structure, to village datum.
5. Grade of lot and of road opposite lot.
6. Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of the road.
7. Type of monuments at each comer of lot.
8. Watercourses or existing drainage ditches.
9. Seal and signature of surveyor.

(b) Plans and Specifications. All plans shall be drawn to a scale not less than one-fourth (¼) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:

1. All elevations.
2. All floor plans.
3. Complete construction details.
4. Fireplace details (¾ inch per foot) showing cross section of fireplace and flues.
5. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
6. Grading plan which shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of the grading.
7. Any other information as the Building Inspector may require.

All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record or may destroy them.

(3) WAIVER OF SOME REQUIREMENTS. At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

(4) ISSUANCE OF PERMIT; WHEN.

(a) If the Building Inspector finds that the proposed building will comply in every respect with the provisions of this Code and all the laws and orders of the State, he/she shall officially approve and stamp one set of plans and return them to the owner and shall issue a building permit therefor which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above rules, laws or orders or the safety of the building, except with written consent of the Building Inspector. If adequate plans are presented, the Building Inspector may, at his/her discretion, issue a permit for a part of the building before receiving plans and specifications for the entire building. No person shall commence work on any building or alteration before a building permit has been issued.

(b) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the party desiring the permit has sewer and water facilities available in accordance with the laws of the State and the ordinances

of the Village and that the same will be utilized by the applicant, and the building which he/she desires to build will be connected with such utilities.

(c) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the party making application has a public road meeting the minimum standards of the Village and accepted by the village, abutting upon the parcel of land on which construction is contemplated.

(d) No building permit shall be issued under any circumstances until the Building Inspector is satisfied that the final grading plan for the lot shall not cause any permanent or temporary unreasonable accumulation of water on the lot or upon any adjoining property. Nor shall any building permit be issued if the erection of the building or the proposed grades unreasonably obstructs the natural flow of water from the surface of adjoining property or obstructs the flow of water in any existing ravine, ditch, drain or storm water sewer draining adjoining property unless a suitable alternative is provided for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.

(e) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

(5) INSPECTOR MAY REVOKE PERMITS.

(a) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

1. Whenever there is a violation of any regulation of this Code or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.

2. Whenever the continuance of any construction becomes dangerous to life or property.

3. Whenever there is any violation of any condition or provision of the application for permit or of the permit.

4. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.

5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified lot or plot plan on which the issuance of the permit or approval was based.

6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.

(b) The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises or his agent, if any, and on the person having charge of construction.

(c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Inspector.

(d) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void and before any construction or operation is again resumed, a new permit, as required by this Code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Code.

(6) FEES. Before receiving a building permit, the owner or his agent shall pay the fee specified in Table 1. In applying the provisions of this Code, in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs.

14.06 <u>APPROVED PLANS</u>.

(1) A weatherproof card, signed by the Building Inspector, indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Code.

(2) EXPIRATION OF PERMIT.

(a) <u>Existing buildings, accessory buildings and accessory structures</u>. The building permit shall become void unless operations are commenced within four (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of sixty

(60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant.

(b) New dwellings. The building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed.

(3) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate.

14.07 REGULATIONS FOR MOVING BUILDINGS.

(1) GENERAL. No person shall move any building or structure upon any of the public right-of-ways of the Village without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

(2) MOVING DAMAGED BUILDINGS. No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village.

(3) CONTINUOUS MOVEMENT. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(4) STREET REPAIR. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the public works director, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such

streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

(5) CONFORMANCE WITH CODE. No permit shall be issued to move a building within or into the Village and to establish it upon a location within the Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, who shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the municipality to some point outside of the boundaries thereof, the provisions; with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

(6) BOND.

(a) Before a permit is issued to move any building over any public way in this in municipality, the party applying therefore shall give a bond to the municipality a sum, to be fixed by the Building Inspector, and which shall not be less than Twenty Five Thousand Dollars ($25,000). Said bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued.

(b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling into such excavation by children under 12 years of age unlikely, the bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(7) INSURANCE. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars ($500,000) and for one accident in a sum not less than One Million Dollars ($1,000,000), together with property damage insurance in a sum not less Five Hundred Thousand Dollars ($500,000), or such other coverage as deemed necessary.

(8) PLAN COMMISSION.

(a) No such permit shall be issued unless it has been found as a fact by the Plan Commission of the Village by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Village's Plan Commission, which shall not be less than $1,000 to be executed in the manner provided in subsection (6) hereof to the effect that he will, within a time to be set by the Plan Commission, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(b) Upon application being made to the Building Inspector, he/she shall request a meeting of the Plan Commission to consider applications for moving permits which has been found to be in compliance, in all respects, with alt other ordinances of the Village. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is

proposed to locate the building in question, together with any other persons, other residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make the finding required by subsection (8) hereof and file it in the office of the clerk, who shall send a copy of it to the Building Inspector.

14.08 <u>RAZING OF BUILDINGS</u>.

(1) RAZING OF BUILDINGS. The Building Inspector is hereby authorized to act for the Village under the provisions of §66.05, Wis. Stats., relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The municipal treasurer is authorized to place the assessment and collect the special tax as therein provided.

(2) Before a building can be demolished or removed, the owner or agent, shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

14.09 <u>INSPECTIONS</u>.

(1) COORDINATED INSPECTIONS. All provisions of the laws and regulations of the Village and of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code, or of any other rules, regulations or laws, he/she shall immediately notify the administrative officer having jurisdiction of the violation.

(2) CERTIFIED REPORT. The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state, in detail,

that all construction work has been executed in accordance with all of the regulations of this Code, approved plans, specifications, terms of the permit and, further, that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

(3) BOARD OF APPEALS OR OTHER ASSIGNED BOARD OR COMMISSION. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Board of Appeals within twenty (20) days after written notice of such ruling shall have been delivered to said person. Such appeal is to be in writing, setting forth the order appealed from and the respects in which said person claims that said order on ruling is erroneous or illegal. Said notice of appeal shall be filed with the Clerk, who shall thereupon notify the Building Inspector of said appeal, and the appeal shall be heard at the next meeting of the Board of Appeals. The said Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling as is just in the premises. The ruling or order of the Inspector shall be enforced until changed by said Board of Appeals.

14.10 STOP WORK ORDER.

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

14.11 CERTIFICATE OF OCCUPANCY.

(1) INSPECTIONS.

(a) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance can be found the Building Inspector may issue a certificate of occupancy, stating the purpose for which the building is to be used.

(b) No building, nor part thereof, shall be occupied until such final inspection or certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(2) USE DISCONTINUED.

(a) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building, or portion thereof, vacated by notice served on any person using or

causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building, or portion thereof, comply with the requirements of this Code.

(b) Any building, structure or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.

(3) CHANGE. It shall be unlawful to change the use of any building, structure, premises or part thereof, without first obtaining, from the Building Inspector, an approval of such change in the occupancy or use and a certificate of occupancy therefore.

(4) HARDSHIP. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality, prior to issuance of an occupancy certificate, in all such cases of hardship, as in his/her judgment and discretion, warrant occupancy before final stage of completion as set forth in this Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed. Such time should not exceed one hundred twenty (120) days.

GARAGES AND ACCESSORY BUILDINGS

14.20 <u>GENERAL REQUIREMENTS</u>.

(1) DEFINITIONS.

(a) *An attached private garage* shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace or vestibule, or a private garage so constructed as to form an integral part of the principal building.

(b) *A detached private garage* shall mean a private garage entirely separated from the principal building.

(c) *Accessory buildings* shall conform to all requirements of this section.

(2) LOCATIONS. Detached garages shall be governed by applicable setback provisions contained in the Village Zoning Code.

(3) AREA. All private detached garages shall be governed by the applicable area requirements contained in the Village Zoning Code.

(4) FOUNDATIONS AND FOOTINGS. Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of number 10 six by six (6" x 6") inch wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Exterior wall curbs shall be provided not less than four (4) inches above the finished ground grade adjacent to the garage. Bolts three-eighths (⅜) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages, eight (8) feet on centers.

FLOOR SURFACE. The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

(5) CONSTRUCTION. Private garages shall be constructed as follows:

(a) Load bearing foundation walls and partitions shall be constructed as herein regulated except as stated above.

(b) Detached private garages of wood frame construction shall be constructed with the following requirements.

1. Studs may have a maximum spacing of twenty-four (24) inches on centers.

2. Diagonal comer bracing shall be installed on both walls at each corner. Diagonal comer bracing may be applied on the inside surface of studs.

3. Comer posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.

4. Collar beams at the top plate and collar ties in the upper one third of the roof shall be installed with a maximum spacing of forty-eight (48) inches

on center. Collar beams may be two by six (2 x 6) inch. Collar ties shall be at least two by four (2 x 4) inch for roof slopes less than four (4) inches per foot. A one by six (1 x 6) inch collar tie may be used for roof slopes four (4) inches per foot or greater.

5. Detached garage roofs shall be framed in accordance with the applicable requirements of §Comm 21.28, Wis. Admin. Code.

DECKS

14.30 GENERAL REQUIREMENTS.

(1) DEFINITIONS.

(a) Deck: Any structure which serves as a raised horizontal platform on floor constructed of wood or other materials, without enclosing walls or roof.

(b) Attached deck: Any deck which is physically connected to the principal building or accessory structure.

(c) Detached deck: Any deck which is not physically attached to the principal building or accessory structure.

(2) SOIL AND EXCAVATION REQUIREMENTS FOR DECK PIERS OR FOUNDATIONS.

(a) No pier shall be placed on soil with a bearing capacity of less than 2,000 lbs. per square foot unless the pad support is designed through structural analysis.

(b) All organic material (roots, etc.) shall be cut off at the sidewalls of the borings or trench. All organic and loose material must be removed from the cavity area prior to pouring concrete.

(3) DECKS PIERS, PADS AND FOUNDATIONS.

(a) General footings, pads or piers shall be of adequate bearing area to safely distribute all live and dead loads to the supporting soil without exceeding the bearing capacity of the soil.

(b) Type and size of concrete pads, piers or foundations.

1. Decks attached to principal buildings.

a. Concrete Pads. The minimum depth of a pad shall be 48" below grade. The minimum dimensions of this pad shall be 4" in depth and 8" in diameter.

b. Piers. The minimum depth of concrete piers shall be 48" below grade. The minimum dimension of this pier shall be 8" in diameter. (The concrete pier(s) shall extend a minimum of 6" above grade unless an approved mounting bracket is secured at the top surface of the pier(s)).

c. Direct burial wood posts shall be placed on a minimum 2" normal thickness treated plat or other approved materials at a uniform depth below grade. Posts shall be treated to the requirements of the American Wood Preserver's Association (AWPA) standards C2 and C15, for direct soil contact 4" below grade. Posts shall be a minimum of 4' below grade.

(4) FRAMING.

(a) General Requirements.

1. *Materials*. All wood framing used in deck construction shall be pressure treated against decay or shall be a species of wood that is naturally decay resistant or shall be protected from weather.

2. *Design loading*. Decks shall be designed for a minimum of a 40 pound per square foot loading.

3. See fastener schedule for nailing requirements.

(b) Column Posts.

1. *Column spacing*. Column posts shall be spaced per "Table No. 2".

2. *Column size*.

a. All column posts not exceeding six (6) feet in height shall be a minimum of four inches by four inches (4 x 4) nominal thickness.

b. All column posts exceeding six (6) feet in height shall be a minimum of six inches by six inches (6 x 6) nominal thickness.

3. *Lateral support*. Column posts shall be constructed in such a manner or mechanically attached to the deck foundation to resist lateral movement.

(c) Beams.

1. *Beam Size*. All beams shall be sized per "Table No. 2".

   a. Beams, except as otherwise noted in "Table No. 2", shall be a minimum of two (2), two (2) inch thick members or one (1) four (4) inch thick member (i.e., 2 2 x 8 or 1 4 x 8).

   b. Beams may be spaced on each side of the post provided that blocking is installed a minimum of twenty four (24) inches.

2. *Bearing*. Beams bearing directly on the posts shall be attached by means of approved metal anchors or other approved methods.

3. *Ledger boards*. Ledger boards attached directly to the house or other structure may be used to replace a beam or beams. A single member of equal depth to the required size beam shall be used. The ledger board shall be attached with bolts, lag bolts or nails, spaced no less than 16 inches on center, and secured directly into the building structure. Flashing shall be installed between the ledger and building structure.

4. Beams shall not be cantilevered more than twelve (12) inches past the column post.

(d) Joists.

1. *Joist size*. All deck joists shall be sized and spaced per "Table No. 2".

2. *Bearing*. Deck joists shall bear a minimum of one and one half (1½) inches on the beam or ledger board. Joists fastened to the face of the beam or ledger shall be attached with approved metal hangers.

3. *Bridging*. Bridging shall be provided at intervals not exceeding eight (8) feet.

4. *Overhanging of joists*. Joists which are at right angles to the supporting beam shall not be cantilevered more than two (2) feet past the supporting beam, unless designed by structural analysis.

(e) Decking.

1. *Material*. All decking material shall be a minimum of one and one quarter (1¼) inches thick, nominal thickness. One inch decking may be used provided that the joists are spaced no more than 16" o.c.

2. *Decking Orientation*.

   a. Decking shall be installed diagonally or at right angles to the joists.

   b. Decking shall be centered over joists with cuts made parallel to joists. Not more than two adjacent boards may break joints on the same joist except at ends and at openings.

(f) Guardrails and handrails.

1. Guardrails. All decks which are more than twenty four (24) inches above grade shall be protected with guardrails.

2. Handrails. Every stairway of more than three (3) risers shall be provided with at least one handrail. Handrails shall be provided on the open sides of stairways.

3. Guardrails and handrail detail.

   a. Height. Handrails shall be located at least thirty (30) inches, but not more than thirty four inches, above the nosing of the treads. Guardrails shall be located at least thirty six (36) inches above the surface of the deck.

   b. Open railings. Open guardrails or handrails shall be provided with intermediate rails or an ornamental pattern to prevent the passage of a sphere with a diameter greater than six (6) inches.

   c. Railing loads. Handrails and guardrails shall be designed and constructed to withstand a 200 pound load applied in any direction.

(g) Stairway, treads and risers.

1. *Risers*. Risers shall not exceed eight (8) inches in height measured from tread to tread.

2. *Treads*. Treads shall be at least nine (9) inches wide, measured horizontally from nose to nose.

3. *Variation*. There shall be no variation in uniformity exceeding 3/16 inch in the width of a tread or in the height of risers.

4. Stair stringers shall be supported in accordance to the same manner as used for the deck.

(h) Alternative provisions and methods.

1. *Wood Decks*. Wood decks attached to the dwelling may be constructed to the Uniform Dwelling Code standards listed below.

   a. Excavation requirements of §Comm 21.14

   b. Footing requirements of §Comm 21.15

   c. Frost penetration requirements of §Comm 21.16

   d. Load requirements of §Comm 21.02

   e. Stair, handrail and guardrail requirements of §Comm 21.04

   f. Decay protection requirements of §Comm 21.10

2. New materials and methods shall comply with the provisions of Section 14.60.

3. *Detached decks*.

   a. Concrete pads shall be provided at a uniform depth below grade with all loose or organic material moved from the pad area prior to placement of concrete. The pad shall have a minimum depth of 4" thick and 8" in diameter.

   b. Piers–The minimum of 8' diameter concrete piers shall be at a uniform depth below grade.

   c. Direct burial wood posts shall be placed on a minimum 2" nominal pressure treated plate or other approved materials at a uniform depth below grade. Posts shall be treated to at a uniform depth below grade. Posts shall be treated to CCA.40 for direct soil contact.

d. Ground contact framing shall be allowed for decks which are less than 24" above grade. All materials in direct contact with the soil shall be treated to the requirements of the American Wood Preservers' Association (AWPA) Standards C2 and C15.

SWIMMING POOL REQUIREMENTS

14.40 <u>GENERAL REQUIREMENTS</u>.

(1) TYPE OF POOLS REQUIRING PERMITS.

(a) <u>Above ground pools</u> (except wading pools having a depth of less than two (2) feet and which are readily movable).

(b) <u>Inground pools</u>.

(c) <u>Public pools</u>. All public pools constructed shall be built and maintained in accordance with the rules of the State Board of Health, Chapter HFS 172.

(2) GENERAL POOL REGULATIONS.

(a) <u>Location</u>.

1. No person, firm or corporation shall have a swimming pool located in the front yard nor less than five (5) feet from any lot line or building wall, and in the case of lots bordered on two sides by public streets, no swimming pool may be erected in the area between the setback lines or the main building and the street right-of-way.

2. Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code.

(b) <u>Access</u>.

1. A fence or other solid structure of not less than 4 feet in height shall completely enclose said premises and/or swimming pool. There shall be no opening in said fence or wall larger than six (6) inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed capable of keeping such door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs.

2. A fence is not required around an above ground pool where the pool wall is at least 4 feet above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of 4 feet beyond the outside perimeter of the pool.

3. When not completely fenced, all ladders, steps or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.

(c) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the Sturtevant zoning code.

(d) Drainage. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provision may be made for draining the contents of any swimming pool into a storm sewer, but such installations shall be subject to prior approval of the Plumbing Inspector and Health Inspector.

(e) Lighting. Lights shall be erected so as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code.

(f) Electrical. Separation from overhead and underground electrical wiring shall be in accordance with the State of Wisconsin Electrical code and/or local code. Required electrical wiring supplying all pools shall be installed in accordance with Article 680 of the National Electrical Code.

(4) APPLICATION FOR PERMIT. The following information is necessary:

(a) Survey or accurate drawing of the property, IN DUPLICATE, showing all existing structures, proposed swimming pool location, fencing if required, and overhead or underground electrical wiring.

1. Type of pool installation, above ground or inground.

2. Pool height above highest point of grade if above ground installations.

3. Type and height of fence, if proposed.

4. Type and support of decking, if proposed.

5. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.

6. Any change in finished grade near pool.

7. County Health Department approval for properties using a private septic system, where applicable.

8. Site inspection letter from a local wiring utility.

(b) Two (2) copies of brochure which shows the type, style, etc. of the pool to be installed.

FOUNDATION REPAIR AND DAMPPROOFING

14.50 <u>FOUNDATION REPAIRS AND DAMPPROOFING</u>.

(1) Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.

(2) Plans and/or specifications must be submitted for approval prior to issuance of a permit.

(3) GENERAL FOUNDATION REQUIREMENTS.

(a) Walls that are not plumb may be reinforced if supported by engineering data showing benefit of the reinforcing.

1. When repairing any portion of a wall that is not near as plumb as possible that portion must be excavated.

2. When the affected repair includes porches or stoops, frost depth to the uniform code requirements must be met.

(b) The excavated wall must be cleaned, loose parting removed, cracks and parging must be repaired with Type M mortar or equal, and walls made plumb and dampproofed with one coat of bituminous material or other approved materials.

(c) If drain tile is not present in the affected area, a drain tile system must be installed and terminated in a newly installed sump with pump or in a properly functioning existing drain collection system provided that it does not discharge to the sanitary sewer.

(d) Prior to backfill, an inspection is required by the department after which backfill with number one washed stone shall be provided to within eighteen inches of final grade.

(e) Final grade must ensure drainage away from the foundation.

(f) Pilasters must be made integral with the exterior wall and reinforced with at least two number three rods and filled with 3000 PSI cement grout material. Pilasters must be a maximum of four feet apart.

(g) Any other form of reinforcing will require engineered data to be submitted at the time of permit application to include complete system analysis.

(h) Affected walls to be repaired shall have loose or cracked mortar joints cleaned to a minimum depth of ½" and tuckpointed with type M mortar or equal.

(i) When installing weep holes in foundation walls, care must be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. No more than one mechanically drilled weep hole is permitted per cell. When the floor is replaced, a minimum of 3" of concrete shall be placed over the drain tile and a minimum of 2" of concrete over the footing. Lateral support must be maintained at the floor level. An exception to match the existing concrete floor level is allowed.

(j) Drain tile placed under the basement floor shall be of the approved type not less than 3" in diameter and shall be covered with number 1 washed stone connected to a proper sump with pump or an existing city storm water system. All exposed bleeders must be open. The sump pit must discharge to grade or be equipped with a pump to discharge water away from the dwelling.

FIRE-RELATED PROVISIONS

14.60 <u>FIRE LIMITS; INFLAMMABLE OILS AND EXPLOSIVES</u>.

(a) There shall be a limit of 2 gallons of gasoline, naptha, benzine, camphine, spirit gas, kerosene or spirits of turpentine kept by any resident within the corporate limits of

the Village within a single family residence or on the property. Storage will be in approved U.L. containers and stored in garages, sheds or utility buildings only.

(b) There shall be a limit of one gallon of the above liquids kept on any 2 family or multifamily residence or on the property.

(c) There shall be no storage of the above liquids in underground tanks on the premises of any one or 2 family dwellings.

(d) There shall be a limit of 5 barrels in all or one barrel of each with a capacity of 50 gals. of any of the above stated liquids kept by any firm or corporation for sale or storage within the Village, in any part of a building or warehouse as shall be declared proper for such purposes by the Village Board and written permission granted by the Village Board as provided in this section.

(e) PLACING ON STREET. No crude petroleum, kerosene, gasoline, naptha, benzine, carbon oil, camphine, spirit gas or burning fluid may be kept or stored in front of any building or on any street, alley, sidewalk or lot for a longer time than is sufficient to receive it in store or deliver the same, and in no case shall such time exceed 8 hours.

14.61 AUTOMATIC FIRE SPRINKLERS.

(1) DEFINITIONS. As used in this section, the following words and phrases shall have the meanings stated below:

Approved. As applied to automatic fire sprinkler equipment means approval by the authority charged with the enforcement of this section. As applied to automatic fire sprinklers and devices means approval by a recognized testing laboratory.

Area. The maximum horizontal projected area on one floor of buildings or structures within the exterior walls or between approved fire walls.

Automatic fire sprinkler equipment. A system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

Basement. Any story where less than half the height between the floor and ceiling is above the average level of street, sidewalk or finished grade.

Combustible. A material or structure which can burn. Combustible is a relative term; many materials which will burn under one set of conditions will not burn under others, e.g., structural steel is noncombustible, but fine steel wool is

combustible. The term combustible does not usually indicate ease of ignition, burning intensity or rate of burning, except when modified by a word as "highly" or as "highly combustible interior finish."

Fire-resistive. The type of construction in which the structural members, including walls, partitions, columns, floor and roof construction are of noncombustible materials with fire-resistive ratings not less than those specified in Ch. Comm 51, Wis. Admin. Code.

Fire wall. A wall which has a fire resistive rating of not less than 2 hrs. and which subdivides a building or separate buildings to restrict the spread of fire.

Incombustible. The same as noncombustible.

Noncombustible. (N.C.) Not combustible.

Nonflammable. Not flammable.

Multifamily House. A building or portion thereof containing 3 or more dwelling units, including a tenement house, apartment or flat.

Story. That part of a building comprised between a floor and the floor or roof next above.

(2) INSTALLATION REQUIRED. Every building or structure hereafter constructed in the Village shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purposes:

(a) Buildings for the manufacture, storage or sale of combustible goods or merchandise.

1. *Fire-resistive buildings*. Throughout every fire-resistive building occupied in whole for the manufacture, storage or sale of combustible goods or merchandise if any of the following apply:

a. Over 10,000 sq. ft. in area.

b. Over one story in height and exceeding 6,000 sq. ft. in area.

c. Over 4 stories in height, regardless of area.

2. *Nonfire resistive buildings*. Throughout every nonfire resistive building occupied, in whole or in part, for the manufacture, storage or sale of combustible goods or merchandise if any of the following apply:

   a. Over 7,000 sq. ft. in area.

   b. Over one story in height, and exceeding 4,000 sq. ft. in area.

   c. Over 3 stories in height, regardless of area.

(b) Garages. Throughout the following garages if any of the following apply:

1. In fire-resistive buildings over 10,000 sq. ft. in total area or exceeding 4 stories in height.

2. In nonfire resistive buildings over 6,000 sq. ft. in total area or exceeding 4 stories in height.

3. Basement and sub-basement garages and garages above or below other occupancies in excess of 3 passenger vehicles.

4. Garages used as passenger terminals.

(c) Basements. Basements having an area exceeding 2,500 sq. ft. when used for the manufacture, sale or storage of combustible goods or merchandise.

1. Where automatic sprinklers are required in a basement only, the supply shall be from a public water main. Where there is no public water supply, such basement sprinklers need not be installed, but at such time as a public water supply becomes available, such required basement sprinklers shall be installed.

2. Every basement sprinkler system shall also include sprinklers in all shafts, except elevator shafts, leading to the story above.

(d) Multifamily Houses.

1. *Fire-resistive buildings*. In fire-resistive buildings in basements, stairways and all corridors.

2. *Nonfire resistive buildings*. In nonfire resistive buildings in:

   a. Basements, stairways and all corridors.

b. Throughout entire building if over 2 stories.

(e) Theaters and assembly halls.

1. Throughout all buildings of nonfire resistive construction.

2. In buildings of fire resistive construction in such places as the stage, under the roof of the stage, gridiron, fly galleries and bridges, in dressing rooms, work rooms, property rooms and on the stage side of the proscenium opening.

(f) Hospitals.

1. Throughout all buildings of nonfire restrictive construction.

2. In buildings of fire resistive construction throughout all basements, kitchens, shops, laundries, laboratories, stairways, corridors and throughout all other areas where combustible materials are handled or stored.

(g) Nursing, convalescent, old age and other like institutional buildings. Throughout all nursing, convalescent, old age and other like institutional buildings.

(h) Schools, colleges and universities.

1. Throughout all buildings of nonfire resistive construction.

2. In buildings of fire resistive construction throughout basements, workshops, laboratories, stairways, corridors, stage areas of auditoriums, janitor closets, kitchens, cafeterias and throughout all other areas where combustible materials are handled or stored. An Underwriters Laboratory approved automatic fire or smoke detection system wired to the fire station may be substituted for automatic sprinkler protection.

(i) Dormitories, fraternities and sorority houses.

1. Throughout all buildings of nonfire resistive construction.

2. In buildings of fire resistive construction in such places as linen rooms, storage rooms, boiler rooms, kitchens, stairways, corridors and throughout all other areas where combustible materials are handled.

(j) Hazardous properties. In buildings or structures the occupancy or use of which involves combustible, highly flammable or explosive material or that has characteristics that constitute a special fire hazard, including among others:

1. Aluminum powder factories.
2. Cellulose nitrate plastic factories.
3. Cereal mills.
4. Distilleries.
5. Explosives and pyrotechnics manufacturing.
6. Floor and feed mills.
7 Gasoline bulk plants.
8. Grain elevators.
9. Lacquer and paint factories and paint shops, linseed oil and varnish works.
10. L.P.G. bulk plants.
11. Mattress factories.
12. Waste paper plants.
13. Aircraft hangers.
14. Chemical works.
15. Linoleum and oil cloth, shade, cloth manufacturing.
16. Oil refineries.
17. Pytoxlin plastic manufacturing and processing.
18. Other occupancies involving the processing, mixing, storage and dispensing of volatile liquids.

(3) APPLICATION TO EXISTING BUILDINGS. Where the Director of Public Safety finds that existing buildings which are used in whole or in part for the purposes set forth in sub. (2) above and which constitute a severe fire hazard to its occupants or to the adjoining property, he/she may require compliance with the provisions of this section, by the approval of the Village Board. Appeals from the decision of the Director of Public Safety may be made to the Village Board as provided in this Code.

(4) INSTALLATION.

(a) Approved automatic fire sprinkler equipment shall be installed in accord with the current edition of Pamphlet #13, entitled "Standards for the Installation of Sprinkler Systems," other applicable standards of the National Fire Protection Association and §Comm 51.23, Wis. Admin. Code or other applicable state regulations, all of which are in effect at the time of installation.

(b) Required automatic sprinkler systems shall be designed and constructed in conformity with good established practice. Reinstallation of used sprinkler heads is prohibited and other secondhand devices may be installed only by special permission of the Village Board.

(5) EXEMPTION AND SUBSTITUTION OF OTHER FIRE PROTECTION EQUIPMENT. Nothing contained herein shall be construed as to require the installation of sprinklers in safe deposit or other vaults or in rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion, nor in any other location where the installation of sprinklers may increase the hazard, or shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the Village Board.

(6) OCCUPANCY. No occupancy permit shall be issued by the Building Inspector until this section is complied with.

14.62 SMOKE AND FIRE DETECTION AND WARNING SYSTEMS IN PUBLIC RESIDENTIAL BUILDINGS.

(1) PURPOSE. The purpose of this section is to require installation of smoke and fire detection and warning systems in public portions of residential buildings as well as private dwellings in accordance with §§101.145 and 101.645, Wis. Stats., and this section. Such systems will help to provide protection from death, personal injury and property damage from the hazards of smoke and fire. It is anticipated that early detection provided by such systems will result in the increased effectiveness in emergency actions by Village departments.

(2) DEFINITIONS.

Approved systems. Those systems or detectors which have received an approved rating by Underwriters Laboratory (UL).

Smoke detectors. Devices which detect visible or invisible particles or products of combustion. Detectors shall be sensitive to any of the products of combustion, except the detectors sensitive only to heat are not acceptable as smoke detectors.

(3) DETECTORS REQUIRED. Smoke detectors shall be provided in dwellings in the Village as required by the pertinent sections of this Municipal Code as follows:

(a) Existing one and two family dwelling units as required by State statutes and this Code.

(b) New one and two family dwelling units as required by this Code.

(c) Dwellings of 3 or more units as required by this Code.

(4) DUTY TO INSTALL. All smoke detectors required by this section shall be installed by the owner of the building. All other smoke detectors required by this section and not previously required shall be installed by the owner of the building.

(5) MAINTENANCE.

(a) The owner of the dwelling shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.

(b) Tenants shall be responsible for informing the owner in writing of any smoke detector malfunction within 5 days of the date of discovery of the malfunction.

(c) The owner shall have 5 days upon receipt of written notice from the tenant to repair or replace the smoke detector.

(d) The owner shall check batteries at the beginning of a new lease.

(e) The owner shall furnish to the tenant written notice of the obligation of the owner and the responsibilities of the tenant regarding smoke detector maintenance.

(6) TAMPERING. No person shall tamper with or remove a smoke detector or battery, except in the course of repair or replacement.

(7) VILLAGE TO INSTALL. If upon inspection of an authorized representative of the village the inspector finds that the owner has failed to install the smoke detectors required by this section, the Village shall install or cause to be installed the proper smoke detectors in such dwelling unit. The Village shall charge the cost of the installation to the owner. If the owner fails to pay the charge within 30 days of the date of the billing, the cost shall be deemed a delinquent special charge and shall become a lien on the real estate and be extended on the next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge in accordance with the provisions of §66.60(16), Wis. Stats.

(8) REQUIREMENT.

(a) The owner of each public residential as well as private residential building shall install:

1. A fire detection device in the basement or boiler/furnace room of each building.

2. The smoke detection device at the head of each common stairway at each floor level and smoke detector units installed in each common hallway or corridor so that no entrance to the living unit (or sleeping unit in hotels, motels and similar buildings) is farther than 15' from a detector on the floor level.

3. If there is a door at the head of the stairs, a smoke detector shall be installed at the center of the ceiling on the basement side of the door.

(b) The owners of each public residential building shall install, maintain in good working order and test any smoke detecting devices as the specifications of the manufacturer recommend. Records shall be maintained by the owner or his representative and shall include, as to each smoke detector device, the date of installation, dates of testing, dates and type of maintenance and the name of the person who performed such installation, maintenance or testing.

(9) AUTOMATIC DIALERS PROHIBITED. No person shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public telephone trunk line of the Fire or Police Department and then reproduces a recorded message to report a fire alarm.

MISCELLANEOUS AND VIOLATIONS

14.70 <u>NEW MATERIALS AND METHODS</u>.

ALTERNATE MATERIALS. No provision in this Code is intended to prohibit or prevent the use of any alternate material or method of construction not specifically mentioned in this Code. Approval of alternate materials or methods of construction shall be obtained from the Village. Requests for approval shall be accompanied by evidence showing that the alternate material or method of construction performs in a manner equal to the material or method required by this Code. The Village may require any claims made regarding the equivalent performance of alternate materials or method to be substantiated by test.

14.71 <u>TESTS</u>.

The Village may require that the materials, methods, systems, components or equipment be tested to determine the suitability for the intended use. The Village will accept results conducted by a recognized independent testing agency. The cost of testing shall be borne by the person requesting the approval.

(1) The test method used to determine the performance shall be one that is a nationally recognized standard.

(2) If no nationally recognized standard exists, past performance or recognized engineering analysis may be used to determine suitability.

(3) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by this Code for the intended use. The Village may require tests in accordance with this Section.

14.72 <u>IDENTIFICATION OF PRODUCTS</u>.

All materials shall be identified by the approved label, the grade mark, the trade mark or by other approved manufacturer's identification.

14.73 <u>INVALIDITY OF PART</u>.

If any section, subsection, paragraph, clause or provision of this Code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged and the rest of this Code shall remain valid and effective.

14.74 <u>VIOLATIONS</u>.

It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this Code shall be subject to the penalty provisions as set forth in the Municipal Code. It shall be the responsibility of the offender to abate the violation as expeditiously as possible and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. For the purpose of administering and enforcing the provisions of this Code, the Village designates the office of the Building Inspector.

14.75 <u>FAILURE TO OBTAIN PERMIT</u>.

It shall be unlawful to commence work prior to obtaining a permit therefore. Double fees shall be charged if work is commenced prior to the issuance of a permit.

PENALTIES

14.81 <u>PENALTIES</u>.

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

STURTEVANT UNIFORM BUILDING CODE APPENDIX

14.86 <u>TABLE-1 BUILDING CODE PERMIT FEES</u>.

A.	Minimum permit fee for all permits…..….	$50 per inspection
B.	Residence One and Two family and Attached garages……...…..	$.32/sq. ft.
C.	Residences and Apartments, Three Family and over, Row Housing, Multiple Family Dwellings, Institutional……..……	$.32/sq. ft.
D.	Residences–Additions…..……..	$.32/sq. ft. or fraction thereof
E.	Local Business, Office Buildings or Additions thereof……	$.30/sq. ft. or fraction thereof
F.	Manufacturing or Industrial (Office Areas to be included under E)……...	$.24/sq. ft. or fraction thereof
G.	Permit to start construction of footings and foundations……..……...	$200 Multi-Family, Industrial and Commerical/$150 One and Two Families
H.	Agriculture Buildings, Detached Garages and Accessory Buildings……	$.20/sq. ft.

I.	All other buildings, structures, alterations, repairs where square footage cannot be calculated……	$10/$1,000 valuation
J.	Heating, Incinerator Units and Wood Burning Appliances……	$50/unit, up to and including 150,000 input BTU units. Additional fees of $20/each 50,000 BTU or fraction thereof. $1,050 maximum/unit.
K.	Commercial/Industrial Exhaust Hoods and Exhaust Systems…….	$80/unit
L.	Heating and Air Conditioning Distribution Systems……...	$2/100 sq. ft. of conditioned area with a $50 minimum
M.	Air Conditioning…….	$50/unit up to 3 tons or 36,000 BTUs. Additional fee of $20/each ton or 12,000 BTUs or fraction thereof. $1,050 maximum/unit
N.	Wrecking, Razing, or Interior Demolition fees may be waived at the discretion of the Building Inspection…….	$50 minimum plus $.10/sq. ft. with $650 maximum fee for building.
O.	Moving buildings over public ways……	$200 plus $.10/sq. ft.
P.	Reinspection……...	$75/inspection
Q.	Plan Examination:	
	1. One & Two Family Residence…..	$140
	2. Apartment, Three Family Residence, Row Housing, Multiple Family Buildings…….....	$200 plus $20/unit
	3. Commercial/Industrial Alterations and Additions……	$200
	4. Additions to One and Two Family Dwellings……..	$75

5. Alterations to One and Two family Dwellings…….. $50

6. Accessory Building, 120 sq. ft. or more…….. $50

7. Decks, Swimming Pools……... $40

8. Heating plans, lighting and energy calculations to heating plans, submitted separately……. $40 each

9. Priority plan review…….. At the discretion of the Building Inspector and depending upon workload of the department two (2) business days' priority plan review may be provided at double the regular rate for plan review fees. Certified municipalities may also charge double the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring reviews and/or approval by other governing agencies of the municipality.

10. Re-submission of previously approved plans…….. $50 each

R. Special Inspections and Reports……. $200

S. Wisconsin Uniform Building Permit Seal... State Charge plus $10

NOTE 1: Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical and plumbing.

NOTE 2: An additional fee for plan review may be assessed at the time of application for renewal of the permit.

T. Occupancy Permits: Residential…… $50/unit, addition, alteration or accessory building over 120 sq. ft.

	Office……..….	$75
	Commercial and Industrial……	$160
	Temporary Occupancy Permits (6 months or less)…….	$75
U.	Pools–In Ground/Above Ground/Spas…...	$10/$1,000 valuation $50 minimum
V.	Decks……..	$50
W.	Erosion Control Fees:	
	1. One and Two Family Lots……	$200/Lot
	2. Multi Family Units……	$300/Building, plus $6.50/1,000 sq. ft. of disturbed lot area with $3,500 maximum
	3. Commercial Lots……...	$300/Building, plus $6.50/1,000 sq. ft. of disturbed lot area with $3,500 maximum
	4. Industrial Lots……...	$300/Building, plus $6.50/1,000 sq. ft. of disturbed lot area with $3,500 maximum
	5. Institutional Lots……...	$300/Building, plus $6.50/1,000 sq. ft. of disturbed lot area with $3,500 maximum
	6. Other…….	$50 minimum
X.	Fuel tanks……...	$100

Y. Other fees charged to the Municipality from other governmental entities for reviewing plans or permits. Fees charged are required to be paid at the time of application. Fees charged are at cost.

Z. DOUBLE FEES: UPON FAILURE TO OBTAIN A PERMIT BEFORE WORK ON A BUILDING HAS BEEN STARTED, EXCEPT IN EMERGENCY CASES, THE TOTAL FEE SHALL BE DOUBLE THE FEES CHARGED.

Note: Calculations are determined as follows:

a. Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

b. Cubic contents shall be defined as follows: The volume of the building enclosed by the outer surface of the exterior walls from the top of the footing to the average height of the roof.

c. In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

AA. Failure to call for a final inspection…… $30

14.87 <u>ELECTRICAL PERMIT FEES</u>.

The fees for permits and inspections for electrical work and equipment charged under this Chapter shall be according to the following schedule.

A. For new construction of residential buildings with one(1) through for (4) residential units, the per unit fee shall include the following unit charge plus an ampere service charges as per (B).

(1) Unit charge:

a. Per 1 bedroom residential unit	$40
b. Per 2 bedroom residential unit	$46
c. Per 3 bedroom residential unit	$60
d. Per 4 bedroom residential unit	$75

B. Ampere service charge shall be as follows and shall apply to all new, additional, or altered electrical services.

a. Up to and including 100 ampere service	$45 plus $1.25 per circuit
b. Over 100 to 200 ampere service	$50 plus $1.25 per circuit
c. Over 200 to 400 ampere service	$65 plus $1.25 per circuit
d. Over 400 to 600 ampere service	$75 plus $1.25 per circuit
e. Over 600 to 800 ampere service	$90 plus $1.25 per circuit

C. Any electrical work for new construction, alterations, or additions to commercial, industrial, or agricultural structures or properties shall be subject to the following fees in addition to (B) above.

a. Electrical work costing $50 to $500 shall be $2.50 for each $100 of work or fraction thereof.
b. Electrical work costing $500 to $10,000 shall be $20 for the first $500 of work plus $1.75 for each additional $100 of work or fraction thereof.
c. Electrical work costing over $10,000 shall be $200 plus $1.00 for each $100 of work or fraction thereof.
d. The minimum fee for all electrical work shall be $50.
e. The fee for any re-inspection shall be $75.

14.88 <u>PLUMBING FEES</u>.

The fees for permits and inspections of plumbing work charged under this Chapter shall be according to the following schedule:

A.	Min. Fee…….……...…..	$50
B.	Each plumbing fixture……...……	$12
C.	Sanitary and storm sewer building drains...	$60 per first 75 feet; add $.40 per additional foot
D.	Laterals-water, sanitary and storm……	$50 for first 100 feet; add $.40 per additional foot
E.	Septic tank abandonment……...	$50
F.	Well abandonment……	$50
G.	Reinspection……...	$75
H.	Laterals – water, sanitary and storm……	$50 for first 100 feet; add $.40 per additional foot

14.89 <u>FIRE INSPECTION PERMIT FEES</u>.

Fire Protection Systems, to include but not be limited to, smoke, heat and manual fire alarm.

Plan Review	50 or less fixtures……..	$35
	More than 50 fixtures……	$60
Site Inspection	50 or less fixtures……..	$60
	More than 50 fixtures……	$120

Fire Suppression System, to include sprinklers, standpipes, first aid stations, and fire pumps (Alterations, additions and new construction).

Plan Review	15 heads or less..……..	no charge
	15 to 250 heads…….……	$30
	Each additional 100 heads, fixtures or fraction thereof……	$15
Site Inspection	100 heads or less……..	$50
	Over 100 heads or fixtures……	$100
	Fire Pump Testing…….	$50/each

Fire Suppression Systems, to include Halon, carbon dioxide, dry chemical, water spray and foam systems

Plan Review……	$30
Site Inspection……	$50

Hood and Duct Ventilation Systems

Plan Review……	$30
Site Inspection……	$50

Spray booths, dip tank operations and flammable liquid spray areas

Plan Review……	$25
Site Inspection……	$50
Hydrant flow test, per hydrant……	$30
Petition for modification or position statement..……	$50

NOTE: The State fee schedule for commercial buildings ILHR 50-64 projects may be charged in lieu of or in addition to this fee schedule at the Village's discretion.

NOTE: Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

NOTE: All fee categories shall be rounded up to the next full dollar amount.

CHAPTER 15

EROSION CONTROL

(Cr. #94-24)

15.01	Authority
15.02	Findings and Purpose
15.03	Applicability
15.04	Definitions
15.05	Design Criteria, Standards and Specifications for Control Measures
15.06	Maintenance of Control Measures
15.07	Control of Erosion and Pollutants During Land Disturbance and Development
15.08	Permit Application, Control Plan and Permit Issuance
15.09	Inspection
15.10	Enforcement
15.11	Appeals

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
15.01	Authority		
15.02	Findings and Purpose		
15.03	Applicability		
15.04	Definitions		
15.05	Design Criteria, Standards and Specifications for Control Measures		
15.06	Maintenance of Control Measures		
15.07	Control of Erosion and Pollutants During Land Disturbance and Development		
15.08	Permit Application, Control Plan and Permit Issuance		
15.09	Inspection		
15.10	Enforcement		
15.11	Appeals		

15.01 AUTHORITY.

This Chapter is adopted under the authority of §61.354, Wis. Stats.

15.02 FINDINGS AND PURPOSE.

(1) FINDINGS. The Village Board of Trustees finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.

(2) PURPOSE. It is the purpose of this chapter to preserve the natural resources; to protect the quality of the waters of the state and the Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.

15.03 APPLICABILITY.

This chapter applies to land disturbing activity and land developing activities on lands within the boundaries and jurisdiction of the Village and, optionally, to public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempted from this chapter.

15.04 DEFINITIONS.

Agricultural land use means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

Commercial land use means use of land for the retail or wholesale of goods or services.

Construction site control measure means a control measure used to meet the requirements of Section 15.07(2).

Control measure means a practice or combination of practices to control erosion and attendant pollution.

Control plan means a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this chapter submitted by the applicant for review and approval by the Village Building Inspector.

Erosion means the detachment and movement of soil, sediment or rock fragment by water, wind, ice or gravity.

Land developing activity means the construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land disturbing construction activity means any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; and harvesting of trees.

Landowner means any person holding title to or having an interest in land.

Land user means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

Set of one-year design storms means the following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once per year.

Storm Duration (hours)	*Rain Intensity (inches/hour)*	*Total Rain (inches)*
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.4
3	0.5	1.5
6	0.3	1.3
12	0.2	2.4
24	0.1	2.4

Site means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

15.05 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Village.

15.06 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

15.07 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(1) APPLICABILITY. This section applies to the following sites of land development or land disturbing activities:

(a) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.

(b) Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

(c) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

(d) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.

(e) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

(f) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300' or more.

(2) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The following requirements shall be met on all sites described in sub. (1):

(a) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Village Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

(b) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(c) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(d) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

(e) Site Erosion Control. The following criteria (1. through 4.) apply only to land development or land disturbing activities that result in runoff leaving the site.

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Section 15.07(2)(e)3.c. Sheet runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subds. a. and b. or a. and c.

   a. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering, or other equivalent control measure.

   b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at last 3' of depth and constructed in accordance with accepted design specifications. Sedimentation shall be removed to maintain a depth of 3'. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations of from 0.5 to 24 hours. The basin discharge

rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures, shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel, edges to reduce sediment reaching the channel.

4. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25' to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In street utility repair or construction soil or dirt storage piles located closer than 25' of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

15.08 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

No landowner or land user may commence a land disturbance or land development activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required of the review of the control plan.

(1) CONTENT OF THE CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.

(a) Existing Site Map. A map of existing site conditions on a scale of at least 1" equals 100' showing the site and immediate adjacent areas:

1. Site boundaries and adjacent lands which accurately identify the site location.

2. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

3. 100-year floodplains, flood fringes and floodways.

4. Location of predominant soil types.

5. Vegetative cover.

6. Locations and dimensions of storm water drainage systems and natural drainage pattern on and immediately adjacent to the site.

7. Locations and dimensions of utilities, structures, roads, highways and paving.

8. Site topography at a contour interval not to exceed 2'.

(b) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(c) Site Construction Plan. A site construction plan including:

1. Locations and dimensions of all proposed land disturbing activities.

2. Location and dimensions of all temporary soil or dirt stockpiles.

3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this chapter.

4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this chapter.

5. Provisions for maintenance of the construction site control measures during construction.

(2) CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING LESS THAN ONE ACRE, BUT MEETING THE APPLICABILITY STATED IN 15.07(1). An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of this chapter.

(3) REVIEW OF CONTROL PLAN. Within 45 days of receipt of the application, control plan (or control plan statement) and fee, the Village Building Inspector shall review the application and control plan to determine if the requirements of this chapter are met. The Building Inspector may request comments from other departments or agencies, if the requirements of this chapter are met, the Village Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this chapter. If the plan is disapproved the Building Inspector shall inform the applicant in writing the reasons for the disapproval.

(4) PERMITS.

(a) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.

(b) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

(c) Permit Conditions. All permits shall require the permittee to:

1. Notify the Building Inspector within 48 hours of commencing any land disturbing activity.

2. Notify the Building Inspector of completion of any control measures within 14 days after their installation.

3. Obtain permission in writing from the Building Inspector prior to modifying the control plan

4. Install all control measures as identified in the approved control plan.

5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.

6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.

7. Inspect the construction control measures after each rain of ½" or more and at least once each week and make needed repairs.

8. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.

9. Keep a copy of the control plan on site.

15.09 <u>INSPECTION</u>.

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the control plan.

If land disturbing or land development activities are being carried out without a permit, the Building Inspector is authorized to enter upon the land pursuant to the provisions of §§66.122 and 66.123, Wis. Stats.

15.10 <u>ENFORCEMENT</u>.

(1) The Building Inspector may post a stop-work order if:

(a) Any land disturbing or land development activity regulated under this chapter is being undertaken without a permit.

(b) The control plan is not being implemented in a good faith manner.

(c) The conditions of the permit are not being met.

The Building Inspector shall also attempt to serve a copy of the stop-work order upon the permittee, who shall have the right to request an informal hearing as to why the stop-work order should be retracted.

(2) If the stop-work order has not been retracted and if the permittee does not cease the activity or comply with the control plan or permit conditions within 10 days, the Building Inspector may revoke the permit.

(3) If the landowner or land user where no permit has been issued does not cease activity within 10 days, the Building Inspector may request the Village Attorney to obtain a cease and desist order.

(4) The Building Inspector or the Board of Appeals may retract the stop-work order or the revocation.

(5) Ten days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this chapter. The Building Inspector shall cause a copy of the notice of intent to be served upon the permittee, who shall have a right to request a hearing as to why the Building Inspector should not proceed as specified in the notice of intent. The Building Inspector may go on the land and commence the work after 14 days from issuing the notice of intent. The cost of the work performed by the Building Inspector plus interest at the rate authorized by the Village Board shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to §66.60(16), Wis. Stats.

(6) Any person violating any of the provisions of this chapter shall be subject to the forfeiture of not less than $5 nor more than $500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this chapter may also be enforced by injunction.

15.11 <u>APPEALS</u>.

(1) BOARD OF APPEALS. The Board of Appeals created pursuant to Section 17.40 of the Village Zoning Ordinance pursuant to §62.23(7)(e), Wis. Stats.:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this chapter.

(b) Upon appeal, may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship.

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Any applicant, permittee, landowner, or land user may appeal any order, decision or determination made by the Building Inspector in administering this chapter.

CHAPTER 16

SHORELAND/WETLAND ZONING
(Cr. #091-18)

16.01	Statement of Purpose
16.02	Shoreland/Wetland Overlay District
16.03	Interpretation
16.04	Principal Uses
16.05	Conditional Uses
16.06	Prohibited Uses
16.07	Additional Application Requirements Concerning Conditional Uses of Wetlands
16.08	Standards in Reviewing Conditional Uses
16.09	Review and Approval by the Building Inspector of Shoreland/Floodplain Applications
16.10	Appeals to the Board of Appeals
16.11	Amendments
16.12	Definitions
16.15	Penalty

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
16.01	Statement of Purpose		
16.02	Shoreland/Wetland Overlay District		
16.03	Interpretation		
16.04	Principal Uses		
16.05	Conditional Uses		
16.06	Prohibited Uses		
16.07	Additional Application Requirements Concerning Conditional uses of Wetlands		
16.08	Standards in Reviewing Conditional Uses		
16.09	Review and Approval by the Building Inspector of Shoreland/Floodplain Applications		
16.10	Appeals to the Board of Appeals		
16.11	Amendments		
16.12	Definitions		
16.15	Penalty		

16.01 STATEMENT OF PURPOSE. (Rep. & recr. #96-12)

This chapter is adopted pursuant to the authorization in §§61.35, 61.351, 87.30 and 144.26, Wis. Stats. The shoreland/wetland overlay district is intended to be used to maintain safe and healthful conditions to prevent water pollution, to prevent fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands. When development occurs in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

16.02 SHORELAND/WETLAND OVERLAY DISTRICT. (Rep. & recr. #96-12)

The shoreland/wetland overlay district includes all shoreland wetlands five acres or larger that are shown on the Wisconsin Wetland Inventory map stamped final on July 25, 1990 hereby adopted and made part of this chapter.

16.03 INTERPRETATION. (Rep. & recr. #96-12)

Where a provision of this chapter, including definitions, is required by a standard in chapter NR117, Wis. Adm. Code, the provision shall be interpreted in light of the chapter NR117 standards in effect on the date of adoption of this chapter [Oct. 1, 1996] or in effect on the date of the most recent text amendment to this chapter.

16.04 PRINCIPAL USES.

(1) The following uses must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

(a) Hiking.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(c) The practice of silviculture, including the planting, thinning and harvesting of timber.

(d) The pasturing of livestock.

(e) The cultivation of agricultural crops.

(2) The following uses may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below. A

zoning permit is not required for such uses.

(a) Temporary water level stabilization measures in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

(b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.

(c) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(d) Limited excavating and filling necessary for the construction and maintenance of fences for the pasturing or livestock.

(e) Limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings.

(f) Limited excavating and filling necessary for the maintenance, repair, replacement and reconstruction of existing town and county highways.

(g) The maintenance and repair of existing town and county bridges.

16.05 <u>CONDITIONAL USES</u>.

(1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:

(a) The road cannot as a practical matter be located outside the wetland.

(b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

1. The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accomplish the machinery required to conduct agricultural and silvicultural activities.

2. Road construction activities are to be carried out in the immediate area of the roadbed only.

3. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation if the building cannot as a practical matter be located outside the wetland, provided that:

(a) Any such building does not exceed 500-sq. ft. in floor area.

(b) Only limited excavating and filling necessary to provide structure support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms and fur animal farms, provided that:

(a) Any private recreation or wildlife habitat area must be used exclusively for that purpose.

(b) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game bird and animal farms, fur animal farms and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

(a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.

(b) Any filling, excavating, ditching or draining that is to be done shall be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(5) The construction and maintenance of railroad lines, provided that:

(a) The railroad lines cannot as a practical matter be located outside the wetland.

(b) Any filling, excavating, ditching or draining that is to be done shall be necessary for such construction or maintenance and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland and the replacement and reconstruction of existing Village and county bridges.

(6) The conditional uses herein shall be approved under application made pursuant to Section 17.43 of this Municipal Code.

16.06 PROHIBITED USES.

Any use that is not listed above as a principal or conditional use is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with §62.23(7)(d)2., Wis. Stats., and Ch. NR 117, Wis. Adm. Code.

16.07 ADDITIONAL APPLICATION REQUIREMENTS CONCERNING CONDITIONAL USES OF WETLANDS.

(1) Such information shall be supplied to the Village Building Inspector to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; lowest floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information. Fee receipt from the Building Inspector for the fee required by the Village Board.

(2) An application for a conditional use permit will be rejected without a hearing if either the Land Use Committee or the Village Board, acting pursuant to Section 17.43 of this Municipal Code, votes such rejection. In all other cases, the Land Use Committee shall fix a reasonable time and place for a public hearing on the application and give public notice thereof in accordance with the applicable requirements of the Wisconsin Statutes.

(3) A copy of all notices for public hearings on applications for conditional uses in the floodland districts, including a copy of the application, shall be transmitted to the Wisconsin Department of Natural Resources (DNR) for review and comment. Final

action on floodland applications shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first.

(4) Notice of public hearings on shoreland and shoreland/wetland conditional uses shall be mailed to the DNR district office at least 10 days prior to the hearing. A copy of any decision on any such conditional uses shall be mailed to the DNR district office within 10 days after it is granted or denied.

16.08 STANDARDS IN REVIEWING CONDITIONAL USES.

In reviewing the proposed conditional uses, the Planning Committee and the Village Board shall be guided by the following standards and requirements:

(1) All conditional uses shall be in accordance with the purpose and intent of this chapter and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the village and its communities.

(2) Review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems and the effect of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.

(3) Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, stream bank protections, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking may be required by the Planning Committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter and the State Water Resources Act of 1965 and to meet the provisions of the state's flood plan and shoreland management programs.

(4) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 17.40(2) of this Municipal Code.

(5) With respect to conditional uses within shorelands, the standards set forth in §144.26(5), Wis. Stats., in particular as they relate to the avoidance or control of pollution.

16.09 <u>REVIEW AND APPROVAL BY THE BUILDING INSPECTOR OF SHORELAND/FLOODPLAIN APPLICATIONS</u>.

(1) The Building Inspector may approve shoreland/floodplain conditional use permit applications under this chapter without a public hearing, provided that the applicant agrees to sign a contract setting forth the methods for eliminating erosion, sedimentation and pollution.

(2) The Building Inspector may request technical assistance from any Village office, officer or department in review of shoreland/wetland conditional use permit applications prior to setting forth the contractual provisions. Such contractual provisions shall be in compliance with the standards set forth in Ch. 17 of this Municipal Code.

(3) The applicant may request a public hearing if the applicant does not agree with the provisions of the contract or feels the public hearing is in the applicant's best interest.

(4) The Building Inspector may require a formal conditional use public hearing where it is deemed that the subject land may be susceptible to flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, law bearing strength, erosion or any other feature likely to be harmful to the sensitive environment of the shoreland/floodplain areas or to the public interest to the Village.

(5) The Building Inspector shall mail a copy of the application, together with all maps, plans and other documents submitted by the applicant to the Village Board, within which the subject land lies. The Village Board shall have the power to impose conditions on shoreland/floodplain conditional use applications which are more strict than those imposed by the Building Inspector. The Village Board shall have 20 days from the receipt of the application to notify the Building Inspector of the more strict conditions being imposed for inclusion in the contract.

16.10 <u>APPEALS TO THE BOARD OF APPEALS</u>. (Cr. #96-12)

(1) Any person aggrieved or by any officer, department, board or bureau of the Village affected by any order, requirement, decision or determination of the Building Inspector under this chapter may appeal to the Board of

Appeals as provided in Section 17.40 of the Municipal Code.

(2) The procedure shall be as provided in Section 17.40, except that the notice of public hearing shall be published as a Class II notice under Ch. 985, Wis. Stats., and copies of the notice shall be mailed to the parties in interest and to the Milwaukee district office of the Department at least 10 days prior to the hearing.

(3) The decision shall be in writing and shall state the specific facts which are the basis of the Board's determination. A copy of the decision shall be mailed to the parties in interest and to the Milwaukee district office of the Department within 10 days after the decision is issued.

16.11 <u>AMENDMENTS</u>. (Cr. #96-12)

(1) This chapter, including any district boundaries or maps, may be amended in accordance with the requirements of §61.351, Wis. Stats. and NR117, Wis. Adm. Code as are in effect at the time of such amendments, and this chapter.

(2) Wetlands in the shoreland/wetland zoning district may not be rezoned where the proposed rezoning may result in significant adverse impact upon any of the following wetland functions:

(a) Storm and flood water storage capacity;

(b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(d) Shoreline protection against erosion;

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(3) Any proposed amendment to this chapter, whether text or map, shall be referred to the Plan Commission for its recommendation. Within 5 days of the referral of the

proposed amendment to the Plan Commission the Clerk/Treasurer shall mail a copy of the proposed amendment to the Department. Prior to adoption of any amendment to this chapter, a public hearing shall be held thereon by the Village Board. Notice of the public hearing shall be by publication of a Class II notice and mailing a copy to the Department's district office at least 10 days prior to the hearing.

(4) Where the Department determines that a proposed rezoning may have significant adverse impact on any of the criteria listed in sub. (2) above, the Department shall notify the Village in writing, either prior to or during the public heating on the rezoning. If the Department provides such a notice, the proposed amendment shall not become effective until more than 30 days have elapsed after mailing of the notice of the Village decision as required in sub. (3) above. If within the 30-day period, the Department notifies the Clerk/Treasurer that it intends to adopt a superseding shoreland/wetland zoning ordinance for the Village under §61.351(6), Wis. Stats., the proposed amendment shall not become effective until the superseding ordinance adoption procedure is completed or terminated.

16.12 <u>DEFINITIONS</u>. (Cr. #96-12)

As used in this chapter, the following words or terms shall have the meanings as set forth herein:

DEPARTMENT. The Wisconsin Department of Natural Resources.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

DRAINAGE SYSTEM. One or more artificial ditches, file drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

ENVIRONMENTAL CONTROL FACILITY. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise; air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

NAVIGABLE WATERS. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

ORDINARY HIGH-WATER MARK. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevent of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

SHORELANDS. Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000' from a lake, pond or flowage; and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SHORELAND/WETLAND DISTRICT. The zoning district, created in this shoreland/wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter.

WETLANDS. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

WETLAND ALTERATION. Any filling, flooding, draining, dredging, ditching, tiling, excavation, temporary water level stabilization measures or dike and dam construction in a wetland area.

16.15 PENALTY.

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

CHAPTER 17

ZONING CODE

INTRODUCTION

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
17.01	Purpose		
17.02	Interpretation		
17.03	Districts		
17.04	Definitions		
	GENERAL PROVISIONS		
17.10	Application		
17.11	Buildings and Uses		
17.12	Nonconforming Uses		
17.13	Prior Permits Excepted		
17.14	Accessory Buildings	*2003-32*	*10/7/03*
17.15	Special Circumstances		
17.16	Height and Area Exceptions		
17.17	Front, Side and Rear Yard Regulations		
17.18	Setbacks		
17.19	Motor Vehicle Parking		
17.20	Architectural Control		
17.21	Fences, Screens and Bushes		
	ZONING DISTRICTS		
17.30	One- and Two-Family Residence District		
17.31	Multiple Residence District		
17.32	Agricultural District		
17.33	Business District A	*2002-02*	*2/19/02*
		2002-13	*9/17/02*
17.34	(Rep. #2002-13)	*2002-02*	*2/19/02*
		2002-13	*9/17/02*
17.35	Industrial District		
17.36	(Rep. #089-27)		
17.37	Planned Development District		
17.38	Institutional District		

ADMINISTRATION AND ENFORCEMENT

17.40 Board of Appeals
17.41 Changes and Amendments
17.42 Enforcement
17.43 Conditional Uses
17.44 Annexation
17.45 Village Plan Commission

OFFICIAL MAP

17.50 Purpose
17.51 Certificate to be Filed With the Register of Deeds
17.52 Authority of the Village Plan Commission
17.53 Building Permits, Plot Plan
17.54 Village Board May Change

VIOLATIONS AND PENALITIES

17.60 Violations
17.61 Penalty

INTRODUCTION

17.01 PURPOSE.

This chapter is enacted to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot which may be occupied, size of yards, courts and other open spaces, density of population, location and use of buildings, structures and land for trade, industry, residence and other purposes and to divide the Village into districts of such number, shape and area as are deemed best suited to carry out such purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

17.02 INTERPRETATION.

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.

(2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

17.03 DISTRICTS.

(1) For the purposes of this chapter, the Village is hereby divided into 7 districts as follows:

(a) One- and Two-Family Residence District.

(b) Multiple Family Residence District.

(c) Agricultural District.

(d) Business District A.

(e) Business District B.

(f) Industrial District.

(g) Mobile Home District. (Cr. #87-19)

(2) The boundaries of the districts in sub. (1) are hereby established as shown on the map entitled "District Map, Village of Sturtevant, Wisconsin" which map is made a part of this chapter by reference. All notations and references shown on the district map are as much a part of this chapter as though specifically described herein.

(a) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street or alley, such street or alley centerline shall be construed to be the district boundary line.

(b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the district map are approximately bounded by lot lines, such lot lines shall be construed to be the boundaries of the district.

(c) In unsubdivided property, the location of the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

(3) There shall be a certified copy of the district map described above. A copy of such map shall be kept in the office of the Village Clerk/Treasurer and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the district map, the certificate to be signed by the Village President and attested by the Clerk/Treasurer and it shall show the number and the title of the ordinance and the date of its adoption. Thereafter, no amendment to this chapter which causes a change in the boundaries of any district shall become effective until such change, together with a certificate describing the change, has been shown on the certified copy. Such certificate of amendment shall likewise be signed by the Village President and attested by the Clerk/Treasurer and shall show the number of the amending ordinance and the date of its adoption.

17.04 DEFINITIONS.

For purposes of this chapter, certain words and terms are defined as follows:

GENERALLY. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; "building" includes "structure"; "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State and Village building codes.

AIRPORT, PUBLIC. Any airport which complies with the definition contained in §114.002(18m), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

ALLEY. A street or thoroughfare less than 21' wide and affording only secondary access to abutting property.

APARTMENT HOUSE. See DWELLING, MULTIPLE.

AUTOMOBILE WRECKING YARD. Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.

BASEMENT. A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it.

BOARDING HOUSE. A building other than a hotel where meals or lodging and meals are furnished for compensation for 4 or more persons not members of a family.

BODY PIERCE, as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing. (Cr. #099-5)

BODY-PIERCING ESTABLISHMENT means the premises where a body piercer performs body piercing. (Cr. #099-5)

BUILDING. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING, ACCESSORY. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof or other building used as a temporary or permanent dwelling or lodging place is not an accessory building or use for the purposes of this chapter.

BUILDING, HEIGHT OF. The vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

BUILDING, MAIN. A building constituting the principal use of a lot.

DWELLING, ONE FAMILY. A detached building designed for and occupied exclusively by one family.

DWELLING, TWO FAMILY. A detached or semi-detached building designed for and occupied exclusively by 2 families.

DWELLING, MULTIPLE. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.

EXCEPTION. A use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, which is not in full conformity with the terms of this chapter but which is permissible by reason of special provisions of this chapter.

FAMILY. The body of persons who live together in one dwelling unit as a single housekeeping entity.

FLOOR AREA. The area within the exterior wall lines of a building; provided that the floor area or a dwelling shall not include space not usable for living quarters, such as attics, basements or utility rooms, garages, breezeways and unenclosed porches.

FRONTAGE. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

FRONTAGE, REVERSED. Frontages facing at right angles or approximately right angles to each other within the same block.

GARAGE, PRIVATE. (Am. #93-10; #097-19) An accessory building or space for storage only of no more than 2 motor-driven vehicles where the lot area is less than 12,000 sq. ft. and no more than 3 motor-driven vehicles where such accessory building is attached to the main building and the lot area is 12,000 sq. ft or more.

GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

GARAGE, STORAGE. Any building or premises used for the storage only of motor-driven vehicles by previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

HOME OCCUPATION. A gainful occupation conducted by members of the family only, within their place of residence.

HOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any single room or apartment.

JUNKYARD. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation will be housed in a completely enclosed building.

LOADING SPACE. An off-street space or berth on the same lot with a building or contiguous to a group of buildings and abutting on or having direct access to a public street or alley for the temporary parking of a commercial vehicle while loading or unloading cargo.

LODGING HOUSE. A building other than a hotel where lodging only is provided for compensation for not more than 5 persons not members of the family.

LOT. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this chapter and abutting on a public street or officially approved place.

LOT, CORNER. A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135°.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.

LOT LINES. The lines bounding a lot as defined herein.

NONCONFORMING USE. A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto, which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

PARKING LOT. A building or premises containing one or more parking spaces, open to the public free or for a fee.

PARKING SPACE. An unobstructed piece of ground or floor space sufficient for the temporary storage of one automobile. Each such parking space shall be located off the public street but accessible thereto and shall be not less than 180-sq. ft. in area, exclusive of the means of ingress and egress. A loading space is not a parking space.

PROFESSIONAL OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

ROADSIDE STAND. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed and used solely for the sale of farm products produced on the premises.

SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps. "Within the setback line" means between the setback line and the street line.

STABLE. The same meaning as GARAGE, one draft animal being considered the equivalent of one self-propelled vehicle.

STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF. The space under any roof except a flat roof which, if occupied for dwelling purposes shall be counted as a full story for the purposes of this chapter.

STREET. All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21' or more in width.

STREET LINE. A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls which may affect the safe or sanitary occupancy of the building.

STRUCTURE. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

TATTOO, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. (Cr. #099-5)

TATTOO ESTABLISHMENT means the premises where a tattooist applies a tattoo to another person. (Cr. #099-5)

TEMPORARY STRUCTURE. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

TOURIST CAMP OR MOTEL. A tract or parcel of land on which one or more buildings containing rooms for transients or one or more camp cabins are located or where temporary accommodations are provided for 2 or more automobile trailers or house cars, open to the public free or for a fee.

VARIANCE. A departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, not in strict conformity with the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the Board finds that literal application of such regulations will effect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.

VISION CLEARANCE. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding only uncovered steps.

YARD, REAR. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding only uncovered steps. In the case of irregular or triangular lots, where none of the lines bounding the rear of the lot are at an angle of less than 45° to the front lot line, the rear lot line for the purposes of this chapter shall be a line 15' long, wholly within the lot, parallel to the front lot line or the main chord thereof and at the maximum distance from the lot line.

YARD, SIDE. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

GENERAL PROVISIONS

17.10 APPLICATION.

Except as otherwise provided in this chapter, the following regulations shall apply to all districts.

17.11 BUILDINGS AND USES.

(1) No provision of this chapter shall be construed to bar an action to abate the use or occupancy of any land, buildings or other structures as a nuisance under the laws of the State or ordinances of the Village.

(2) No provision of this chapter shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of overground or underground public utility neighborhood service lines and mechanical appurtenances to such lines, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.

(3) The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

(4) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

(5) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(6) Every building hereafter erected, converted, enlarged or structurally altered shall be located in a lot and in no case shall there be more than one main building on one lot.

17.12 NONCONFORMING USES.

(1) The existing lawful use of a building or premises at the time of the enactment of this chapter or any amendment thereto may be continued although such use does not conform with the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be enlarged or extended.

(2) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

(3) A nonconforming use shall not be changed to any other nonconforming use unless or until a permit therefor shall have been issued by the Board of Appeals.

(4) If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

(5) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its current value, as determined by the Village Assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50% of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

17.13 PRIOR PERMITS EXCEPTED.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit and completed within 12 months of such date.

17.14 ACCESSORY BUILDINGS.

(1) LIMITATIONS. (Am. #93-10; #097-19)

(a) Detached Buildings. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, be more than 15' high measured to the eaves nor be nearer than 8' to any lot line, except where a private garage has an entrance facing an alley, the entrance shall not be located nearer than 10' from the nearest alley line.

(b) ~~Attached Buildings. Where an accessory building is part of the main building, the side and rear yard requirements of the main building shall apply to the accessory building. Private garages on lots with an area less than 12,000 sq. ft. shall not be more than 11' in height measured to the eaves, nor shall they be larger than 24' x 30' with the main garage door opening on the 24' side~~.

(b) Attached Buildings. Where an accessory building is part of the main building, the side and rear yard requirements of the main building shall apply to the accessory building, unless specific applicable zoning district regulations require different distances, in which case the latter shall apply. Private garages on lots with an area of less than 12,000 sq. ft. shall not be more than 11' in height measured to the eaves, nor shall they be larger than 900 square feet.
History: Amended by the Village Board February 2, 2005 – Ordinance 2004-14.

(2) No person shall install any concrete slab intended for future construction of an accessory building without first submitting to the Building Inspector a drawing showing the exact location of the slab in relation to lot lines and existing buildings. If the Building Inspector finds everything in compliance with Village ordinances, he will then issue a permit for the installation of the slab. There shall be no charge for such permit, but the Building Inspector shall inform any person requesting a slab permit of all other permits and fees required for the actual construction of any accessory building.

(3) EXCEPTION. The above subsections shall have no applicability to parcels of land in excess of 45 acres.

17.15 SPECIAL CIRCUMSTANCES.

(1) Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and court in the 2 districts which abut the district boundary line.

(2) When a housing project consisting of a group of 2 or more buildings containing a total of 8 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets or where an existing lot and street layout make it impracticable to apply the requirements of this chapter to the individual building units, the Village Board may approve a development plan provided it complies with the regulations of this chapter as applied to the whole plat.

17.16 HEIGHT AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(1) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60' nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

(2) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, air conditioning units, boilers, antennas, microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and maybe erected in accordance with other regulations or ordinances of the Village.

(3) Districts may be increased in height by not more than 10' when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.

(4) Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120' from the line of the higher average established grade.

(5) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.

(6) A basement shall be counted as a full story for purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5' or if used for dwelling purposes.

17.17 <u>FRONT, SIDE AND REAR YARD REGULATIONS</u>.

(1) No part of a yard or open space provided about any building in compliance with the provisions of this chapter shall be included as a part of a yard or open space required for another building.

(2) Where boundary lines of different districts coincide there shall be a side yard in each district. The width of the side yard in the less restricted district shall be the average width of the required minimum side yards in the 2 districts abutting the boundary line.

(3) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard and the ordinary projections of sills, belt courses, cornices and ornamental features extending not more than 12".

(4) Open and enclosed fire escapes and fire towers may project into a required yard not more than 5' provided they be so located as not to obstruct light and ventilation.

17.18 <u>SETBACKS</u>.

(1) Where 50% or more of the frontage is occupied by buildings having setbacks which are greater or less than the setback required by this chapter for the district in which such frontage is located, the setback shall be the average setback established by such buildings.

(2) Where less than 50% of the frontage is occupied by buildings, the setback for the remainder of the frontage shall be as follows: (Am. #089-04)

(a) Greater Setbacks. Where vacant lots abut an occupied lot having a setback greater than is required by this chapter, the setback on the abutting vacant lots shall be the average of the setback required by this chapter for the district in which such lot is located and the setback on the occupied lot.

(b) Lesser Setbacks. Where vacant lots abut an occupied lot having a setback less than is required by this chapter, the setback on the vacant lots shall be the setback required by this chapter for the district in which such lots are located. No part of the building on such occupied lot which is within the setback line shall be enlarged or structurally altered unless such enlargement or structural alteration is outside the setback line required by this chapter for the district in which such lot is located. The purpose of this paragraph is to finally establish a setback line which is not less than the minimum setback determined to be necessary for the preservation of the public safety, health, welfare and convenience.

(3) Subject to the provisions of subs. (1) and (2) above, but without regard to setback restrictions otherwise provided in this chapter, the following setbacks shall apply: (Cr. #089-04)

(a) Durand Ave. Every building to be erected and constructed upon lands fronting on Durand Ave. in the Village shall be so constructed that the front of the building shall be set back not less than 50' nor more than 75' from the right-of-way line of Durand Ave.

(b) Wisconsin St. Every building to be erected and constructed upon lands fronting on Wisconsin St. in the Village shall be so constructed that the front of the building shall be set back not less than 4' from the line designated as the sidewalk line of Wisconsin St. provided, however, that on the east side of Wisconsin St. north of the north line of Park Court Subdivision as recorded, the setback shall be 75' from the east right-of-way line of Wisconsin St. and further provided that on the west side of Wisconsin St. north of the north line of the S½ of the N½ of Section 21, T3N, R22E, the setback shall be 25' from the west right-of-way line of Wisconsin St. No parking of vehicles shall be permitted within 25' of the right-of-way line of Wisconsin St. in such 75' and 25' setbacks.

(c) Washington Ave. Every building to be erected and constructed upon lands fronting on Washington Ave. in the Village shall be so constructed that the building shall be set back not less than 100' from the right-of-way of Washington Ave. No parking of vehicles shall be permitted within 25' of the right-of-way line of Washington Ave.

(d) Through Lots. Buildings on through lots which extend from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements of both streets be complied with.

17.19 MOTOR VEHICLE PARKING.

(1) WEIGHT LIMITED. No commercial vehicle exceeding 2 tons rated capacity shall be stored in any storage garage.

(2) LOADING AND UNLOADING. In any business or industrial district wherever a lot abuts upon a public or private alley, sufficient space for the loading and unloading of vehicles shall be provided on the lot in connection with any business or industrial use so that the alley shall at all times be free and unobstructed for the passage of traffic.

(3) OFF-STREET PARKING AND LOADING.

(a) Required Off-Street Parking. Off-street vehicle parking space shall be provided for buildings and uses as specified in this section. Such parking shall be reasonably adjacent to the use or building being

served; be intended specifically to serve the residents, patrons or employees of the use or buildings; and the required number of spaces shall be demonstrably usable and accessible for such purpose.

(b) Application to Existing Uses. The provision of parking space shall not be required for legally existing uses as of April 21, 1981, but shall be required for any expansion of such use by the addition of new primary floor area or other partial expansion of building or use generating new parking demand.

(c) Area. A required off-street parking space shall be at least 9' in width, 12' wide for handicapped and at least 20' in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least 7'.

(d) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of 35'

(e) Design and Maintenance.

1. Open and Enclosed Parking Spaces. Accessory parking spaces may be open to the sky or enclosed in a building.

2. Surfacing. All open off-street parking areas containing 4 or more parking spaces shall be improved with a compacted base and a permanent-wearing surface.

(f) Screening and Landscaping. All open automobile parking areas containing more than 4 parking spaces located less than 40' from a property line shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence or densely planted compact hedge not less than 5' nor more than 8' in height.

(g) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance and such lighting shall be extinguished 1/2 hour after the close of business except as may otherwise be permitted or required by the Village Board for maintaining illumination with less candlepower after the time specified above.

(h) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such accessory parking facilities are enclosed in a building, in which case gasoline and motor oil may be sold within such building to the users of such accessory parking facilities, provided that no sign advertising the sale of same is visible from outside and provided further that all gasoline pumps shall be effectively screened from view from the public way.

(i) Uses Not Enumerated. In any case as to parking requirements for any use except one and 2 family dwellings, such case should come to the Planning Commission which shall have the final authority to determine the appropriate application of the parking requirements to the specific situation.

(4) PARKING SPACES REQUIRED.

Use	Parking Requirements
Single Family Detached Residence	At least one space per dwelling, plus one space per 2 roomers or lodgers; but no more than 4 per single-family dwelling.
Two Family [Am. 10/19/93]	Two spaces per dwelling unit and an individual driveway per unit with room to park at least 2 cars.

Public Housing	One space per dwelling.
All Other Residential Uses (Townhouse, Multiple Family)	Two spaces per dwelling.
Public Assembly Facilities Providing for Seated Audiences (Churches, Theaters, Auditoriums, etc.)	One parking space per every 3 seats.
Hotels, Motels, Tourist Homes	One space per rental unit plus one space per every 3 employees.
Elementary and Secondary Schools	Two spaces per classroom or auditorium requirement (whichever is greater.
High Schools	One per 3 students of maximum peak hour capacity.

Use	Parking Requirements
Funeral Homes	Minimum 12 per chapel or parlor, plus 1 per funeral vehicle kept on premises.
Hospitals	One per every 3 beds plus one per every 2 employees.
Nursing, Convalescent, Rest and Homes for the Elderly	One per every 5 beds plus one per every 2 employees and one per staff doctor.
Clinics	Medical - 5 per doctor. Dental - 3 per doctor.
Industrial Uses	One per every 2 employees.
Office Buildings	One per every 2 employees.
Retail Stores, Shopping Centers	One per every 150 sq. ft. of primary floor area.
Rooming Houses, Boarding Houses, Dormitories, Clubs with Sleeping Rooms	One per each sleeping room.
Customer Service Establishments (Barber, Beauty Shop, Appliance Repair, etc.)	One per every 100 sq. ft. of primary floor area.
Restaurants, Taverns, Supper Clubs and Bars	One space per 2 seats.
Gymnasiums, Health Salons, Swimming Pools, Skating Rinks and Dance Halls, Commercial	Minimum one space per 3 persons, based on maximum number of persons who may be accommodated at one time per design capacity and one per 3 employees.
Bowling Alleys	Minimum 7 spaces per alley, plus additional spaces required for additional uses such as restaurants and the like.
Financial Institutions	One space per 300 sq. ft. of primary floor area and one space per 2 employees.

Use	Parking Requirements
Automobile Service Stations	Minimum one space per employee, plus 2 per each service stall.

(5) COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS PROHIBITED. No person shall park or store any commercial vehicle or trailer weighing more than 6,000 pounds in any residential district in the Village, including multiple family residence districts, except for purposes of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence located in the residential district, unless such person obtains a conditional use permit under sub. (6).

(6) CONDITIONAL USE PERMIT TO ALLOW COMMERICAL VEHICLE PARKING IN RESIDENTIAL DISTRICT. A person may apply for a conditional use permit to park a commercial vehicle at the applicant's residence in a residential district in accordance with the procedures set forth in Section 17.43 of this Municipal Code. The application shall include the applicant's name, the name of the owner of the site where the commercial vehicle would be parked or stored, a description of the commercial vehicle including its weight, the proposed route of travel to the applicant's residence, the names and addresses of all residents living within 400 feet of the proposed site, and such other information as the Building Inspector requires.

17.20 ARCHITECTURAL CONTROL.

(1) TITLE. This section shall be known as the "Architectural Control Ordinance" of the Village of Sturtevant.

(2) OBJECT AND PURPOSE. The purpose of this section is to promote the public health, safety and general welfare of the citizens of the Village by providing regulations concerning the architectural requirements pertaining to the exterior design of structures hereafter built, enlarged, altered or demolished within or moved within or into the Village and to prohibit structures incompatible with the character of surrounding or neighboring structures constructed or being constructed and to thereby maintain and conserve the taxable value of land and buildings throughout the Village and prevent the depreciation thereof.

(3) FINDING OF CONFORMITY. No building permit for any structure for which a building permit is required in accordance with the Village Building Code shall be issued unless it has been found as a fact by the Plan Commission, upon a request for determination by the Building Inspector, by at least a majority vote, after a view of the site of the proposed structure and an examination of the application papers for the building permit, that the exterior will, when erected, not be so at variance with nor so similar to either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district established by the zoning laws in force within the Village as to cause a substantial depreciation in the property values of the neighborhood within the applicable district.

(4) PLAN COMMISSION DUTIES. For the purposes of this section the Plan Commission shall be charged with the administration thereof. The secretary of the Plan Commission shall be known as the Zoning Administrator. In addition to the provisions above the Village Assessor shall be substituted for and take the place of the Building Inspector. The Village President or his designee shall be chairman of and preside over meetings of the Plan Commission which are called for by the Building Inspector to consider applications for building permits which he has found to comply with all other ordinances of the Village. The Plan Commission may, if it desires, hear the applicant for the building permit in question or the owner of the lot on which it is proposed to erect or move the structure in question, together with any other persons, whether residents or property owners desiring to be heard, giving such notice of the hearing as it may deem sufficient. Such hearing may be adjourned from time to time but not for more than 48 hours and within 48 hours after the close of the hearing the Plan Commission shall in writing make or refuse to make the finding required by sub. (3) as to conformity with the immediate neighborhood. Such finding and determination shall be in

writing and signed on behalf of the Plan Commission by its chairman and secretary. The secretary shall thereupon file a copy of such findings and determination in the office of the Village Clerk/Treasurer and shall mail a copy by registered mail to each applicant for such permit on which the Plan Commission has acted pursuant to this section. Thereupon the Building Inspector shall issue or refuse to issue a building permit in accordance with the determination of the Plan Commission.

(5) PER DIEM. The secretary of the Plan Commission shall be the Zoning Administrator and shall keep an accurate record of all proceedings. Each member shall receive $5 per day for time actually devoted to their duties herein.

(6) APPEAL. Any person feeling himself aggrieved by the findings and determination of the Plan Commission may appeal from such findings to the Village Board within 10 days after written notice shall have been delivered to him, such appeal to be in writing setting forth the basis of the appeal and to be filed with the Clerk/Treasurer. Such appeal shall thereupon be heard at the next regular meeting of the Village Board. On the appeal, in the absence of proof to the contrary adduced before the Village Board, a refusal to grant the building permit shall be deemed to be based upon facts supporting the conclusion that the exterior architectural appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values of the neighborhood within the applicable district.

17.21 <u>FENCES, SCREENS AND BUSHES</u>. (Cr. 6/7/89)

(1) PERMIT. No fence shall be constructed in the Village without first obtaining a permit from the Building Inspector. The application for such permit shall be on a form prescribed by the Village and shall be accompanied by a plot plan showing the lot and the proposed location of the fence. No permit fee shall be required.

(2) CONSTRUCTION AND PLACEMENT OF FENCES.

(a) In any residential district, fences shall not exceed the following heights. For purposes of this section the front yard shall extend from the front setback line to the front lot line.

1. 6’ in height in side and rear yards.

2. 3’ in front yards.

(b) In any business or industrial district fences shall not exceed 12’ in height.

(c) In any mobile home park district, fences shall comply with the restrictions imposed in residential districts, except as otherwise provided in the approved plan of the mobile home park.

(d) Fences shall be so constructed so as not to be incompatible with the character of surrounding or neighboring structures and so as not to cause a depreciation of property values. In the event there shall be any dispute with respect to the same, it shall be addressed as provided in Section 17.40.

(e) Fences shall be so constructed and placed so that the side facing adjacent property (outer side) shall be at least as attractive as the side facing toward the fenced property (inner side). Fence post shall be placed on the inner side of the fence and shall not be larger than 4” x 4”. Metal fence posts shall be set in concrete bases.

(f) No barbed wire, creosote-covered materials or other injurious materials shall be used.

(3) MAINTENANCE OF FENCES, SCREENS AND BUSHES.

(a) Fences and screens shall be maintained by the owner in an attractive and good condition.

(b) Fences, screens and bushes located adjacent to a public right-of-way shall be maintained in such fashion so as not to extend into the public right-of-way so as to hinder, obstruct or endanger any person or property within the right-of-way.

(4) VISION CLEARANCE FOR CORNER LOTS. Notwithstanding the foregoing provisions, to provide adequate vision clearance for persons using the public highways, no fence, screening, structure, bush, tree, branches or mound shall be erected, grown, placed or maintained on a corner lot in the Village which shall obstruct the vision between 3' and 6' above the curb level or, if none, the street grade at the location, within a triangle formed by the intersecting street lines and a line connecting such street lines from points 15' from the intersection of the street lines.

ZONING DISTRICTS

17.30 ONE AND TWO FAMILY RESIDENCE DISTRICT.

(1) USE. In the One Family Residence District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

(a) Single family dwellings.

(b) Churches, public and parochial schools, public libraries and museums. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums. Public recreational and community center buildings and grounds.

(c) Public hospitals and clinics, except hospitals for the care or treatment of epileptics, drug addicts, the insane or feeble-minded and veterinary hospitals and clinics, when such building shall be located not less than 100' from any lot in any residence district not used for the same purpose.

(d) Philanthropic and charitable institutions.

(e) Telephone buildings, exchanges and lines, transformers and electric substations, provided there is no service garage or storage yard, telephone, telegraph and power transmission poles and lines and necessary appurtenances. This regulation, however, shall not include microwave radio relay structures unless and until the location thereof shall first have been approved by the Board of Appeals. The setback requirements of this chapter shall not be applied to the necessary and customary construction, reconstruction and maintenance of public utility poles and lines.

(f) Farming and truck gardening, except chicken, fur and stock farms and farms operated for the disposal of garbage, rubbish or offal; nurseries and greenhouses only for the propagation of plants; provided that greenhouse heating plants and buildings in which farm animals are kept shall be distant not less than 75' from every lot line.

(g) Roadside stands; provided that no such roadside stand shall be more than 300 sq. ft. in ground area and there shall be not more than one roadside stand on any one premises.

(h) Accessory buildings or one private garage.

(i) Not over 3 boarders or lodgers not members of the family.

(j) Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.

(k) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

(1) Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes and does not effect any substantial change in the character of the premises or the neighborhood, that no article is sold or offered for sale on the premises except such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate no more than one foot square is installed and that no person other than a member of the immediate family living on the premises is employed.

(m) Professional office. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office and only one unlighted name plate, not exceeding one sq. ft. in area, containing the name and profession of the occupant of the premises shall be exhibited. Not more than one person not a member of the family shall be employed in any professional office which is established in such residential district.

(n) Professional or announcement signs not over one sq. ft. in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over 8 sq. ft. in area; signs not over 5 sq. ft. in area pertaining to the lease, hire or sale of a premises or building; or the protection of persons or property; and signs of standard design placed by public authorities for the guidance or warning of traffic; provided that no advertising sign of any other character shall be permitted in the Residence District; and provided further that all permitted signs shall be located within the lot lines at least 15' from the sidewalk line.

(2) HEIGHT AND AREA. In the Residence District the height of buildings, the minimum dimensions of yards and the minimum lot areas per family shall be as follows:

(a) Height. Buildings hereafter erected or structurally altered shall not exceed 35' nor 2½ stories in height. A basement or cellar shall be counted as a story for the purpose of height regulation if occupied for living purposes or if ½ or more of its height is above the average grade established for the street in front of the building or the average ground level at the front building line. See Section 17.16 of this chapter.

(b) Side yard. There shall be a side yard on each side of a building as follows:

1. For buildings not over one story high, the sum of the widths of the required side yards shall not be less than 18' and no single side yard shall be less than 8' in width.

2. For buildings more than one story high to 2½ stories high, the sum of the widths of the required side yards shall be no less than 23' and no single side yard shall be less than 8' in width. (Am. #097-29)

3. If a garage is attached to a building, whether one or more stories high, the sum of the sides of the required side yards where such garages are located shall not be less than 12' and no single side yard shall be less than 4' in width; provided, however, that there shall not be any projection on such garage more than 4' above the roof line of the garage.

(c) Setback. Unless otherwise provided, there shall be a setback line of not less than 25' wide and of record at the time of the passage of this chapter, where reversed frontage exists, the setback on the side street shall be no less than 50% of the setback required on the lot in the rear. In no case shall the buildable width of such corner lot be reduced to less than 24'. See Section 17.18 of this chapter.

(d) Rear Yard. There shall be a rear yard having a minimum depth of 25'. See §17.18 of this chapter.

(e) Lot Area.

1. Every building hereafter erected or structurally altered for use as a one family dwelling shall provide a lot area of not less than 9,000 sq. ft. per family and no such lot shall be less than 75' wide.

2. Every building hereafter erected or structurally altered for use as a 2 family dwelling shall provide a lot area of not less than 6,000 sq. ft. per family and no such lot shall be less than 100' in width. [Am. 10/19/93]

3. No corner lot laid out or divided after July 19 1977, shall be less than 85' in width.

4. No building hereafter erected, altered structurally or moved on to a lot for residential purposes shall have a floor area of less than 1,200 sq. ft. in one family buildings or less than 2,400 sq. ft. in 2 family buildings.

5. The provisions of subpars. 1. through 4. above shall not apply with respect to lots of a lesser size which are a part of a subdivision plat within the Village which has been approved as a preliminary or final plat by the Village Board prior to July 19, 1977. Such lots shall meet the size and lot area requirements for One- and Two-Family Residence Districts as existed prior to adoption of Ord. #077-11.

6. Auto Parking. See Section17.19 of this chapter.

17.31 MULTIPLE RESIDENCE DISTRICT.

(1) USES. [Am. #090-22] In the Multiple Family Residence District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses provided, however, that all such uses shall be conditional uses and shall be permitted only under the conditions as determined and provided under Section 17.43 of this chapter:

(a) Any use permitted in the One and Two Family Residence District.

(b) Multiple family dwellings.

(c) Boardinghouses and lodging houses.

(d) Private clubs, fraternities, lodges, except those whose chief activity is a service customarily carried on as a business.

(2) HEIGHT AND AREA.

(a) Height. Buildings hereafter erected or structurally altered shall not exceed 36' nor 2 stories in height. A basement or cellar shall count as a story for the purpose of height regulation if occupied for living or if ½ or more is above the average grade established for the street in front of the building or the average ground level at the front building line. See Section 17.16 of this chapter.

(b) Side Yard. There shall be a side yard on each side of a building hereafter erected or structurally altered. In all cases and regardless of the number of stories in any building, the sum of the widths of required side yards shall be not less than 25' and no single side yard shall be less than 10' in width. In cases where the lots are a part of a subdivision recorded at the time of the adoption of this chapter, the Board of Appeals shall have the power to award such variances in side yard requirements as are necessary to prevent an unnecessary hardship.

(c) Setback. The setback requirements for the Multiple Family Residence District shall be the same as those for the One and Two Family Residence District, Section 17.30(2)(c).

(d) Rear Yard. The rear yard requirements for the Multiple Family Residence District shall be the same as those for the One and Two Family Residence District. See Section 17.30(2)(d).

(e) Lot Area Per Family.

1. Every building hereafter erected or structurally altered for use as a one family or 2 family dwelling shall provide a lot area per family as required by the regulations for the One and Two Family Residence District, Section 17.30(2)(e).

2. Every building hereafter erected or structurally altered for use as a dwelling by more than 2 families shall provide a dwelling area per unit as provided below:

Bedrooms per Unit	Required Area
1	600 sq. ft.
2	750 sq. ft.
3	900 sq. ft.

3. There shall be a limit of 3 bedrooms per unit. The above area does not include public hallways or staircases.

(g) Auto Parking. There shall be a minimum of 2 off-street parking spaces for each family unit in each multiple family dwelling.

(h) Plan Commission Approval Required. The Building Inspector shall not issue a permit for the construction of a multiple family dwelling unless the plans and specifications are first approved by the Plan Commission as being in compliance therewith.

(i) Size Limited. In no event shall any multiple family dwelling containing more than 4 family units be constructed within the Village.

17.32 AGRICULTURAL DISTRICT.

(1) USES. In the Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the

following uses:

(a) Any use permitted in the One and Two Family Residence District.

(b) Housing project. See Section 17.15(2).

(c) Hospitals and clinics, including veterinary hospitals and clinics.

(d) General farming, except fur farms and farms operated for the disposal of garbage, rubbish, sewage or offal.

(e) Roadside stands.

(f) Signs not over 8 sq. ft. in area advertising the sale of farm products produced on the premises, provided that such sign is located on that farm and is located not less than 15' from the highway right-of-way line.

(2) HEIGHT AND AREA. In the Agricultural District the height of buildings and the minimum dimensions of yards shall be as follows:

(a) Height. Buildings hereafter erected or structurally altered shall not exceed 35' nor 4½ stories in height. See Section 17.16.

(b) Side Yards. There shall be a side yard on each side of a building hereafter erected or structurally altered for human habitation. The sum of the widths of such required side yards shall be not less than 35' and no single side yard shall be less than 14' in width. See Sections 17.11(4) 17.14, 17.15 and 17.17.

(c) Rear Yards. There shall be a rear yard of not less than 30' in depth for every building hereafter erected or structurally altered for human habitation. See Section 17.17.

(d) Setback. There shall be a setback line of not less than 30'. See Section 17.18.

(e) Lot Area Per Family. Every building hereafter erected or structurally altered for human habitation shall have a lot area of not less than 10,000 sq. ft. and no such lot shall be less than 70' wide. See Section 17.30(2)(e).

17.33 BUSINESS DISTRICT

(1) USES. (Am. #090-22) In the Business District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses, provided, however, that all such uses permitted within the Business District shall be conditional uses and shall be permitted only under the conditions as determined and provided under Section 17.43 of this chapter:

(a) Any use permitted in more restrictive districts except single and multifamily residences.

(b) Any of the following specified uses:

1. Art shop, antique shop, gift shop.

2. Animal hospital, pet shop.

3. Bakery (retail).

4. Bank, financial institution.

5. Barber shop, beauty parlor.

6. Body-piercing establishments which are licensed under §HFS 173.04, Wis. Admin. Code. (Am. #099-05)

7. Book and stationery store, news stand.

8. Bowling alley, pool and billiard room, drive-in food or beverage stand.

9. Bus depot.

10. Business and professional offices, public utility offices.

11. Candy store, confectionery store.

12. Clinic.

13. Clothing store, department store, dress shop, dry goods store, hosiery shop, millinery shop, shoe store, shoe repair shop.

14. Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.

15. Florist shop.

16. Food and dairy product establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat market.

17. Furniture store, office equipment store, upholsterer's shop.

18. Hardware store, home appliance store, paint store, sporting goods store.

19. Hotel, motel.

20. Jewelry store, watch repair shop.

21. Laundry or cleaning and dyeing establishment employing not more than 5 persons on the premises.

22. Microwave radio relay structures.

23. Motor vehicle sales and service establishments.

24. Music store, radio and television store.

25. Optical store.

26. Photographer and photographer's supplies.

27. Police and fire station, post office.

28. Printing shop.

29. Public garage, parking lot, storage garage.

30. Restaurant, barbecue stand, cafe, cafeteria, caterer, lunchroom, tavern.

31. Tailor shop, clothes pressing shop.

32. Tattoo establishments which are licensed under §HFS 173,04, Wis. Admin. Code. (Am. #099-05)

33. Telephone and telegraph office.

34. Theaters and places of amusement, except drive-in theaters.

35. Tobacco store.

36. Undertaking establishment.

(c) Any other uses similar in character to those listed in subsection (b), and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises. (Rnb. #099-05)

(d) Such accessory uses as are customary in connection with the foregoing uses listed in subsection (b) and are incidental thereto. (Rnb. # 099-05)

(2) HEIGHT AND AREA. In the Business District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

(a) Height. Buildings hereafter erected or structurally altered shall not exceed 45' nor 3 stories in height. See Section 17.16.

(b) Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Residence District shall apply; otherwise a side yard, if provided, shall not be less than 6' in width. See Section 17.17.

(c) Setback. (Am. #089-04) The setback shall be 4' from the right-of-way line of the street, except where parts of the frontage in a single block are designated on the district map as a Residence District and Business District, the setback regulations of the Residence District shall apply to the Business District in such block and except as provided in Section 17.18 of this Municipal Code.

(d) Rear Yard. There shall be a rear yard having a minimum depth of 20' for a building 2 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 5'. See Section 17.17.

(e) Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than 7,200 sq. ft. per family. See Section 17.30(2)(e).

(f) Vision Clearance. No building erected at the intersection of 2 or more streets, where a setback of less than 10' exists or is provided, shall hereafter be erected or structurally altered for any purpose unless a vision clearance triangle, free of visual obstruction of any kind, is provided at the corner of the building nearest such intersection. Such vision clearance triangle shall extend not less than 10' horizontally along each street line from their intersection and shall extend vertically from the curb line to the ceiling line of the ground floor, but in no case shall such vision clearance triangle be less than 10' high.

(g) Auto Parking. See Section 17.19.

(3) The Business District incorporates without exclusion those areas previously zoned as Business District A and Business District B (formerly Sections 17.33 and 17.34, respectively), and any reference elsewhere in this Municipal Code to "Business District A," "Business District B," or "Section 17.34" hereby instead refers to the corresponding part of this Section, and any reference to "Business District A" or "Business District B" is hereby amended to read "Business District."

17.34 (Repealed #02-13)

17.35 INDUSTRIAL DISTRICT.

(1) USE. (Am. #090-22) In the Industrial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses provided, however, that all such uses permitted within the Industrial District shall be conditional uses and shall be permitted only under the conditions as determined and provided under Section 17.43 of this chapter:

(a) Any use permitted in the Business District B, except residences, churches, schools, hospitals and charitable institutions.

(b) Any of the following specified uses:

1. Automotive body repairs; automotive upholstery; cleaning, pressing and dying establishments; commercial greenhouses; food locker plants; laboratories; machine shops; manufacturing and bottling of beverages; painting; printing; publishing; trade and contractor's offices and yards. Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood. Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electric appliances, electronic devices, foods, meats, instruments, jewelry, pharmaceuticals, tobacco and toiletries. Freight yards, terminals and transportation depots. Gas powered electrical generating power plants. Quarters for the accommodation of a watchperson whose presence on the premises of the industrial use is required continuously during the hours when the premises are not open for business.

2 Any other similar type of use which is not in conflict with any of the laws of the State or any ordinance of the Village governing nuisances.

(2) HEIGHT AND AREA. In the Industrial District, the height of buildings and the minimum dimensions of yards should be as follows:

(a) Height. Subject to the exceptions set forth in Section 17.16, buildings hereafter erected or structurally altered shall not exceed either 80 ft. in height.

(b) Side Yard. A side yard, if provided, shall be not less than 12' in width.

(c) Setback. Where parts of the frontage are designated on the district map as Residence District and Industrial District, the setback regulations of the Residence District shall apply to the Industrial District; otherwise no setback shall be required.

(d) Rear Yard.

1. There shall be a rear yard having a minimum depth of 20' for a building 2 stories or less in height.

2. For each additional story or fractional story in height the depth of such rear yard shall be increased 3'.

(e) Vision Clearance. No building erected at the intersection of 2 or more streets, where a setback of less than 10' exists or is provided, shall hereafter be erected

or structurally altered for any purpose unless a vision clearance triangle, free of visual obstruction of any kind, is provided at the corner of the building nearest such intersection. Such vision clearance triangle shall extend not less than 10' horizontally along each street line from their intersection and shall extend vertically from the curb line to the ceiling line of the ground floor, but in no case shall such vision clearance triangle be less than 10' high.

17.36 [Repealed #89-27]

17.37 **PLANNED DEVELOPMENT DISTRICT**. [Cr. #094-6]

(1) INTENT AND PURPOSE. The intent of this section is to encourage and promote improved environmental design in the development of land by allowing greater freedom and flexibility than is possible under the precise and rigid requirements of conventional zoning districts through the use of objective standards establishing goals and criteria for judgment rather than the application of fixed formula. It will permit diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects, while still requiring substantial compliance to the general plan of development and the underlying zoning classification or classifications. Its purpose is to encourage more imaginative site planning, to assist in achieving more rational and economic development with relationship to public services, to permit optimum development of land and to encourage and facilitate the conservation of open land and other natural features such as woods, streams, wetlands, etc., as integral components of a balanced ecology.

(2) MINIMUM PLANNED DEVELOPMENT AREA. To qualify for consideration as a planned development, the site shall be of sufficient size in relation to the proposed uses to justify the application of the special regulations as in this section and shall be under a single or unified ownership.

(3) PERMITTED USES. In a planned development, any use permitted by right in any residential, business or industrial district in this chapter may be permitted, subject to the standards below. However, no use shall be permitted except in conformity with a specific and precise development plan approved under the procedural and regulatory provisions in this section and only uses permitted in the underlying zoning classification or classifications which is or are overlaid by the planned development district shall be permitted.

(4) STANDARDS.

(a) General. As a basis for determining the acceptability of a planned development proposal, specific consideration shall be given to whether or not it is consistent with the spirit and intent of the purposes of this section; has been prepared with competent professional advice and guidance in terms of planning, architecture and engineering; and produces significant benefits in terms of improved environmental design. However, the minimum standards of the underlying district or districts shall be met in any event.

(b) Height and Area. Specific lot size, density, open space, building location, height, size, floor area, yard, parking and other such requirements shall be based upon determinations as to their appropriateness to the uses or structures as they relate to the total environmental concept of the planned development and

consistent with the criteria in this chapter and with generally accepted basic standards necessary to protect the public health, safety and welfare.

(c) Parking. Off street parking facilities shall be provided in accordance with the applicable regulations in Section 17.19(4).

(d) Design Standards. Engineering and subdivision design standards relative to street type, location and width, sidewalks, street lighting, storm drainage, lot arrangement or other elements of site design shall be based upon determinations as to the appropriate standards necessary to effectively implement the specific function in the specific situation, as it relates to the total plan concept; and consistent with the need for compatibility with existing patterns in areas peripheral to the development. In no case shall minimal construction standards be less than those reasonably required to protect the public health, safety and welfare. To this intent, the specific provisions of the Village Subdivision Code, Ch. 18 of this Municipal Code, may be waived where deemed appropriate in the case of a planned development.

(e) Intensity and Character of Land Use. In a planned development, the suitability of the type and character of uses proposed and their intensity and arrangement on the site shall be based upon the following standards:

1. Compatibility to the physical nature of the site, with particular concern for conservation of natural features such as tree growth, streams, wetlands, geological features, natural resources, etc.; for suitability of soils for the uses proposed for preservation of open space, for careful shaping of terrain to minimize scarring and insure suitable drainage and for preservation of natural terrain wherever appropriate.

2. Achievement of an attractive environment appropriate to the uses proposed and compatible with existing development in the surrounding area and with official development plans for the area, with particular concern for preservation of ecologic and economic balance.

3. Capacity to be effectively serviced without creating a demand for schools, sanitary sewer, water, storm water drainage, recreational areas, highways or other public services substantially in conflict with the appropriate jurisdictional plans for such services.

4. Adequate provision for the practical functioning of the development in terms of circulation, parking, emergency services, mail and delivery services, street maintenance and utility services.

5. Adequate provision for appropriate sites for schools, parks, highways and other public facilities serving the proposed development.

(f) Provision for Common Open Space, Park or Other Amenity Area.

1. In a planned development consideration shall be given to the preservation of open space and other natural features such as woods, streams, wetlands, etc., as common open space, park land or other amenity area serving the recreational and aesthetic needs of the people in the development, the need created for such area by the development and the suitability or potential of the area for such use.

2. Such areas may include landscaped or naturalistic grounds, water bodies or specific recreational activity facilities and shall be of such size, shape, character and location as makes them a practical recreational amenity to the residents of the development or a contribution to the environmental quality of the development.

3. Adequate provision shall be made for the establishment, preservation and maintenance of common "open space," park land or amenity areas, either by private reservation or dedication to the public:

a. Dedication shall not be mandatory, but where public ownership is desired by the Village, reservation for such purpose may be required by the Village.

b. In the case of a private open space reservation, the open area to be reserved shall be protected against building development by conveying to the Village as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development.

c. The care and maintenance of a private open space reservation or amenity area shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the conditions of approval and in the title to each property.

(g) Economic Feasibility and Impact. To minimize the possibility of adverse effect resulting from failure to implement an approved project or from the economic impact of its development upon the community, the proponents of a planned development shall provide satisfactory evidence of their economic feasibility to finance the project and that the economic prosperity of the area or the values of surrounding properties would not be adversely affected as compared to the impact of development which might reasonably have been anticipated under the zoning in effect at the time the planned development was proposed.

(h) Implementation Schedule. Proponents of a planned development district shall submit a reasonable schedule for implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance each phase shall be brought to completion in a manner which would not result in an adverse effect upon the community.

(i) Enforceability. Such requirements as are made a part of an approved development plan shall be, along with the plan itself, construed to be enforced as a part of this chapter.

(5) PROCEDURE. The procedure for rezoning to a planned development district shall be as required for any other zoning district change under this chapter, except that in addition thereto, the rezoning may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:

(a) Preapplication Conference. Prior to submittal of a formal application for approval of a planned community development, the applicant shall meet with the Plan Commission for an informal discussion of the proposed development in order to provide the basis for proper submittal and processing.

(b) Application.

1. Submittal for approval of a planned community development shall be in the form of a general development plan and a precise implementation plan. The application may be for preliminary approval of a general development plan, followed by the submittal, in whole or part, of final detail plans for approval as a precise implementation plan or for a combined general development and precise implementation plan for all or part of the general development plan.

2. The application for a general development plan, a general development plan with a precise implementation plan or a precise implementation plan shall be submitted in triplicate to the Clerk/Treasurer who shall transmit it directly to the Plan Commission for processing.

(c) General Development Plan. The application for approval of a general development plan is intended to provide sufficient definition of the proposed development to make possible a determination as to its basic acceptability in terms of character; use pattern; intensity of use; economic, environmental and service impact and such other factors as would be pertinent to such basic decision prior to the preparation of detailed engineering, architectural and landscape architectural plans. Specifically, such submittal shall include the following:

1. A statement describing the general character of the intended development.

2. A legal description and an accurate map of the project area including its relationship to surrounding properties and existing topography and key features.

3. A site plan of the proposed development prepared by a competent professional site planner at a minimum scale of 1" = 200' showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval:

   a. The pattern of proposed land use including shape, size and arrangement of proposed use areas density and environmental character and the relationship to surrounding uses.

   b. The pattern of public and private streets, pedestrian ways and parking areas proposed and the relationship to existing streets.

   c. The location, size and character of recreational and open space areas designated for private reservation or reserved or dedicated for public uses such as school, park, greenway, etc., or any other special amenity to be provided.

   d. A utility feasibility study showing the general system of sewer, water and storm drainage.

   e. A general analysis of the impact of the development upon traffic facilities.

4. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to proper evaluation of the proposal.

5. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

6. Any additional information requested by the Plan Commission as being necessary for adequate evaluation of the concept plan.

(d) Referral and Hearing.

1. Within 60 days after completion of the filing of the petition for approval of a general development plan, the Plan Commission shall forward the petition to the Village Board with a recommendation that the plan be approved as submitted, approved with modifications or disapproved. Such report shall include findings of fact specifying the reasons for the Plan Commission's recommendation.

2. Upon receipt of the Plan Commission's recommendation the Village Board shall determine whether or not to initiate a proposed zoning change to permit the proposed planned community development district and to schedule the required public hearing. If the Board fails to initiate such a change within 30 days, the petitioner may file a petition directly with the Clerk/Treasurer as provided by law.

(e) Village Board Action. Within 30 days following receipt of the report of the Plan Commission, the Village Board shall approve the recommendation, approve the recommendation with modifications, disapprove the recommendation or refer the matter back to the Plan Commission for further consideration. In the case of approval or approval with modification, the Village Board shall adopt an ordinance establishing the planned community development district and approving the general development plan and therein may impose such conditions as it deems necessary to insure that the development conforms to such plan. Such approval of a general development plan shall establish the basic right of use for the area in conformity with the plan as approved, but shall be conditioned upon approval of a precise implementation plan, and shall not make permissible any of the uses as proposed until a precise implementation plan is submitted and approved for all or a portion of the general development plan.

(f) Precise Implementation Plan. A precise plan for implementation of all or a part of a proposed planned community development district maybe submitted concurrently with a general development plan or within a reasonable period of time as determined by the Village Board. If a precise implementation plan, which the Village Board determines to be a reasonable phase of the total plan, has not been submitted within such time, the Village Board may revoke the approval of the general development plan. The precise implementation plan shall present in greater detail the information given approximately in the general development plan and include sufficient detail to show substantial conformity to the general development plan. The precise implementation plan shall include the following detailed construction and engineering plans and related detailed documents and schedules:

1. An accurate map of the area covered by the plan, including the relationship to the total general development plan, at scale of 1" = 100' with contour lines at 2' intervals.

2. The pattern of public and private roads, driveways, walkways and parking facilities and proposed design and construction standards.

3. Detailed lot layout and subdivision plat where required.

4. The arrangement of building groups, other than single family detached residences.

5. Floor plans and elevations or perspectives showing the architectural treatment of all buildings other than single family detached residences.

6. Statistical tabulations showing the apportionment of land uses, the density of residential use, the ratio of apartments by bedroom count, the percentage of ground cover by buildings, the floor area ratio and the parking ratio.

7. Grading plan and storm drainage system.

8. Engineering plans for sanitary sewer and water system.

9. The location, type and design detail of all recreational or other special amenities.

10. Location and description of any areas to be dedicated to the public.

11. Landscape plans including plant materials list.

12. Proposed development schedule showing the overall phasing anticipated, the relationship of the proposed precise plan to the total schedule the starting and anticipated completion time for the phase covered by the precise plan and the area of open space to be provided with each phase.

13. Proposed financing plan, including any change in ownership interest involved.

14. If the plan contemplates any portion of the project to be implemented or subsequently owned by other than the petitioner, sufficient information concerning such arrangements shall be submitted to enable the Village to be assured that the development will be carried out in complete compliance with the spirit and intent of the approval granted.

15. Analysis of the economic impact of the development upon the community.

16. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the Planned Community Development and any of its common services, common open areas or other facilities.

17. Any other plans, documents or schedules deemed necessary by the Village for proper evaluation of the proposal.

(g) Public Hearing. If the precise implementation plan conforms substantially to the general development plan as approved, no public hearing shall be required, though the Plan Commission may hold informal hearings if it so desires. A precise implementation plan submitted for approval shall be deemed to conform substantially to the general development plan approved provided any modification therein, including any modification in location, design and number of buildings, roadways and utilities, does not change the concept or intent of the preliminary plan approved; increase the gross residential density or intensity of use by more than 10%; reduce the area set aside for common open space by more than 10%, or in any case below that required for a minimum; increase by more than 10% the floor area for nonresidential use, or increase by more than 5% the total ground area covered by buildings or structures.

(h) Plan Commission Action. Within 30 days following the submittal of petition, the Plan Commission shall take action to approve the precise implementation plan as submitted, approve subject to specified modifications or conditions or deny approval.

(i) Record. If the precise implementation plan, building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements which the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans are approved, they shall be recorded by the developer within a reasonable period of time as determined by the Village Board in the Racine County Register of Deeds' office. This shall be accomplished prior to the issuance of any building permit.

(j) Changes. If the precise implementation plan submitted does not conform substantially to the general development Plan previously approved or if the applicant desires to amend substantially a development plan previously approved in general or precise form, the changes therein or amendments thereto may be approved only by following the procedure for original approval. No changes in the precise implementation plan approved hereunder shall be considered to waive any of the covenants or agreements limiting the use of land, buildings, structures and improvements within the planned community development unless specifically so stated.

(k) Extension of Revocation. If no substantial construction has begun in the planned community development within 2 years after the approval by the Village Board of a precise implementation plan, the plan shall be subject to revocation upon written notice to applicant from the Village Board. The Village Board may grant extensions of such period. In the event of revocation hereunder, an appropriate instrument of revocation shall be filed in the Racine County Register of Deeds' office.

(1) Additions. Land contiguous to an existing planned community development may be added to such planned community development provided such land is made a part of the original development plan in all respects prior to its incorporation into such plan by an amendment of the development plan as provided in par. (j).

17.38 INSTITUTIONAL DISTRICT. (Cr. #095-4)

(1) USE. In the Institutional District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

(a) Churches; public and private schools, colleges, universities, libraries and museums; government buildings; public garages, shops and storage yards; and penal or correctional institutions.

(b) Hospitals, sanitariums and asylums.

(c) Public parks and recreational facilities and buildings.

(d) Community center buildings and grounds.

(e) Any other uses similar in character to those specifically set forth above.

(f) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

All such uses shall be conditional uses under the provisions of Section 17.43 of this chapter and shall require a conditional use permit thereunder.

(2) HEIGHT AND AREA. In the Institutional District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

(a) Height. Buildings hereafter erected or structurally altered shall not exceed 60' nor 5 stories in height.

(b) Yards. Etc. For buildings or parts of buildings hereafter erected or structurally altered the minimum dimensions of front, side, and rear yards, vision, clearance and provisions for automobile parking shall be the same as are required by the regulations of Business District B.

ADMINISTRATION AND ENFORCEMENT

17.40 BOARD OF APPEALS.

(1) ORGANIZATION, RULES AND PROCEDURE.

(a) A Board of Appeals is hereby established. The Board of Appeals shall consist of 5 members appointed by the Village President, subject to confirmation by the Village Board, for 3-year terms. The members shall receive $10 per meeting compensation and shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members as chairman and shall appoint an alternate member for a term of 3 years, who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.

(b) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(c) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

(d) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time. A filing fee in the amount of $75 must accompany a Notice of Appeal to the Board of Appeals. (Am. #096-4)

(2) POWERS OF THE BOARD OF APPEALS. The Board of Appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.

(b) To hear and decide special exceptions to the terms of this chapter upon which the Board of Appeals is required to pass.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done; but, except as specifically provided in this chapter, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

(d) To authorize the construction of residential buildings in residential districts on existing 40’ legal nonconforming corner lots and permitting reversed frontage with a minimum setback of 9’ from the property line of the side street.

(e) In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an “unnecessary hardship” or “practical difficulty” exists and the records of the Board shall clearly show in what particular or specific respects an “unnecessary hardship” or “practical difficulty” has been created by the regulations of this chapter.

(f) The Board of Appeals may reverse or affirm wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from, or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

(g) In addition to the above, the Board of Appeals shall have the following specific powers: (Am. #090-22)

1. To grant a permit for a temporary building for commerce or industry in the Residence Districts which is incidental to the residential development, such permit to be issued for a period of not more than one year.

2. To grant a permit for the extension of a district boundary for a distance of not more than 30' only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

3. To authorize the location of any of the following buildings or uses in any district from which they are otherwise excluded by this chapter, after giving notice and holding a public hearing thereon:

   a. Cemeteries.

   b. Fire stations.

   c. Institutions of an educational, philanthropic or charitable nature, including sanatoriums and homes for the convalescent and aged.

   d. Public utility buildings, structures and lines for such purposes as may be reasonably necessary for the public safety, convenience and welfare.

   e. Sewage disposal plants.

   f. Storage garage.

4. To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of this plan as shown on the district map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the district map.

(h) Except as specifically provided herein, no action of the Board of Appeals shall have the effect of permitting in any district a use that is prohibited by the regulations for that district.

(i) The Board of Appeals shall have the power to call on any other Village department for assistance in the performance of its duties and such other departments shall render such assistance as may be reasonably required.

(j) In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony, with the general purpose and intent of this chapter.

17.41 <u>CHANGES AND AMENDMENTS</u>.

(1) The Village Board may from time to time on its own motion or on petition amend or change the district boundaries or the regulations herein, after first submitting the proposal to the Village Plan Commission for recommendation and report and after publishing a class 2 notice under Ch. 985, Wis. Stats., of the proposed changes and hearing thereon and an opportunity to any persons interested to be heard. At least 10 days prior written notice of changes in the district plan shall be given to the clerk of any municipality whose boundaries are within 1,000' of the land to be affected by the proposed change, but failure to give such notice shall not invalidate any such change.

(2) In case of protest against such change, signed and acknowledged by the owners of 20% or more of the areas of land included in such proposed amendment, supplement or change or by the owners of 20% or more of the area of the land immediately adjacent extending 100' therefrom or by the owners of 20% or more of the land directly opposite thereto extending 100' from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of ¾ of the members of the Village Board.

17.42 <u>ENFORCEMENT</u>.

(1) BUILDING INSPECTOR. The Building Inspector, with the aid of the Police Department, shall enforce the provisions of this chapter.

(2) LAND USE PERMIT.

(a) No building shall hereafter be erected, moved or structurally altered until a land use permit therefor shall have been applied for and issued. Such land use permit shall be displayed in a prominent location on the premises, visible from the street, until the erection, moving or altering of such building shall have been completed.

(b) All applications for a land use permit shall be accompanied by location plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory buildings; the lines bounding the yards and other open spaces required by this chapter, the existing and intended use of each building or part of a building, the number of families the building is intended to accommodate and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter.

1. The Building Inspector may waive the above requirements as to location plans with respect to signs and temporary structures in the Business Districts and roadside stands upon the presentation of satisfactory evidence that such buildings and structures will comply with the regulations of this chapter governing the district in which such buildings or structures are to be located.

2. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

(3) CERTIFICATE OF COMPLIANCE.

(a) No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter. Application shall be made for such certificate when application is made for the corresponding land use certificate, but the certificate of compliance shall be issued only after inspection and when the building or premises and the proposed use thereof conform to all the requirements of this chapter.

(b) Under such rules and regulations as may be established by the Village Board, the Building Inspector may issue a temporary certificate of compliance for part of a building.

(c) Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, certifying after inspection the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the chapter.

17.43 <u>CONDITIONAL USES</u>.

(1) APPLICATION AND NOTICE OF HEARING. Applications for conditional use permits shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following:

(a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(c) Plat of survey prepared by a registered surveyor showing all of the information required under Section 17.42(2) for a land use permit and, in addition, the following: mean and historic high water lines on or within 40' of the subject premises and existing and proposed landscaping.

(d) Fee receipt from the Building Inspector for $75.

(e) Additional information may be required such as ground surface elevations, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, floodproofing measures, soil type, slope, boundaries and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows.

(f) The Plan Commission shall fix a reasonable time and place for a public hearing on the application and give public notice thereof in accordance with Section 17.41.

(2) REVIEW AND APPROVAL.

(a) Procedure. After the public hearing, at which all persons desiring to be heard shall be heard, the Plan Commission shall recommend to the Village Board the approval or disapproval of the proposed conditional use and, if approval, the conditions under which it be granted. The Village Board shall then approve or disapprove such proposed conditional use and, if approved, shall specify the conditions under which it is approved.

(b) Standards in Reviewing Conditional Uses. In reviewing the proposed conditional uses, the Village Plan Commission and the Village Board shall be guided by the following standards and considerations:

1. All conditional uses must be in accordance with the purpose and intent of this chapter and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the Village and surrounding areas.

2. A review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems and the effect of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, the environment, neighboring properties and uses.

3. Conditions such as landscaping, architectural design, type of construction, commencement and completion dates, sureties, lighting, fencing, location, number and size of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter and the applicable State and federal laws.

4. Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section 17.40.

(c) Decision. The Village Board shall decide all applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the applicant.

(d) Expiration of Use. Conditional uses granted hereunder shall expire within 6 months unless substantial work has commenced pursuant to such grant.

(3) ENFORCEMENT. (Cr. #93-6)

(a) Responsibility. The Building Inspector, in conjunction with Village law enforcement personnel, shall be responsible for enforcement of compliance with conditional uses permitted hereunder. The owner of the property which is subject to a conditional use permit hereunder shall notify any purchaser, lessee or occupant of the property of the terms and conditions of such conditional use permit.

(b) Notice of Change of Use. Prior to any substantial change in use or conditions of use of property which was subject to a conditional use permit granted hereunder or prior to any substantial change in use or conditions of use of property which predated the adoption of the ordinance providing for a conditional use permit for such property, the owner, tenant or other user of the property shall notify the Building Inspector in writing, on forms furnished by the Building Inspector, of the proposed change in use. Such notice shall sufficiently describe the proposed use so as to permit the Building Inspector to reasonably determine whether such proposed use is in conformity with the conditional use permit previously issued or whether the use was substantially changed from the uses in effect at the time of the adoption of the ordinance providing for a conditional use permit. Within 10 days after receipt of such written notice, the Building Inspector shall notify the party in writing of his decision as to whether or not such proposed use is in conformity with the conditional use permit or such prior uses. If it is determined such proposed use is in conformity with the conditional use permit or is not substantially different from prior uses in effect at the time of the adoption of the ordinance requiring a conditional use permit, no further or amended conditional use permit shall be required. If it is determined such proposed use is not in conformity with the conditional use permit or is substantially different from prior uses in effect at the time of the adoption of the ordinance requiring a conditional use permit, such proposed use shall not be effected without first obtaining a conditional use permit or an amended permit allowing such use. Any aggrieved person may appeal such determination to the Village Board under Ch. 68, Wis. Stats.

(4) AMENDMENT. (Cr. #93-6) Any amendment to a conditional use permit shall only be granted upon application, notice and hearing as provided above for the granting of a conditional use permit. The Village may waive requirements as to information already filed with the Village in connection with the existing conditional use permit.

17.44 ANNEXATION.

All territory hereafter annexed to the Village shall retain its zoning classification under the county or town zoning district boundaries and regulations so established shall remain in full force and effect until superseded by other district boundaries and regulations for such annexed territory adopted by the Village Board.

17.45 VILLAGE PLAN COMMISSION.

(1) CREATION. A Plan Commission for the Village is hereby created.

(a) The Village Plan Commission shall consist of the Village President, who shall be its presiding officer, the Village Engineer, the President of the Park Board, a trustee and 3 citizens. Citizen members shall be persons of recognized experience and qualifications.

(b) The trustee member of the Commission shall be elected by a 2/3 vote of the Village Board each April.

(c) The 3 citizen members of the Plan Commission shall be appointed for 3 year terms by the Village President, subject to confirmation by the Village Board. If there be no engineer or park board, additional citizen members shall be appointed in the same manner so that the Commission has 7 members as provided by law. The additional citizen members, if any, shall be first appointed to hold office for a period ending one year from the succeeding first day of May and thereafter annually during the month of April. Whenever a park board is created or a Village engineer appointed, the President of the Park Board or such engineer shall succeed to a place in the Commission when the term of an additional citizen member expires. (Am. #CO-88-13)

(d) Vacancies other than ex officio shall be filled by appointment for the residue of the unexpired term in the same manner as appointment for the full term.

(e) The official oath required by §19.01, Wis. Stats., shall be taken by citizen members and filed with the Clerk/Treasurer.

(2) POWERS OF PLAN COMMISSION. The Plan Commission shall have the powers and duties prescribed in §62.23, Wis. Stats., and such other powers and duties as shall be vested in them from time to time by law or the Village Board.

(3) NOTICE OF APPOINTMENT BY VILLAGE CLERK/TREASURER. As soon as all members of the Commission have been appointed, the Clerk/Treasurer shall give each member a written notice of the appointment. The Commission shall elect a vice-chairman and a secretary and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Clerk/Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members.

(4) POWER TO EMPLOY EXPERTS. The Plan Commission shall have the power to employ experts and such staff as may be necessary and to pay for their services and such other expenses as may be necessary and proper within the limits of the budget established by the Village Board or placed at its disposal through gift and subject to any ordinance or resolution enacted by the Village Board. As far as possible the Commission shall utilize the services of existing Village officials and employees.

(5) ADOPTION OF RULES OF PROCEDURE. The Plan Commission is hereby authorized to adopt rules governing its own proceedings, including setting fees, subject, however, to state statutes governing the same. Such procedures shall be approved by resolution of the Village Board before they become effective. The Commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the Village Board of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may seem proper.

(6) MAPS. The secretary of the Plan Commission shall see that the official map and zoning map of the Village are kept current.

OFFICIAL MAP

17.50 PURPOSE.

In order to conserve and promote the public health, safety, convenience and general welfare, there is hereby adopted and established the official map of the Village of Sturtevant which consists of 2 sheets: Sheet 1 of 2, Street Development Plan, for the area within the Village limits; and Sheet 2 of 2, Street Extension Plan, for the area outside the Village limits over which the Village has extra-territorial jurisdiction, in accordance with §62.23(6), Wis. Stats. It is the further purpose of the official map to show the width and

location of streets, highways and parkways in order to promote the efficient and economical development of the Village.

17.51 CERTIFICATE TO BE FILED WITH THE REGISTER OF DEEDS.

Immediately upon adoption of this ordinance, the Village Clerk/Treasurer shall file with the County Register of Deeds a certificate showing that the Village of Sturtevant has established the official map as described in Section 17.50 above and shall do likewise as to any changes or additions.

17.52 AUTHORITY OF THE VILLAGE PLAN COMMISSION.

The Village Plan Commission, when passing upon a land subdivision plat referred to it by the Village Board, shall not recommend such plat for approval unless it conforms with the official map.

17.53 BUILDING PERMITS, PLOT PLAN.

For the purpose of preserving the integrity of the official map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway shown or laid out on such map except as provided in §62.23(6)(d) and (g), Wis., Stats. The proper official authorized by the Village Board to issue building permits shall require each applicant to submit a plot plan, certified by a qualified surveyor for approval. Such plot plan shall show accurately the location of any proposed building with reference to any streets as shown on the official map.

17.54 VILLAGE BOARD MAY CHANGE.

The Village Board, whenever and as often as it may deem it for the public interest, may change or add to the official map of the Village in conformity with the provisions contained in §62.23(6)(b) and (c), Wis. Stats.

VIOLATIONS AND PENALTIES

17.60 VIOLATIONS.

Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Attorney who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

17.61 PENALTY.

Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this chapter may also be subject to the penalty provided in Section 25.04 of this Municipal Code. Each day that a violation continues to exist shall constitute a separate offense.

ZONING CODE INDEX

-A-

ACCESSORY BUILDINGS 17.14
AGRICULTURAL RESIDENCE DISTRICT 17.32
ANNEXATION 17.44
APPEAL 17.20(6)
APPLICATION 17.10
ARCHITECTURAL CONTROL 17.20
AUTHORITY OF THE VILLAGE PLAN COMMISSION 17.52

-B-

BOARD OF APPEALS 17.40
BOUNDARIES 17.03(2)
BUILDING INSPECTOR 17.42(1)
BUILDING PERMITS 17.53
BUILDINGS AND USES 17.11
BUSHES 17.21
BUSINESS DISTRICT 17.33

-C-

CERTIFICATE OF COMPLIANCE 17.42(3)
CERTIFICATE TO BE FILED WITH REGISTER OF DEEDS 17.51
CHANGES AND AMENDMENTS 17.41
CONDITIONAL USES 17.43

-D-

DEFINITIONS 17.04
DISTRICT MAP 17.03(3)
DISTRICTS 17.04
DURAND AVENUE SETBACK LINE 17.18(2)(c)

-E-

ENFORCEMENT 17.42
EXPERTS, POWER TO EMPLOY 17.45(4)
EXPIRATION OF USE 17.43(2)(d)

-F-

FENCES 17.21
FRONT, SIDE AND REAR YARD REGULATIONS 17.17

-G-

GENERAL PROVISIONS 17.10–17.20

-H-

HEIGHT AND AREA EXCEPTIONS 17.16
HOUSING PROJECTS 17.15(2)

-I-

INDUSTRIAL DISTRICT 17.35
INSTITUTIONAL DISTRICT 17.38
INTERPRETATION 17.02

-L -

LAND USE PERMIT 17.42(2)
LIGHTING 17.19(3)(g)
LOADING AND UNLOADING 17.19(2)

-M-

MAP, DISTRICT 17.03(3)
MAPS 17.45(6)
MOTOR VEHICLE PARKING 17.19
MULTIPLE RESIDENCE DISTRICT 17.31

- N-

NONCONFORMING USES 17.12

-O-

OFF-STREET PARKING AND LOADING 17.19(3)
ONE AND TWO FAMILY RESIDENCE DISTRICT 17.30

-P-

PARKING SPACES REQUIRED 17.19(4)
PENALTY 17.61
PLAN COMMISSION
Authority of 17.52
Duties 17.20(4)
Powers of 17.45(2)
PLANNED DEVELOPMENT DISTRICT 17.37
PLOT PLAN 17.53
PRIOR PERMITS EXCEPTED 17.13
PURPOSE 17.01, 17.50

-R-

REAR YARD REGULATIONS 17.17

-S-

SCREENING AND LANDSCAPING 17.19(3)(f)
SCREENS 17.21
SETBACKS 17.18
SIDE YARD REGULATIONS 17.17

SPECIAL CIRCUMSTANCES 17.15

-T-

THROUGH LOTS 17.18(2)(e)

-V-

VILLAGE BOARD MAY CHANGE 17.54
VILLAGE PLAN COMMISSION 17.45
VIOLATIONS 17.60

-W-

WEIGHT LIMITED 17.19(1)
WISCONSIN STREET SETBACK LINE 17.18(2)(d)

-Y-

YARD REGULATIONS 17.17

CHAPTER 18

SUBDIVISION CODE

18.01	Purpose
18.02	General
18.03	Definitions
18.04	Procedure
18.05	General Requirements and Design Standards
18.06	Required Improvements
18.07	Reservations
18.08	Plats and Data
18.09	Subdivision Created by Successive Divisions
18.10	Variances
18.15	Penalty

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
18.01	Purpose		
18.02	General		
18.03	Definitions		
18.04	Procedure		
18.05	General Requirements and Design Standards		
18.06	Required Improvements		
18.07	Reservations		
18.08	Plats and Data		
18.09	Subdivision Created by Successive Divisions		
18.10	Variances		
18.15	Penalty		

18.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen the congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration among other things of the character of the Village with a view of conserving the value of buildings placed upon land, provided the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the Village.

18.02 GENERAL.

Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Ch. 236, Wis. Stats.

18.03 DEFINITIONS.

MAJOR STREET. A street which is used principally for fast or heavy traffic.

SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where:

(a) The act of division creates 5 or more parcels or building sites of 1½ acres each or less in area; or

(b) Five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 yrs.

18.04 PROCEDURE.

(1) PRELIMINARY PLAT.

(a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies as shall be required to the Plan Commission for preliminary approval.

(b) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall within 40 days of its submission approve, approve conditionally or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

(c) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(2) FINAL PLAT.

(a) The final plat and such copies as shall be required shall be submitted within 6 months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within 6 months of such approval. The Plan Commission may waive failure to comply with this requirement.

(b) The Plan Commission shall approve or reject the final plat within 60 days of its submission unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Plan Commission meeting, a copy thereof or a written statement of such reasons shall be supplied to the subdivider.

(c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Plan Commission will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

18.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS.

(1) GENERAL. The proposed subdivision shall conform to the following:

(a) The provisions of Ch. 236, Wis. Stats.

(b) All applicable ordinances of the Village.

(c) The rules of the State Department of Commerce relating to lot size and lot elevation, if the subdivider is not served by a public sewer and provision for such service has not been made.

(d) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

(2) STREETS.

(a) General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in appropriate relation to the proposed uses of the land to be served by such streets.

(b) Width. The width and location of all streets shall be in conformity with the official map of the Village.

(c) Grades. The grade of streets shall not exceed 8% unless necessitated by topography and approved by the Plan Commission.

(d) Alignment and Visibility. There shall be a minimum sight distance with clear visibility along the centerline of all major streets of not less than 300'.

(e) Dead End Streets. Dead end streets, cul-de-sacs or streets designed to have one end permanently closed shall not exceed 500' in length and shall terminate with a turnaround of not less than 100' in diameter.

(3) INTERSECTIONS.

(a) Where streets intersect and cross major streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.

(b) Streets shall intersect as nearly as possible at right angles.

(c) Not more than 2 streets shall intersect at one point unless approved by the Plan Commission.

(4) ALLEYS. Alleys shall not be less than 24' wide and shall be continuous through blocks. Alleys shall not be used in residential areas unless approved by the Plan Commission.

(5) EASEMENTS. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10' wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement.

(6) BLOCKS. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than 1,500' nor less than 400' between street lines. Pedestrian crosswalks of not less than 10' wide may be required by the Plan Commission through the center of blocks more than 900' in length where deemed essential to provide circulation and access to community facilities.

(7) LOTS.

(a) In General. The size, shape and facing of lots and the minimum buildings setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.

(b) Lot Dimensions.

1. Residential lots shall have a minimum area of 9,000-sq. ft. and a minimum width of 75' at the building line.

2. Residential lots to be served by private sewage disposal facilities shall comply with the rules and regulations of the State Department of Industry, Labor and Human Relations.

3. Residential lots fronting on major streets should be platted with extra depth to permit generous distances between the buildings and such streets.

(c) Corner Lots. Corner lots for residential use shall have a width sufficient to provide a full setback from both streets as required by zoning ordinances.

(d) Access to Public Street. Every lot shall front or abut on a public street.

(e) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

(f) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision standards.

(g) Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable rather than cross them.

18.06 REQUIRED IMPROVEMENTS.

(1) MONUMENTS. The subdivision shall be monumented as required by §236.15, Wis. Stats., which is hereby adopted by reference.

(2) STREETS AND UTILITIES. Before a final plat of a subdivision located within the corporate limits of the Village shall be approved, the subdivider shall enter into a subdivision control contract with the Village, whereby the subdivider shall agree to pay for the installation of the following listed improvements:

(a) Water and sanitary sewer mains and laterals to the lot lines to service such subdivision.

(b) Concrete sidewalks, curbs and gutters, ramps and driveways within the street right-of-way installed in accord with specifications in effect in the Village at the time of installation of the same.

(c) All streets and alleys in the subdivision graded and constructed with a bituminous concrete surface acceptable to the Village constructed in accord with specifications for street and alley construction in effect in the Village at the time of installation. All street construction shall be done only after installation of sanitary and storm sewer and water mains, laterals and appurtenances required to be installed by the subdivider and after adequate compaction has occurred to provide a firm base for street construction.

(d) Storm sewers of a size adequate to provide for drainage of surface waters from within and through the subdivision to a proper outlet. If the Village Board determines that it is not then feasible or compatible with a comprehensive drainage plan to install storm sewers within the subdivision at such time, the Village Board shall require that the subdivider, in lieu of installing such storm sewers, pay to the Village a fee equal to $15 per front foot of all lots within such subdivision fronting upon public streets. However, if any lots within a subdivision are in excess of 9,000 sq. ft. in size, the subdivider shall pay as to each of such lots a fee equal to $15 per front foot or $15 times 1/150th of the total square footage of such lot, whichever is the greater. All such fees shall be held by the Village Clerk/Treasurer in a separate fund to be used solely for the purposes of site and right-of-way acquisition and capital improvements in connection with installing storm sewers in, to and from such subdivisions to provide storm drainage for such subdivisions.

(e) If the subdivision is traversed by a watercourse, channel, stream, swale or drainageway, adequate provision shall be made for such surface drainage in, through and from such subdivision, including landscaped open channels and enclosed conduits of adequate size and grade to hydraulically accommodate maximum potential volumes of flow.

(f) Trees shall be planted within the parkways in accord with plans approved and accepted by the Village Board.

(g) Such other improvements and facilities specified by the Village Board which are required in the subdivision to properly service such subdivision with sewer, water, drainage and public access to, within and from such subdivision.

(3) COSTS.

(a) All of the foregoing improvements shall be installed by the Village solely at the cost of the subdivider, unless the Village Board agrees to pay for any part or all thereof as a legitimate expense for the general improvement of the Village.

(b) The work for any such improvements shall be let by the Village by public bid pursuant to §62.15, Wis. Stats. Prior to advertising for bids the subdivider shall submit a preliminary development plan to the Village Board with a written request for the construction of specified improvements. Upon deposit by the subdivider with the Village of a sum equal to 10% of the cost of such specified improvements as estimated by the Village Engineer, the Village Board shall authorize the preparation of detailed plans and specifications for such improvements, which shall be submitted to all approving agencies, the Village Board and the subdivider for approval. Upon receipt of such approvals, the Village Board shall advertise for public bids. Prior to letting such contract, the subdivider shall deposit with the Village a sum equal to 120% of the lowest responsible bid, less any amounts previously paid as herein provided. If the subdivider does not deposit such sum within 20 days of written notice of the lowest responsible bid, the Village may deduct all administrative, engineering and legal costs incurred with respect to such proposed improvements from amounts deposited by the subdivider and pay the balance to the subdivider. The Village shall have no further liability to the subdivider with respect to such proposed improvements. If the subdivider deposits the required funds, the Village shall let the contract to the lowest responsible bidder. Upon completion of such contract the subdivider shall pay to the Village any additional contract costs over the original estimates, including 20% for engineering, attorneys and administrative expenses of the

Village with respect to such contract. The subdivider shall be paid by the Village any sums in excess of 120% if such final contract costs shall be less than originally estimated. Upon completion and acceptance by the Village, all such improvements shall become the property of the Village; provided, however that the subdivider shall be liable for the maintenance of all such improvements installed pursuant to this chapter for a period of one year following acceptance by the Village Board. The subdivider shall repair or replace any improvements found to be defective during such one year period of maintenance within 60 days after written notice of such defect having been given to the subdivider by the Village; provided, however, for cause shown the Village Board may extend such time for completing such maintenance work.

(4) TIME FOR COMPLETION. All of the foregoing improvements shall be completed either within 2 yrs. after approval of the plat by the Village Board or prior to issuance of building permits upon 60% of the lots within such plat, whichever shall occur sooner. No building permits shall issue with respect to any lots within such plat fronting upon any road or street until all sanitary and storm sewers and water mains, including all appurtenances and street laterals to the lot lines, which are required to be installed in such road or street shall have been constructed with a temporary, passable road acceptable to the Village. The issuance of building permits for lots fronting on a temporary road shall not constitute a final acceptance of such road or street by the Village, nor shall any occupancy permits be issued for any such buildings unless and until such road or street has been finally accepted by the Village.

(5) BOND. The subdivision control contract shall be accompanied by a cash or surety bond with sureties acceptable to the Village Board to guarantee that such improvements shall be installed and maintained in accordance with such contract and the ordinances of the Village within such period after the date of plat approval by the Village, as shall be provided in the subdivision control contract and this chapter.

18.07 RESERVATIONS.

In the design of a plat, due consideration shall be given by the subdivider and the Plan Commission to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes.

18.08 PLATS AND DATA.

(1) PRELIMINARY PLAT.

(a) The preliminary plat shall be drawn with waterproof non-fading black ink

or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than 100' to an inch and shall be in sufficient detail and contain such information as will enable the Plan Commission to determine whether the design of the final plat will conform to this chapter.

(b) The subdivider shall furnish the following supplementary information with this preliminary plat:

1. A brief description of the improvements such as grading, paving, tree planting, installation of utilities which the subdivider proposes to make and the time when he proposes to make them.

2. A brief description of the deed restrictions, if any, which will not be put on the plat.

(2) FINAL PLAT.

(a) A final plat of subdivided land shall comply with the requirements of §236.20, Wis. Stats., which is hereby adopted by reference.

(b) The affidavits and certificates required by Ch. 236, Wis. Stats., shall be lettered or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

18.09 <u>SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS</u>.

(1) Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this chapter, the Plan Commission may in lieu thereof order an assessor's plat to be made under §70.27, Wis. Stats., and may assess the cost thereof as provided in such section or to the subdivider.

(2) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably be applied.

18.10 <u>VARIANCES</u>.

When in the judgment of the Plan Commission it would be inappropriate to apply literally a provision of this chapter, because a subdivision is located outside of the corporate limits or because extraordinary hardship would result, it may waive or vary such provision so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat be waived.

18.15 PENALTY.

(1) Any person who violates any provision of this chapter shall be subject to the penalty as provided in Section 25.04 of this Code. Each day a violation exists or continues shall constitute a separate offense.

(2) In addition, the remedies provided by Ch. 236, Wis. Stats., shall be available to the Village.

CHAPTER 19

SIGNS

19.01 Purpose
19.02 Definitions
19.03 Permit Required
19.04 Application for Permits
19.05 Permit Issued if Application in Order
19.06 Permit Fees
19.07 General Requirements
19.08 Protecting Signs
19.09 Detached Signs
19.10 Painted Signs
19.11 Window Signs
19.12 Barber Poles
19.13 Temporary Commercial Signs
19.14 Illuminated Signs–Approval by Electrical Inspector
19.15 Wind Pressure and Dead Load Requirements
19.16 Existing Signs
19.17 Maintenance
19.18 Prohibited Signs
19.19 Public Property
19.20 Exemptions
19.21 Special Exceptions
19.22 Remedies

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
19.01	Purpose		
19.02	Definitions		
19.03	Permit Required		
19.04	Application for Permits		
19.05	Permit Issued if Application in Order		
19.06	Permit Fees		
19.07	General Requirements		
19.08	Protecting Signs		
19.09	Detached Signs		
19.10	Painted Signs		
19.11	Window Signs		
19.12	Barber Poles		
19.13	Temporary Commercial Signs		
19.14	Illuminated Signs–Approval by Electrical Inspector		
19.15	Wind Pressure and Dead Load Requirements		
19.16	Existing Signs		
19.17	Maintenance		
19.18	Prohibited Signs		
19.19	Public Property		
19.20	Exemptions		
19.21	Special Exceptions		
19.22	Remedies		

19.01 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life, health and property and promote public welfare and Village aesthetics by regulating and controlling the design, area, number, quality of material, construction, location, electrification, installation and maintenance of all signs referred to hereunder. It is not the intent of this chapter to inhibit or stifle the use of innovative concepts, imagination or originality in designing signs to be erected in the Village. For this reason, special exceptions may be granted under the provisions of Section 19.21.

19.02 DEFINITIONS.

SIGN. Any medium, including its structure and component parts, which is used or intended to be used to attract attention for advertising or identification purposes.

SIGN, COMMERCIAL. Any sign which directs attention to a business, commodity, product, service, entertainment or attraction which is conducted, manufactured, produced, sold, offered or existing.

SIGN, DETACHED. Any sign not supported by or attached to any side of a building or structure. (See Section 19.09.)

SIGN, FLAT. Any sign the back of which is attached flat against any side of a building or structure and which does not extend outward more than 9".

SIGN, ILLUMINATED. A sign in which the source of illumination is an integral part of the sign. Floodlights illuminating the sign do not convert the sign to an illuminated sign within the meaning of this chapter, but such illumination nevertheless shall be subject to the provisions of the Village Electrical Code. Illumination allowed hereunder, including floodlight illumination, shall be of such nature as to illuminate only the immediate area of the sign, concentrating light within or upon the sign without radiating light upon adjacent public or private property so as to interfere with the comfort and repose of those residing in the neighborhood dwellings; an illuminated sign shall be limited to approved internal illumination.

SIGN, PAINTED. A sign painted upon the side of any building or upon any structure for which no separate background structure is used. Identification or advertising painted upon an awning or canopy shall be considered a painted sign hereunder.

SIGN, PROJECTING. Any sign attached to any side of a building or structure and which extends outward more than 6". Canopies and awnings shall not be considered projecting

signs but shall be maintained in accordance with the provisions of this chapter and shall be subject to the provisions of Section 19.08.

SIGN, SKELETON CUTOUT LETTER. A sign composed of letters so constructed and assembled as to use no other structure for background other than the building or structure itself. The area shall be determined by multiplying the extreme horizontal dimension by the average height of the letters; in the case of a vertical skeleton cutout letter sign, the area shall be measured by using the extreme vertical and horizontal dimensions of the letters.

SIGN, TEMPORARY COMMERCIAL. Any commercial sign which is erected or displayed for less than 14 days and shall be limited to those advertising special events, sales, promotions and similar matters. (See Section 19.13.)

19.03 PERMIT REQUIRED.

No person shall place, erect, alter or relocate within the Village any sign as defined in this chapter without first obtaining a permit and paying the fee required hereunder, unless excepted herein. All illuminated signs shall, in addition, be subject to the provisions of the electrical code and permit fees required thereunder.

19.04 APPLICATION FOR PERMITS.

Application for a permit hereunder shall be made on the forms provided by the Building Inspector and shall contain or have attached thereto the following:

(1) Name, address and telephone number of the applicant.

(2) Location of building, structure or lot to which or upon which the sign is to be attached or erected.

(3) Position of the sign in relation to nearby buildings or structures.

(4) A scale drawing of such sign on which is indicated the dimensions, the materials to be used, the type of illumination to be installed and the method of construction and attachment.

(5) Name of person erecting the sign.

(6) Written consent of the owner of the building, structure or land to which the sign is to be erected.

(7) Any electrical permit required and issued for such sign.

(8) Insurance policy or bond as may be required hereunder.

(9) Permit fee, if required.

(10) Such other information as the Building Inspector shall require to show full compliance with this and all other ordinances of the Village and laws of the state.

19.05 PERMIT ISSUED IF APPLICATION IN ORDER.

The Building Inspector, upon filing of an application for a sign permit, shall examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all the laws of the state and the ordinances of the Village, he shall issue or cause to be issued the permit, but subject to the provisions of Section 19.07. Prior to issuing a permit, the Building Inspector shall determine whether or not the proposed sign would be referred to the Plan Commission for consideration and recommendation in accordance with the authority granted under Section 19.07(7). If the work authorized under a permit has not been completed within 3 months after the date of issuance, it shall become null and void.

19.06 PERMIT FEES.

The applicant shall pay a permit fee of $10 which shall accompany the application and which shall be received before a sign permit is issued. No permit shall be required if the applicant is an educational, religious, charitable, philanthropic or other similar organization of a nonprofit nature.

19.07 GENERAL REQUIREMENTS.

(1) Commercial signs shall be permitted only on the premises on which the business, commodity, product, service, entertainment or attraction to which they relate is conducted, manufactured, produced, sold, offered or existing. All other commercial signs not located on such premises shall be prohibited. Such commercial signs as are herein permitted shall be permitted to be located only in the business district.

(2) Allowable commercial signing for businesses located on the first floor of any building or structure shall be determined in accordance with the following table and further conditions contained herein. In addition, ½ sq. ft. of commercial signing area shall be allowed for every foot the building or structure occupied by the sign applicant is set back behind the required front setback.

Length of Facade *	Allowable Sq. Ft. of Signing Area	Length of Facade *	Allowable Sq. Ft. of Signing Area
15’	31	85’	74
20’	36	90’	76
25’	40	95’	78
30’	44	100’	80
35’	47	105’	82
40’	51	110’	84
50’	57	120’	88
55’	59	125’	90
60’	62	150’	98
65’	64	175’	106
70’	67	200’	114
75’	69	225’	120
80’	72		

* Length of facade means length of side of that portion of the building or structure occupied by the sign applicant, adjacent and parallel to any public street.

(3) When a building contains offices or business establishments above the first floor, one additional commercial sign may be erected on the front of such building located at a first floor level. This sign shall be a directory type sign only for the purpose of listing such offices or business establishments located in such building. Each listing thereon shall be limited to one square foot.

(4) The placing, painting or erecting of any sign on one side of a building or structure used for business purposes, other than the front thereof, when such building or structure is not located on a corner lot or when such side is not immediately adjacent to or facing a street, vacant lot, parking lot or open space of not less than 30’ in width is prohibited; provided, however, that if any business establishment has more than one customer entrance, such establishment shall be allowed additional signing to be erected on, over, or adjacent to each regular customer service. Each such additional signing shall be limited to 10% of the allowable signing area for such building or structure under sub. (2), above.

(5) No signs as contemplated in this chapter or any part of such sign or any anchor, brace or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no such sign or any part of such sign or any anchor, brace

or guide rod shall be erected, put up or maintained which will cover or obstruct any door, doorway or window of any building, hindering or preventing ingress or egress through such door, doorway or window, or which will hinder or prevent the raising or placing of ladders against such building by the Fire Department as necessity may require.

(6) No sign shall extend over the public way or parkway.

(7) If in the opinion of the Building Inspector, the aesthetics of a proposed sign may be at variance with the exterior design of the building upon which it is to be erected, the exterior design of other buildings in the same area, or the design of other signs in the area or in general in conflict with the aesthetics of the area, he shall refer it to the Planning Commission in accordance with §21.21(2).

19.08 PROJECTING SIGNS.

No projecting sign shall be less than 10' nor more than 15' in perpendicular height from its lowest edge to the established grade of the adjacent or nearest public way and may be erected only along public ways, but in no event shall any portion of such projecting sign invade or extend into or over a public way.

19.09 DETACHED SIGNS.

Only one detached commercial sign may be erected in or upon parking lots which serve one or more business establishments. In addition, only one detached commercial sign may be erected upon any lot or buildable lot on which may be located one or more business establishments. A detached commercial sign erected in or upon a parking lot or the premises of a business establishment shall be limited to 200 sq. ft. in area and shall be no more than 15' in perpendicular height from its lowest edge to the established grade of the adjacent or nearest public way. No sign to be allowed in public parkway of any type.

19.10 PAINTED SIGNS.

Painted signs shall only be permitted on the cornice, fascia, lintel or panel of a building or on an awning or canopy.

19.11 WINDOW SIGNS.

Window signs shall not exceed 30% of the window area where located, affixed or displayed.

19.12 BARBER POLES.

Barber poles may be attached to the outside of any building in accordance with Section 19.07. No part of the barber pole shall be more than 12" from the side of the building, but in no event shall it invade or extend over or onto the public way.

19.13 <u>TEMPORARY COMMERCIAL SIGNS</u>.

Temporary commercial signs shall not exceed 40% of the allowable signing area for any one building or structure under Section 19.07(2), or lot under Section 19.09. If any temporary commercial signs are erected or displayed on any building or structure or lot, no other temporary commercial signs shall be erected or displayed thereon for a period of at least 90 days after the removal of such signs.

19.14 <u>ILLUMINATED SIGNS – APPROVAL BY ELECTRICAL INSPECTOR</u>.

(1) The application for a permit for the erection of a sign in which electrical wiring and connections are to be used shall be submitted by the Building Inspector to the Electrical Inspector for approval.

(2) The Building Inspector shall not authorize the issuance of a sign permit until approval has been given by the Electrical Inspector.

(3) All wiring, fittings and materials used in the construction and operation of illuminated signs shall be in accordance with the state electrical code and the ordinances of the Village.

(4) The lowest edge of all illuminated signs shall be located at least 10' above the established grade of the adjacent or nearest public way if erected outside of any building.

19.15 <u>WIND PRESSURE AND DEAD LOAD REQUIREMENTS</u>.

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 40 lbs. per square foot of area and shall be constructed to receive dead loads as required in the building code or other ordinances of the Village.

19.16 <u>EXISTING SIGNS</u>.

(1) Signs existing on the effective date of this chapter need not conform to the provisions of this chapter; provided, however, any such sign when removed from its fast, except for routine maintenance or when the copy or

facing is altered to the extent of 50% or more, shall not be re-erected or maintained unless the sign, location and erection thereof are made to conform with the provisions of this chapter and other applicable ordinances of the Village.

(2) Any sign now or hereafter existing which no longer advertises a bona fide business product or service associated with such business shall be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign may be found, within 14 days after written notification of the Building Inspector, and upon failure to comply with such notice, the Building Inspector is hereby authorized to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the premises on which such sign is located in accordance with the provisions of Section 19.17(3).

19.17 <u>MAINTENANCE</u>.

(1) The owner of any sign shall keep it in good maintenance and repair.

(2) If the owner of such sign or the owner of the premises on which such sign is erected shall fail to comply with the orders of the Building Inspector relative to the painting, repair, alteration, maintenance or removal of such sign pursuant to written notice thereof and within 14 days after the notice has been received, the Building Inspector shall then have the authority to proceed to paint, repair, alter, maintain or remove such sign without further notice to such owner.

(3) The cost of such painting, repair, alteration, maintenance or removal of such sign shall be billable to the owner of the property upon which the sign is erected and shall be certified in the proper manner to have them levied as special charges against such property and proper officers of the Village are authorized and directed to enter such charges onto the tax roll.

19.18 <u>PROHIBITED SIGNS</u>.

(1) GENERAL. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign name or any disfiguring mark on any sidewalk, curb, gutter, street, any post, pole or tree, any other sign, building, fence or other structure that isn't their property; nor shall any such objects be defaced in any manner, unless sanctioned by the provisions of this chapter or other provisions of the Village Code or by the Building Inspector in carrying out any public work or construction.

(2) BEACON AND FLASHING TYPE DEVICES. No flashing, alternating, rotating or swinging sign, whether illuminated or not shall be permitted hereunder. No flashing, alternating, rotating or swinging flood, spot or beacon light shall be

permitted for illuminating any sign or any structure for the purpose of advertising. No flood or spot light shall be located and directed in such a manner as to cause a glare or light to be directed to surrounding buildings and premises.

(3) OBSTRUCTION OF TRAFFIC CONTROL DEVICES. No person shall erect or maintain any sign which constitutes a traffic hazard or is a detriment to traffic safety by obstructing the vision of drivers or detracting from the visibility and prominence of any official traffic control device.

(4) MISCELLANEOUS. The use of any banner, pennant, flag, balloons, streamers or other similar media for advertising or identification purposes shall be strictly prohibited, except as may be permitted to promote special events for a period not to exceed 7 days and which shall be subject to the special written approval of the Village Clerk/Treasurer if extended 4 to 14 days.

19.19 <u>PUBLIC PROPERTY</u>.

(1) GENERAL. The temporary occupancy of the sidewalk or the street or other public property in case of construction, removal, repair, alteration or maintenance of a sign shall not be deemed to be a violation of this chapter provided the space occupied is roped off, fenced off or otherwise isolated when necessary for public convenience and protection. A permit shall be required as provided in Section 14.05 of this Code, where applicable.

(2) BONDS. Prior to the issuance of any permit for a sign which is located over public property or which may require any work over public property, the owner of the premises or his agent or representative shall comply with the provisions of Section 14.05 of this Code, where applicable.

19.20 <u>EXEMPTIONS</u>.

The provisions of this chapter relating to permits and permit fees shall not apply to the following signs and sign work; provided, however, that these exemptions shall not apply to any such signs which are illuminated signs. In addition, these exemptions shall not be construed as relieving the owner of a sign from complying with the applicable provisions of this chapter relating to size, number, erection and maintenance.

(1) PAINTING. Painting, repairing or cleaning of a sign unless a structural change is made.

(2) PROFESSIONAL. Nameplate signs not more than 2’ in area which are fastened directly to the building which do not extend beyond the property line.

(3) REAL ESTATE. Signs not to extend outside of the property line, detached or free standing wherever possible, which advertise the sale, rental or lease of the premises upon which such signs are located, to be removed when purpose for placement has been accomplished and further limited as follows:

(a) In residential districts, no more than 8-sq. ft. in area.

(b) In all other districts, no more than 20-sq. ft. in area.

(4) SIGNS WITHIN BUILDINGS. Any sign placed in such a manner as to be viewed or intended for view from the inside of a building.

(5) COMMERCIAL IDENTIFICATION. Limited to name of owner, name of business, business address and hours of operation; shall not exceed 2 sq. ft. and shall be placed on or adjacent to a customer entrance.

(6) DIRECTION AND INFORMATIONAL. Erected for safety and informational purposes but not for advertising purposes; not to exceed 2 sq. ft.

(7) CONTRACTOR SIGNS. Not more than 32-sq. ft. in area naming the contractors engaged in construction on the property where the sign is located, to be removed when such construction is completed.

(8) MEMORIAL SIGNS. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

(9) GOVERNMENTAL. Governmental, legal notices, traffic, danger, emergency and trespassing signs.

(10) ELECTION CAMPAIGN SIGNS. (Am. MSC '91) Election campaign signs in behalf of a candidate for public office may be installed on private or public property when permission is obtained from the owner of such property. Such sign shall not exceed 24-sq. ft. in area and shall not be erected before the campaign period prior to the election to which it relates. The signs shall be removed within 7 days following the election to which they relate unless held within 60 days. If the signs are not removed within 7 days following the election, the Building Inspector shall cause such signs to be removed without the necessity of giving notice and the cost of such removal shall be chargeable to the owner of the property on which the sign is located, in accordance with the provisions of Section 19.17(3) of this chapter.

(11) TEMPORARY SIGNS. See Sections 19.02 and 19.13.

19.21 <u>SPECIAL EXCEPTIONS</u>.

(1) After review and recommendation by the Planning Commission, the Village Board, upon application as required herein, may grant a special exception to the provisions of this chapter as it relates to the number, site, location and type of signs that any person, organization or business establishment may erect, affix or display, provided that the Board considers:

(a) Purpose of signing proposed.

(b) Type of signing proposed.

(c) Type of signing materials to be used.

(d) Type of construction to be employed.

(e) Appearance of proposed sign.

(f) Location of building or structure in a particular zoning district in which the signing is proposed.

(g) Size of proposed sign in relation to area facing of the building or structure where the sign is to be located.

(h) Effect that proposed signing will have on the appearance and character of applicant's property, adjacent and neighboring property and area in general.

(i) Effect that proposed signing will have on property values of applicant's property, adjacent and neighboring property and area in general.

(j) The legislative intent.

(k) Such other matters that the Planning Commission deems relevant and material.

(2) Prior to granting a special exception and based on the criteria set forth in sub. (1) hereof, the Village Board shall find that the appearance, nature and type of signing proposed is not so at variance with the appearance and character of other signing in the area, nor so at variance with the appearance and character of the building or structure on which it is to be located, with the adjacent or neighboring properties or with the properties in the general area, so as to adversely affect or cause a depreciation of property values;

but on the contrary, such proposed signing would serve a public or desirable or useful purpose and maintain or improve the general appearance and character of the building or structure where located, the adjacent or neighboring properties and the general area where erected or displayed.

19.22 REMEDIES.

No person shall violate or fail to comply with the provisions of this chapter.

(1) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit but in violation with the provisions of this chapter shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Building Inspector. If the violation is failure to obtain a permit, a permit fee shall be required and the permit fee shall be 5 times normal fees. If the owner does not remove or bring the sign into compliance, the Building Inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.

(2) This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this chapter.

CHAPTER 20

FLOODPLAIN ZONING

20.01	Authorization and Statement of Purpose
20.02	General Provisions
20.03	Special Provisions Applicable to all Floodplain Districts
20.04	Floodway District
20.05	Flood Fringe District
20.06	Nonconforming Uses
20.07	Administration
20.08	Amendments

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
20.01	Authorization and Statement of Purpose		
20.02	General Provisions		
20.03	Special Provisions Applicable to all Floodplain Districts		
20.04	Floodway District		
20.05	Flood Fringe District		
20.06	Nonconforming Uses		
20.07	Administration		
20.08	Amendments		

20.01 AUTHORIZATION AND STATEMENT OF PURPOSE.

This chapter is adopted pursuant to authorization contained in §§61.35, 62.23 and 87.30, Wis. Stats. The purpose of this section is to comply with §87.30,Wis. Stats., and to provide a uniform basis for the preparation, implementation and administration of sound floodplain management to protect life, health and property; minimize expenditures of public moneys for costly flood control projects; minimize rescue and relief efforts, generally undertaken at the expense of the general public; minimize business interruption; minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges; minimize the occurrence of future blight areas on floodplains; and discourage the victimization of unwary land and home buyers.

20.02 GENERAL PROVISIONS. (Am. #098-36)

(1) DISTRICT BOUNDARIES. (Am. #97-5) The boundaries of the floodplain districts are those areas designated as being within the regional flood limits on the Floodplain Map of the Village of Sturtevant dated October, 1998. Waxdale Creek (east of the Soo Line/Canadian Pacific Railroad) and Chickory Creek regional flood limits and water surface profile elevations are based on maps provided by the Southeastern Wisconsin Regional Planning Commission that were developed as part of the Pike River Watershed Plan as heretofore adopted and amended by SEWRPC (SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, adopted in June 1983 and amendments thereto adopted in June 1987 and March 1996). Waxdale Creek regional flood limits and water surface profile elevations west of the Soo Line/Canadian Pacific Railroad are based on values referenced in a letter from Crispell-Snyder, Inc. to the Department of Natural Resources dated November 7, 1997, requesting review and approval of floodplain modification.

(2) ESTABLISHMENT OF DISTRICTS. The floodplain areas within the jurisdiction of this section are hereby divided into 3 districts: the Floodway District, Flood Fringe District and Floodplain District, defined as follows:

(a) The Floodway District consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters of flood flows of any river or stream associated with the regional flood.

(b) The Floodfringe District consists of that portion of the floodplain outside of the floodway which is covered by floodwater during the regional flood. The term “floodfringe” is generally associated with standing water rather than flowing water.

(c) The Floodplain District consists of the land which has been or may be covered by floodwater during the regional flood. The Floodplain includes the floodings, floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.

(d) The floodplain boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the floodplain boundary illustrated on the map and actual field conditions, the dispute shall be settled according to Section 20.07(5) hereof.

(e) Compliance with the provisions of this section shall not be grounds for the removal of lands from the floodplain district unless such lands are filled to a height of at least 2' above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the floodplain district, and approval has been granted by the Department of Natural Resources pursuant to Section 20.08, and the Village Engineer.

(3) EFFECT OF FLOODPLAIN DISTRICT REGULATIONS. The regulations set forth in this section for floodplain, floodfringe and floodway districts shall apply to all floodplains, floodfringes and floodways mapped on the official floodplain zoning map.

(4) COMPLIANCE. No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development as defined in this chapter shall commence without full compliance with the terms of this section and other applicable regulations.

(5) ABROGATION AND GREATER RESTRICTIONS. This section supersedes provisions of any zoning ordinance relating to floodplains. However, any underlying zoning shall remain in full force and effect to the extent that its provisions are more restrictive. It is not otherwise intended by this section to repeal, abrogate or impair any existing deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this section shall prevail.

(6) WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasion or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside floodplain zoning boundaries or land uses permitted within such districts will be totally free from flooding or flood damages. The boundaries of the floodplain district may not coincide with federally mapped A

Zones as issued by the Federal Insurance Administration. Property owners desiring to develop properties within federally mapped A Zones may wish to apply for an Official Letter of Map Amendment from the Federal Insurance Administrators.

(7) SEVERABILITY. If any clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(8) INTERPRETATION. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

(9) DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have at common law to give this chapter its most reasonable application.

A Zones. Those areas shown on the Flood Insurance Study Map prepared for the Federal Flood Insurance Administration which would be inundated by the "base flood" or "regional flood" as defined by the Federal Emergency Management Agency. These areas may be numbered as AO, AI to A30, A99, or be unnumbered A Zones.

Accessory Use. Any facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Base Flood. A flood having one percent chance of being equalled or exceeded in any given year.

Base Flood Elevation. An elevation of equal to that which reflects the height of the base flood.

Board of Appeals. The body established under §62.23, Wis. Stats., for cities or villages and designated "board of appeal."

Bulkhead Line. A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to §30.11, Wis. Stats., and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this chapter.

Certificate of Compliance. A certification by the Building Inspector that a structure, use of land or a building, or development is in compliance with all provisions of this chapter.

Channel. The portion of a natural or artificial watercourse within the definite bed and banks which confine and conduct the normal flow of water.

Development. Any artificial change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structures or accessory uses, the placement of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and the deposition, storage or extraction of materials.

Encroachment. Any fill, structure, building, accessory use, use or development in the floodway.

Encroachment/Floodway Lines. The limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream.

Equal Degree of Hydraulic Encroachment. A concept whereby the effect of any encroachment into the floodway is computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach to property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, and not upon the distance the encroachment extends into the floodway.

Existing Mobile Home Park or Mobile Home Subdivision. A parcel or contiguous parcels of land divided into 2 or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is complete before the effective date of floodplain management regulations adopted by a community.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow or rise of inland waters or the rapid accumulation or runoff of surface waters from any source.

Floodfringe. That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood. The term “floodfringe” is generally associated with standing water rather than flowing water.

Flood Hazard Boundary Map. A map prepared by the U.S. Department of Housing and Urban Development, designating areas of special flood hazard within a given community. Flood hazard areas are designated as A Zones.

Flood Insurance Study Map. A map prepared by the Federal Emergency Management Agency designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as A Zones.

Floodplain. The land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.

Flood Profile. A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, structures and contents of buildings subject to flooding, for the primary purpose of reducing or eliminating flood damage.

Flood Protection Elevation. An elevation with 2' of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

Freeboard. A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of many factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

Land Use. Any "development."

Mobile Home. A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this chapter, it does not include recreational vehicles or travel trailers.

Nonconforming Use. An existing lawful use or accessory use of a structure, building or development which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies.

Official Floodplain Zoning Maps. Those maps, adopted and made part of this chapter as described in Section 20.02(1), which have been approved by the Department of Natural Resources.

Official Letter of Map Amendment. Official notification from the Federal Insurance Administration of HUD that Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

Reach, Hydraulic. That portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change.

Regional Flood. A flood determined to be representative of larger floods known to have generally occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every 100 years. This means that in any given year there is a 1% chance that the regional flood may occur or be exceeded.

Storage Capacity of a Floodplain. The volume of space above an area of floodplain land that can be occupied by a flood water of a given stage at a given time, regardless of whether the water is moving.

Structure. Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, river bed, stream bed or lake bed which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges or culverts.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic places. Ordinary maintenance repairs, such as internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components are not considered structural repairs, modifications or additions.

Utilities. Any public or private water supply or waste collection and/or disposal system including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems and treatment facilities.

20.03 SPECIAL PROVISIONS APPLICABLE TO ALL FLOODPLAIN DISTRICTS. (Am. #098-36)

(1) No developments shall be allowed in floodway areas which, acting alone or in combination with existing or future similar uses, cause an increase equal to or greater than 0.01' in height of the regional flood for any main stem, tributaries to the main stem of any stream, drainage ditches or any other drainage facilities. Such increase shall be calculated using an equal degree of hydraulic encroachment from the hydraulic floodway lines for a hydraulic reach on both sides of a river or stream. Increases equal to or greater than 0.01' may be permitted, but only if amendments are made to this section, the official floodway lines, water surface profile and floodplain zoning maps pursuant to Section 20.08 hereof; provided further that the total cumulative allowable increase in height of the regional flood for any given hydraulic reach of a stream shall not exceed one foot.

(2) No developments in floodfringe areas shall materially affect the storage capacity of floodplains, based upon an equal degree of hydrologic encroachment (volume of the storage area which is lost). For the purpose of this subsection, "materially" is defined as any increase in discharge of the regional flood which causes a rise in the water surface profile of 0.01'. Such developments may be permitted only if amendments are made to this chapter pursuant to Section 20.08 hereof; provided further that the total cumulative allowable increase in height of the regional flood for any given reach of a stream shall not exceed one foot.

(3) Owners or operators of all mobile home parks and mobile home subdivisions located in the floodplain district shall file adequate evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the appropriate disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

(4) Mobile home replacement in existing parks or subdivisions. All mobile homes to be placed on a site located in the floodplain district on the official Floodplain Zoning Map of the Village shall be placed to prevent the flotation, collapse or lateral movement of the structure due to flooding. Such mobile home shall be anchored according to the following specifications.

(a) Over-the-top ties shall be provided at each of the 4 corners of a mobile home with 2 additional ties per side at intermediate locations, and mobile homes less than 50' long shall require one additional tie per side.

(b) Frame ties shall be provided at each corner of the mobile home with 5 additional ties per side at intermediate points, and mobile homes less than 50' long shall require 4 additional ties per side.

(c) All components of the anchoring system shall be capable of carrying 4,800 lbs.

(d) Any additions to the mobile home shall be similarly anchored.

(5) All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals regional flood elevation data, and the means to provide adequate surface drainage and to minimize flood damage. Where the estimated cost of such development exceeds $75,000 and for all subdivision proposals the applicant shall provide all necessary computations to show the effects of the proposals on flood heights, velocities and floodplain storage.

(6) Utility district facilities such as dams, flowage areas, transmission lines, pipelines and water monitoring devices are permitted subject to regulations pursuant to Ch. 30, Wis. Stats., and applicable federal regulations.

(7) Navigational and drainage aids such as channels, channel markers, buoys and other such devices are permitted, provided that prior to any alteration or relocation of a watercourse, the Village Clerk/Treasurer shall notify adjacent communities and the Department of Natural Resources and require the applicant to secure necessary permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(8) Other water related uses such as docks, piers, wharves, bridges, culverts and river crossings of transmission lines are permitted subject to any pier or dockline regulations or any other regulations that are required pursuant to Ch. 30, Wis. Stats., and applicable federal regulations.

20.04 <u>FLOODWAY DISTRICT</u>. (Am. #098-36)

(1) APPLICABILITY. The provisions of this section shall apply to all areas within the Floodway District as shown on the official Floodplain Zoning Map and to the floodway portion of the Floodplain District.

(2) DESCRIPTION OF DISTRICT. (Am. #97-5) The Floodway District shall include mapped floodway areas so designated on the official Floodplain Zoning Maps showing the regional flood limits, as set forth in Section 20.02(1).

(3) PERMITTED USES. The following open space uses having a low flood damage potential and non-obstruction flood flows, shall be permitted within the Floodway District, provided that they are not prohibited by any other ordinance and provided further that they meet all of the standards contained in sub. (4) hereof and a land use permit has been issued by the Building Inspector.

(a) Agricultural uses such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Nonstructural, industrial, commercial uses such as: loading areas, parking areas, airport landing strips.

(c) Private and public recreational uses such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(d) Uses or structures accessory to open space uses.

(e) Extraction of sand, gravel and/or other materials.

(f) Railroads, streets, bridges, pipelines and other water related uses such as culverts and river crossings of transmission lines and any uses.

(4) STANDARDS FOR DEVELOPMENTS IN FLOODWAY DISTRICTS. The following standards shall apply to developments in floodway districts:

(a) All of the provisions of Section 20.03 hereof.

(b) Structures which are accessory to permitted open space uses may be permitted, providing the structures:

1. Are not designed for human habitation.

2. Have a low flood damage potential.

3. Are to be constructed and placed on the building site so as to offer minimum obstruction to the flow of flood waters. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of flood waters and will be placed with their longitudinal axis approximately on the same line as those of adjoining structures.

4. Are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river.

5. Have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area.

(c) Uses permitted by the Department of Natural Resources pursuant to Chs. 30 and 31, Wis. Stats., provided that the necessary permits are obtained and amendments are approved by the Village to the official floodway lines, water surface profiles, floodplain zoning maps and this chapter.

(d) Public utilities, streets and bridges provided that:

1. Adequate floodproofing measures are provided to the flood protection elevation.

2. Construction shall not cause any increase of 0.01' or greater in the height of the regional flood, except that reasonable increases up to 1.0' may be approved if the amendment procedures and all conditions of Section 20.08(3) are met.

3. The Village amends its water surface profiles, floodplain zoning maps and floodplain zoning ordinances to reflect any changes resulting from such construction.

(e) Filling or depositing of materials may be permitted provided that:

1. The provisions of Section 20.03(1) are met.

2. Filling or depositing of materials does not encroach on the channel area between the ordinary high watermark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a permit pursuant to §404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this section are met.

3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion and leachate.

20.05 <u>FLOODFRINGE DISTRICT</u>. (Am. #098-36)

(1) APPLICABILITY. (Am. #97-5) The provisions of this section shall apply to all areas within the Floodfringe District, as shown on the official Floodplain Zoning Maps.

(2) DESCRIPTION OF DISTRICT. (Am. #97-5) The Floodfringe Districts are designated on the official Floodplain Zoning Maps showing the regional flood limits, as set forth in Section 20.02(1).

(3) PERMITTED USES. Any structures, land uses or development may be permitted to the extent that they are not prohibited by this or any other ordinance or any other federal, state or local regulations and provided that a land use permit has been issued by the Building Inspector.

(4) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.

(a) <u>Generally</u>. All of the provisions of Section 20.03 shall apply hereto.

(b) <u>Residential</u>. All residential structures shall meet the following standards:

1. The first floor of a structure to be erected, constructed or moved on the floodplain shall be constructed on fill at or above the flood protection elevation for the particular area. The fill shall not be less than one foot above the regional flood elevation for the particular area and the fill shall extend at such elevation at least 15' beyond the limits of any structure or building erected thereon.

2. The basement floor shall be at or above the regional flood elevation.

(c) <u>Commercial</u>. In commercial areas, any structure or building which is to be erected, constructed, reconstructed, added to or moved into the floodfringe area shall meet the requirements of sub. (4)(b) above. Certain yards, parking lots and other accessory land uses may be at lower elevations. However, no such area in general use by the public shall be inundated to a depth greater than 2' or subjected to flood velocities greater than 4' per second upon the occurrence of the regional flood.

(d) <u>Manufacturing and Industrial</u>. (Am. #97-5) Manufacturing and industrial buildings, structures and accessory uses shall be elevated or floodproofed in accordance with

Section 20.07(9) to 2' above the regional flood elevation. Measures shall be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations, subject to requirements set out in sub. (4)(c).

(e) Dangerous Materials. (Am. #97-5) The storage or processing of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to human, animal or plant life, shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Section 20.07(9).

(f) Utilities. (Am. #97-5) Construction and substantial improvements to utilities may be permitted provided that they are floodproofed to the flood protection elevation in compliance with Section 20.07(9).

(g) Accessory Uses. An accessory structure (not connected to a principal structure) shall meet the applicable provisions of Section 20.04(4)(b) hereof. A lesser degree of protection, compatible with these criteria and the criteria in sub. (4)(c) hereof may be permissible for any such accessory structure.

20.06 NONCONFORMING USES. (Am. #098-36)

(1) GENERAL. Insofar as the standards in this section are not inconsistent with the provisions of §62.23(7)(h), Wis. Stats., they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use, which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

(a) No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions.

(b) If a nonconforming use is discontinued for 12 consecutive months, any future use of the structure or building shall conform with the appropriate provisions of this chapter for floodway and floodfringe areas.

(2) FLOODWAY AREAS.

(a) No modifications or additions shall be allowed to any existing structures which are not in compliance with permitted floodway standards or uses,

unless such modifications or additions meet all of the following criteria:

1. The modifications or additions to a structure will not increase the amount of obstruction to flood flows pursuant to Section 20.03(1) hereof.

2. Any addition to a structure shall be floodproofed by means other than the use of fill to the flood protection elevation.

(b) No new on-site sewage disposal system or additions to existing on-site sewage disposal system shall be allowed in a floodway area.

(c) No new well used to obtain water for ultimate human consumption or modifications to an existing well shall be allowed in a floodway area.

(d) No structural repairs, modifications or additions to a structure, which exceed over the life of the structure 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use.

(e) If any nonconforming structure is destroyed or is so badly damaged that it cannot be practicably restored, it cannot be replaced, reconstructed or rebuilt unless permanently changed to a conforming use. For the purposes of this subsection, restoration is deemed impracticable where the total cost of such restoration would exceed 50% of the present equalized assessed value of the structure.

(3) FLOODFRINGE AREA.

(a) All modifications or additions to any nonconforming structure, which do not exceed 50% of its present equalized value, shall be protected by floodproofing measures. No structural modification or addition to any nonconforming structure, which over the life of the structure exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming use.

(b) Where compliance with the provisions of par. (a) above would result in unnecessary hardship, and only where the structure will not be either used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 20.07(6) hereof, may grant a variance from those provisions, using the criteria listed below. Modifications or additions to structures or buildings which are protected to elevations lower than flood protection elevation may be permitted if:

1. Human lives are not endangered.

2. Public facilities, such as water or sewer, are not to be installed.

3. Flood depths will not exceed 4'.

4. Flood velocities will not exceed 2' per second.

5. The structure will not be used for storage of materials described in Section 20.05(4)(e).

(c) No new on-site sewage disposal system or additions to existing on-site sewage disposal systems shall be allowed in a floodfringe area.

(d) No new well used to obtain water for ultimate human consumption or modifications to an existing well shall be allowed in a floodfringe area.

20.07 <u>ADMINISTRATION</u>. (Am. #098-36)

(1) LAND USE PERMIT. A land use permit shall be obtained from the Building Inspector before any new land use, change in use or development may be initiated in the floodplain. An application for a land use permit shall be made to the Building Inspector upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following:

(a) Name and address of the applicant and property owner.

(b) Legal description of the property and type of proposed development and use.

(c) A sketch showing the dimensions of the lot and locations of buildings from lot line, centerline of abutting highways and high watermark of any abutting watercourse.

(d) Plat or survey prepared by a registered land surveyor showing all information required by the Building Inspector and the following: mean and historic high water lines on and within 40' of the subject property and existing and proposed landscaping.

(e) Where floodproofing is required, a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with flood velocities, forces, depths and other factors associated with the regional flood

level, with the soil conditions for the area and with the requirements of the Federal Insurance Administration.

(f) Such additional information as the Building Inspector or the Village Board may require.

(2) CERTIFICATE OF COMPLIANCE. No development as defined in this chapter shall take place, no vacant land in the floodplain shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant obtains a certificate of compliance from the Building Inspector. The Building Inspector shall require that the applicant submit a certification by a registered professional engineer that the finished fill and building floor elevations and other floodplain regulatory factors were accomplished in compliance with appropriate floodplain zoning provisions and other floodplain regulations. The applicant shall submit such certification for all new construction and substantial improvements.

(3) OTHER PERMITS. (Cr. #97-5) It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state and local agencies, including those required under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(4) APPEALS TO THE BOARD. (Cr. #97-5) Appeals to the Board of Appeals may be taken by a person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(a) The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publishing a class 2 notice pursuant to Ch. 985, Wis. Stats., specifying the date, time and place of hearing and the matters to come before the Board, and mail notices to the parties at interest.

(b) A decision regarding the appeal shall be made as soon as practicable.

(c) The final disposition of an appeal or application to the Board of Appeals shall be made in the form of a written resolution or order signed by the Secretary of the Board. Such resolution shall state the specific facts which are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part,

dismiss the appeal for lack of jurisdiction or prosecution, or grant the application.

(d) A copy of all decisions by the Board of Appeals shall be mailed to the appropriate District Office of the Department of Natural Resources.

(5) MAPPING DISPUTES. (Cr. #97-5) The following procedure shall be followed by the Board of Appeals in disputes of a flood plain zoning district boundary:

(a) When the location of the flood plain or floodway district boundary is established by experience flood maps or engineering studies pursuant to Sections 20.04(2) and 20.05(2) hereof, the flood elevations or "flood profiles" for the point in question shall be the governing factor in locating the district boundary. If no elevation or profiles are available to the Board, any other available evidence may be examined.

(b) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Appeals and if he chooses, submit his own technical evidence. The Board shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect and an approval has been granted by the Department of Natural Resources.

(6) VARIANCE. (Cr. #97-5) Any deviation from the standards of this chapter, for which a permit has been denied by the Building Inspector, may be allowed only upon written request for a variance submitted to the Building Inspector, public hearing and issuance of a variance from the Board of Appeals. The board may authorize in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance:

(a) Shall be consistent with the spirit and intent of this flood plain zoning ordinance.

(b) Shall not permit any change in established flood elevations or profiles.

(c) Shall not be granted for a use that is common to a group of adjacent lots or premises.

(d) Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.

(e) Shall not be granted for actions which require an amendment to the flood plain zoning ordinance.

(f) Shall not have the effect of allowing or expanding a use or structure which is prohibited in that zoning district by the flood plain zoning ordinance.

(g) Shall not be granted solely on the basis of economic gain or loss.

(h) Shall not be granted for a self-created hardship.

20.08 <u>AMENDMENTS</u>. (Cr. #97-5; Am. #098-36)

(1) GENERAL. The Village Board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this section in the manner provided by law. Official amendments are required for any changes in the official floodway lines, water surface profiles, flood plain zoning maps or flood plain zoning ordinance. Actions which require an amendment include, but are not limited to, the following: any change in the official floodway lines or in the boundary of the flood plain area; settlement of conflicts between the water surface profiles and flood plain zoning maps, in accordance with Section 20.07(5); any fill or encroachment into the floodway which will result in raising the elevation of an area in the floodway to a height at or above the elevation of the regional flood; any fill or encroachment that will cause a change equal to or greater than 0.01 foot in the water surface profiles in the regional flood; and any upgrading of flood plain zoning ordinances required by law.

(2) INITIATION. Amendments to this section may be initiated by the Village Board or upon petition of any interested party in accordance with the provisions of §62.23, Wis. Stats.

(3) AMENDMENT PROCEDURE. Copies of any proposed amendment shall be referred to the Plan Commission which shall be forwarded by the Village Clerk together with the first notice of the public hearing thereon, to the main office and appropriate district office of the Department of Natural Resources. The amendment procedure shall comply with the provisions of §62.23, Wis. Stats. No amendment to the text or maps shall become effective until approved by the Department of Natural Resources and the Village Engineer.

CHAPTER 21

STORMWATER

STORMWATER MANAGEMENT SERVICES

Section Number	**Title**	*Ordinance Number*	*Date of Ordinance*
21.01	Purpose and Necessity; Authorization		
21.02	Creation of Stormwater Committee		
21.03	Separate Fund		
21.04	Budget		
21.05	Accountability		
21.06	Extensions and Emergency Expenditures		
21.07	Authority		
21.08	Definitions		
21.09	Rates and Charges		
21.10	Classifications of Customers		
21.11	Billing		
21.12	Payment; Lien; Penalty		
21.13	Customer Classifications		
21.14	New Construction		
21.15	Complaints		
21.16	Alternative Method to Collect Stormwater Charges		
21.17	Penalty		

21.01 PURPOSE AND NECESSITY; AUTHORIZATION.

The Village Board of the Village of Sturtevant finds that the management of stormwater and other surface water discharges within and beyond the Village is a matter that affects the health, safety and welfare of the Village, its citizens and businesses and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the Village by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the Village. A system for the collection and disposal of stormwater provides services to all properties within the Village of Sturtevant and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the Village stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Village Board hereby exercises its authority to manage stormwater and surface water discharges and establish the rates for stormwater management services.

21.02 CREATION OF STORMWATER COMMITTEE.

There is hereby established a stormwater committee in the Village of Sturtevant, consisting of the Chairpersons of the Finance, Public Works and Water and Wastewater Committees. The operation of the stormwater committee shall be under the supervision of the Village Board.

21.03 SEPARATE FUND.

The Village Clerk/Treasurer, under the direction of the stormwater committee, shall keep a separate account of money or income received from all stormwater management charges collected relating to the stormwater management system and the fund thereby created shall be devoted to the expense of maintaining and operating such system. A monthly financial report shall be made to the Village Board by the Village Clerk/Treasurer.

21.04 BUDGET.

Annually, on or before November 15 of each year, the stormwater committee shall prepare and submit to the Village Board a proposed budget for the operation of the stormwater management services for the ensuing year. Upon approval of the Village Board, the budget shall constitute the budget for such stormwater management services for such year. This budget shall also be submitted to the residents of the Village in conjunction with the Village's annual budget hearing.

21.05 ACCOUNTABILTY.

Annually, the stormwater committee shall cause an audit to be made of the stormwater management services and shall submit a report thereof to the Village Board.

21.06 EXTENSIONS AND EMERGENCY EXPENDITURES.

All extensions to the stormwater management system shall be made by and under the direction of the Village Board. The stormwater committee shall have the power to authorize emergency repairs subject to ratification by the Village Board.

21.07 AUTHORITY.

The Village, acting through the stormwater committee, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the Village to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a stormwater management system.

21.08 DEFINITIONS.

(1) "Charge" means the fee imposed under this chapter for the rendering of stormwater management services by the Village.

(2) "Equivalent runoff unit" or "ERU" is the basic unit by which a storm sewer charge is calculated under this chapter and is based upon the typical runoff volume of stormwater from one residential property during a 10 year, 24 hour rainfall event pursuant to the methodology developed by the National Resources Conservation Service (NRCS) as set forth in Technical Release – 55 publication (TR-55), and any amendments thereto.

(3) "Impervious area" means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, loading docks and sidewalks, and semi-impervious surfaces such as compacted gravel, all as measured on a horizontal plane.

(4) "Dwelling unit" means a room or group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

(5) "Single family unit" means any residential property, including manufactured homes, consisting of one dwelling unit.

(6) "Stormwater committee" means the committee established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

(7) "Undeveloped property" means property that is not developed by the addition of an improvement such as a building, structure, grading or substantial landscaping. A property shall be considered to be developed if:

(a) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or

(b) Construction of an improvement on the property is at least 50 per cent completed and such construction has ceased for a period of at least 3 months, whether consecutive or not.

21.09 RATES AND CHARGES.

(1) The basis for computation of the charge for stormwater services to lots and parcels of land within the Village is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer may be made by resolution. All charges established pursuant to this chapter shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the Village Clerk.

(2) Charges shall be imposed to recover all or a portion of the costs of the stormwater management. Such charges may include the following components:

(a) Base Charge. A base charge may be imposed on all property in the Village. The base charge is established in recognition of the fact that all properties in the Village receive services from the stormwater management activities of the Village and that all properties contribute to some degree to the stormwater discharge that must be managed by the Village. The base charge shall be assessed to collect the administrative costs of the stormwater committee and may include capital, operating and maintenance costs of the stormwater committee which are not recovered by other means.

(b) Equivalent runoff unit charge (ERU). An equivalent runoff unit charge may be imposed on all property that contributes to stormwater run-off. The ERU charge shall be assessed based upon the property's zoning classification, or, at the discretion of the Village Engineer, based upon the principal use of the property regardless of zoning classification.

21.10 CLASSIFICATIONS OF CUSTOMERS.

The Village Board may establish classifications other than the customer classifications under section 21.13 as will be likely to provide a reasonable and fair distribution of the costs of the stormwater management.

21.11 BILLING.

(1) Bills for stormwater management charges shall be mailed to the owner of the property to which the bill relates.

21.12 PAYMENT; LIEN; PENALTY.

(1) Stormwater management charges shall not be payable in installments. Stormwater management charges shall be payable upon receipt, subject to the provisions of this section. If a charge remains unpaid for a period of 60 days after the date of the bill, such charge shall become a lien on the property to which it relates as provided in §66.0809, Wis. Stats. Delinquent charges shall be automatically extended upon the next available tax roll as a delinquent tax against the property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges. Charges remaining unpaid for a period of 60 days or more from the date of the bill shall be assessed a late payment charge.

(2) All delinquent charges shall be subject to a penalty of 5 per cent, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.

21.13 CUSTOMER CLASSIFICATIONS.

(1) For the purpose of imposing the charges imposed under this chapter, all lots and parcels of land in the Village shall be classified into the following customer classifications:

	CLASSIFICATIONS	ERU
(a)	Properties Zoned in One and Two Family Residence District, Mobile Home District, and Properties Located in Other Zoning Districts Where the Principal Use is Residential (one or two family).	1 ERU
(b)	Properties Zoned in Multiple Family Residence District.	.5 ERU per each dwelling unit
(c)	Properties Zoned in Business District A and Business District B	6.1 ERUs per acre
(d)	Properties Zoned in Industrial District	5.1 ERUs per acre
(e)	Properties Zoned in Institutional District	4.8 ERUs per acre

(f)	Undeveloped Properties or Parkland Regardless of Zoning	2.7 ERUs per acre

(2) Exceptions to ERU Charges.

(a) Properties in which the principal use is agricultural, as determined by the Village Engineer, are exempt from ERU charges.

(b) A reduced ERU charge of 3.1 ERUs per acre may be extended as to any property where adequate stormwater facilities have already been constructed by the owner or developer as required by the Village.

21.14 <u>NEW CONSTRUCTION</u>.

(1) Except for one or two family units, a property owner shall be responsible for submitting a stormwater management service application at the time a building permit is issued or a site plan review is conducted. The application shall be made on a form prescribed by the Village and provided with each application for a building permit or application for site plan review. Failure to submit such stormwater utility service application or providing false information on such form shall be a violation of this chapter.

21.15 <u>COMPLAINTS</u>.

Complaints pertaining to whether the stormwater committee's rates, rules or practices are unreasonable or unjustly discriminatory are to be made to the Public Service Commission in accordance with Chapters 66 and 196 of the Wisconsin Statutes.

21.16 <u>ALTERNATIVE METHOD TO COLLECT STORMWATER CHARGES</u>.

(1) The Village hereby finds and determines that the stormwater utility charges established under this chapter reasonably reflect the services rendered to property and may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to §66.0627, Wis. Stats., in addition to other provisions of law. The mailing of the bill for stormwater management charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of §66.0627, Wis. Stats. The Village may provide notice each October of any unpaid charges to the stormwater committee and such charges, if not paid by November 15, may be placed on the tax roll in accordance with §66.0627(4), Wis. Stats. The collection method provided in this section is in addition to the collection method provided for in section 21.12.

21.17 PENALTY.

(1) A person violating section 21.14 shall, upon conviction, pay a forfeiture not to exceed $500 for each offense, in addition to the costs of prosecution which are allowed by law. Each day during which a violation exists shall constitute a separate offense.

CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

25.01	Rules of Construction
25.02	Conflict and Separability
25.03	Clerk to File Documents Incorporated by Reference
25.04	Penalty Provisions
25.05	Repeal of General Ordinances
25.06	Effect of Repeals
25.07	Title; Effective Date; Citation
25.08	Keeping Code Current; Revisor's Amendments

Section Number	**Title**	***Ordinance Number***	***Date of Ordinance***
25.01	Rules of Construction		
25.02	Conflict and Separability		
25.03	Clerk to File Documents Incorporated by Reference		
25.04	Penalty Provisions		
25.05	Repeal of General Ordinances		
25.06	Effect of Repeals		
25.07	Title; Effective Date; Citation		
25.08	Keeping Code Current; Revisor's Amendments		

25.01 RULES OF CONSTRUCTION.

In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

(1) STATUTORY REFERENCES. (Am. MCC '95) All references to "Wisconsin Statutes" or "Wis. Stats." means the current version of the Wisconsin Statutes, as amended from time to time, all references to the "Wisconsin Administrative Code" or "Wis. Admin. Code" means the current version of the Wisconsin Administrative Code, as amended from time to time, and all references to or incorporation of any other code or statutory provisions means the current version of such code or statute, as amended from time to time.

(2) GENDER, SINGULAR AND PLURAL. Every word in this Code imparting the masculine gender may extend and be applied 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 provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

(3) PERSON. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

(4) ACT OF AGENTS. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(5) VERBS. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

(6) The word "state" means the State of Wisconsin, unless plainly inapplicable.

25.02 CONFLICT AND SEPARABILITY.

(1) CONFLICT OF PROVISIONS. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) SEPARABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional

by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Clerk shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations, which the Clerk may prescribe, for their preservation.

25.04 PENALTY PROVISIONS.

(1) GENERAL PENALTY. Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $5 nor more than $500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than $50 nor more than $500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 6 months.

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

(3) CITATION METHOD OF ENFORCEMENT.

(a) Statutory Authorization. (Am. #087-22) Pursuant to §66.119, Wis. Stats., which is hereby incorporated by reference and made a part of this section, the use and issuance of citations for violations of ordinances of the Village, including those for which a statutory counterpart exists, is hereby authorized.

(b) Contents of Citation. The citation shall contain the following:

1. Name and address of the alleged violator.

2. Factual allegations describing the alleged violation.

3. Time and place of the offense.

4. Number and section of the ordinance violated.

5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.

6. Time and date in which the violator may appear in court.

7. A statement which informs the violator:

a. That a cash deposit based on the established schedule may be delivered or mailed to the Clerk of Municipal Court prior to the time of the scheduled court appearance.

b. That if a deposit is made no appearance in court is necessary unless he is subsequently summoned.

c. That if a cash deposit is made and the alleged violator does not appear in court at the specified time, an action may be commenced to collect the forfeiture.

d. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.

8. Deposits shall be made in cash, money order or certified check to the Clerk of Municipal Court who shall provide a receipt therefor.

(c) Issuance of Citations. The Director of Public Safety and all police officers employed by the Village may issue citations authorized under this section.

(4) GAMBLING DEVICES. (Ct. #095-28) In addition to other penalties authorized by this Municipal Code, anything devised solely for gambling or found in actual use for gambling may be seized and, after a judicial determination that it was used solely for gambling or found in actual use for gambling, may be destroyed.

25.05 REPEAL OF GENERAL ORDINANCES.

All ordinances heretofore adopted by the Village Board are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

(1) The issuance of corporate bonds and notes of the Village of whatever name or description.

(2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.

(3) The fixing of salaries of public officials and employees.

(4) Rights, licenses or franchises or the creation of any contract with the Village.

(5) The lighting of streets and alleys.

(6) The annexation of territory to the Village.

(7) The naming and changing of names of streets, alleys, public grounds and parks.

(8) The letting of contracts without bids.

(9) The establishment of wards, ward boundaries and election precincts.

(10) Tax and special assessment levies.

(11) Releases of persons, firms or corporations from liability.

(12) Construction of public works.

(13) Water, sewer and electric rates, rules and regulations and sewer and water main construction.

(14) Budget ordinances, resolutions and actions.

25.06 EFFECT OF REPEALS.

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.

(3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

25.07 TITLE; EFFECTIVE DATE; CITATION.

These ordinances shall be known as the "Municipal Code of the Village of Sturtevant" and shall take effect from and after passage and publication as provided in §66.035, Wis. Stats. All references thereto shall be cited by section number (example: Section 13.06, Municipal Code of the Village of Sturtevant).

25.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS.

As each ordinance or resolution affecting the Municipal Code becomes effective, the Clerk shall forward such ordinance or resolution to the Revisor, who shall incorporate them into the Municipal Code. The Revisor shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Village Board; and such rearranging, renumbering and editing

shall not affect the validity of such ordinances and resolutions or the provisions of this Municipal Code affected thereby.

CODE INDEX

(Also see Zoning Code Index at Ch. 17)

-A-

ABSENCE OF THE PRESIDENT……. 2.07
ACCOUNTANT/DEPUTY CLERK…….. 1.15
ACCOUNTS
Contracted against the Village……..……... 2.14
Examination and Approval of……..…… 2.15
ADMINISTRATOR, VILLAGE…… 1.21
ADULT BOOKSTORES AND MOTION PICTURE THEATERS…….. 12.09
ALCOHOL BEVERAGE LICENSES…… 12.03
ALCOHOL BEVERAGES
By underage persons, offenses involving……. 9.155
In public places……. 9.15
ALLEYS, OBSTRUCTING, LITTERING, ETC……... 8.13
AMENDMENT OF RULES……... 2.28
AMUSEMENT DEVICES…….. 12.06
ANIMALS OR FOWL, NOISY…….. 10.05(10)
ANIMALS, CRIMES AGAINST..……. 9.951.01-.18
ANIMAL WASTE, CLEANUP OF…… 10.08
APPEAL FROM PRESIDING OFFICER…….. 2.37
APPEALS, BOARD OF……. 1.32
APPOINTED OFFICIALS……. 1.02
APPROPRIATIONS AND ACCOUNTS……... 2.27
APPROPRIATIONS, FUNDS TO BE SPENT IN ACCORDANCE WITH…… 3.05
ARREST, POWER OF……... 4.04
ASHES, DEPOSIT OF…… 9.16
ASSEMBLIES, UNLAWFUL…… 9.06, 9.947.06, 10.05(12)
ASSESSOR……. 1.18
ATTEMPT…….. 9.939.32
AUCTION SALES…….. 12.11

-B-

BATTERY……...……..……. 9.940.19(1)
BICYCLES…….……. 7.07
BOARD OF APPEALS...…….…….. 1.32
BOARD OF ELECTION INSPECTORS...…… 1.43
BOARD OF ETHICS…….. 1.34
BOARD OF HEALTH AND HEALTH OFFICER……..... 1.31
BOARD OF REVIEW…..…….. 1.30
BONDS AND OATHS…….…….. 1.03
BUDGET……...…….. 3.03, 3.04
BUILDING CODE, STURTEVANT UNIFORM.……. Ch. 14
Application of "Wisconsin Administrative Code"..……. 14.02
Application of "Wisconsin Uniform Building Code"...……... 14.03
Application of "Wisconsin Uniform Dwelling Code".…… 14.025
Approved Plans…….……... 14.06
Automatic Fire Sprinklers..……..…… 14.61
Certificate of Occupancy…...…… 14.11
Decks, General Requirements...……..…… 14.30
Department of Buildings……...……... 14.04
Failure to Obtain Permit...…….…….…….. 14.75
Fire Limits, Inflammable Oils and Explosives…… 14.60
Foundation Repair & Dampproofing……...……. 14.50
Garages and Accessory Buildings, General Requirements…….. 14.20
Identification of Products……. 14.72
Inspections…… 14.09
New Materials & Methods…… 14.70
Penalties…… 14.81
Permits…….. 14.05
Razing of Buildings……... 14.08
Regulations of Moving Buildings…….. 14.07
Scope…… 14.00
Smoke and Fire Detection and Warning Systems in Public Residential Buildings…… 14.62
Stop-Work Order…… 14.10
Swimming Pools, General Requirements……..…... 14.40
Tests……. 14.71
Title…….. 14.01
Validity of Past……. 14.73
Violations……. 14.74
BUILDING CODE APPENDIX, STURTEVANT UNIFORM
Electrical Permit Fees……..…… 14.87
Fire Inspection Permit Fees……..……... 14.89
Plumbing Fees……..……... 14.88

Table-1 Building Code Permit Fees……. 14.86
BUILDINGS
Blighted…… 10.05(13)
Illegal…… 10.05(2)
BURNING COMBUSTIBLES……... 9.04
BURNING MATERIAL, NEGLIGENT HANDLING OF…… 9.941.10

-C-

CALL OF THE VILLAGE BOARD …….……..……. 2.24
CARCASSES, UNBURIED ……..…….…..…… 10.03(2)
CARNIVALS ..…….……. 12.13
CHARTER ORDINANCES…….…...…….. End of Code
CHEATING TOKENS, USE OF……...……...…… 9.943.22
CIGARETTE AND TOBACCO PRODUCTS, LICENSING…….. 12.17
CIGARETTES, PURCHASE OR POSSESSION OF……...…… 9.156
CITATION, METHOD OF ENFORCEMENT……...…..……... 25.04(3)
CLAIMS PROCEDURE……..……. 3.06
CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE……..…… 25.03
…...
CLERK/TREASURER……..……... 1.14
Duties…….. 2.32
COIN BOX, ENTRY INTO LOCKED……..……... 9.943.125
COMMITTEES
Quorums……..……... 2.33
Reference to……..…….. 2.12
Standing……..…… 2.11
COMMUNICABLE DISEASES……..…… 11.02
COMMUNICATIONS
To Be in Writing……. 2.10
COMMUNITY DEVELOPMENT AUTHORITY…… 1.35
CONCEALED WEAPON, CARRYING……..…… 9.941.23
CONTRACTS, LETTING OF……...…… 3.07
CONTROLLED SUBSTANCE……...…….. 9.961.41(1)
Possession of……... 9.961.41(3g)
CRIMINAL DAMAGE TO PROPERTY……. 9.10
CROSS CONNECTIONS WITH PUBLIC WATER SYSTEM...…… 13.05
CULVERTS: COST OF INSTALLATION…….. 8.08
CURB LINES TO BE FIXED AND MARKED……... 8.06
CURBS AND GUTTERS, STANDARDS FOR……... 8.05
CYCLES, MOTOR DRIVEN…… 7.09

-D-

DEBATE, LIMITATION ON ……..……...……..……. 2.23
DEFERRING ACTION …….……..…… 2.34
DELINQUENCY OF A CHILD
Contributing to …….……...…….. 9.948.40
DILAPIDATED BUILDINGS ……..…..……....…… 10.05(8)
DIRECT SELLERS ……...…….. 12.10
DIRECTOR OF PUBLIC SAFETY…….……...…..……... 1.15, 4.02
DIRECTOR OF PUBLIC WORKS ..……..…… 1.17
DISORDERLY CONDUCT 9.05,
……..……... 9.947.01
At meetings ……...……..……... 2.25
With motor vehicle ……..……... 7.10
DISORDERLY HOUSES…….. 10.04(1)
DISTURBANCE AT VILLAGE BOARD MEETING……. 2.25
DOG LICENSING AND REGULATION…… 12.05
DRINKING, ILLEGAL……. 10.04(5)
DRIVEWAY APPROACHES WITH CURB AND GUTTER……. 8.07
DRUG PARAPHERNALIA…….. 9.125
DUTCH ELM DISEASE……... 10.06

-E-

ELECTED OFFICIALS ..…….. 1.01
ELECTIONS
Board of Election Inspectors ……. 1.43
Nonpartisan Primary …….……. 1.40
Poll Hours …….…….. 1.42
Registration of Electors ……...……... 1.41
EMERGENCY GOVERNMENT…….. Ch. 6
Coordinator of Emergency Government Services…….. 6.04
Costs of Equipment and Services..……. 6.05
Declaration of Policy…….. 6.01
Definitions…….. 6.02
Emergency Government Committee……..…… 6.03
Joint Meetings…… 6.06
Penalties…….. 6.10
Utilization of Existing Services and Facilities…… 6.07
EMERGENCY GOVERNMENT DIRECTOR……. 1.19

ENGINEER, VILLAGE…… 1.12
ENTRY INTO LOCKED COIN BOX……. 9.943.125
EROSION CONTROL
Appeals…….. 15.11
Applicability…….. 15.03
Authority…… 15.01
Control of Erosion and Pollutants During Land Disturbance and Development…… 15.07
Definitions…….. 15.04
Design Criteria, Standards and Specifications for Control Measures…. 15.05
Enforcement…… 15.10
Findings and Purpose…….. 15.02
Inspection…… 15.09
Maintenance of Control Measures…….. 15.06
Permit Application, Control Plan and Permit Issuance…….. 15.08
ESCAPE…… 9.946.42(1)
ETHICS CODE……. 2.40

-F-

FAIR HOUSING …….. 9.20
FALSE ALARMS …… 9.941.13
FALSE FIRE OR RESCUE ALARM……..……. 9.17
FERMENTED MALT BEVERAGES …….…… 12.03
FINANCE AND TAXATION …….. Ch. 3
Budget …….……... 3.03
Changes in Budget…….. 3.04
Claims Procedure…… 3.06
Duplicate Treasurer's Bond…… 3.08
Fiscal Year…….. 3.02
Letting of Contracts……. 3.07
Personal Property Taxes, Interest…… 3.10
Preparation of Tax Roll and Tax Receipts…….. 3.01
Temporary Investment of Funds Not Immediately Needed…… 3.09
Village Funds to be Spent in Accordance With Appropriations……. 3.05
FIRE DEPARTMENT…….. Ch. 5
Apparatus Use…….…… 5.07
Appropriations……. 5.03
Compensation…….. 5.04
Fees for Transport in Rescue Squad…… 5.11
Fire Department Recognized…….. 5.01
Fire Inspector…….. 5.09

Hazardous Waste……. 5.10
Organization and Membership…… 5.05
Penalty……. 5.15
Police Powers of Department…….. 5.08
Policies…… 5.02
Powers and Duties of Director of Public Safety……. 5.06
FIRE FIGHTING, INTERFERING WITH……... 9.941.12(2), (3), 9.13
FIRE LIMITS, INFLAMMABLES OILS AND EXPLOSIVES…….. 14.60
FIRE SPRINKLERS, AUTOMATIC…… 14.61
FIREWORKS…… 9.21, 10.05(7)
FISCAL YEAR…….. 3.02
FLOODPLAIN ZONING…….. Ch. 20
Administration……. 20.07
Amendments……... 20.08
Authorization and Statement of Purpose…… 20.01
Floodway District…… 20.04
Floodfringe District……. 20.05
General Provisions…….. 20.02
Nonconforming Uses…….. 20.06
Special Provisions Applicable to All Floodplain Districts……. 20.03
FOOD, ADULTERATED……. 10.03(1)
FORNICATION…… 9.944.15
FRAUD ON HOTEL OR RESTAURANT KEEPER…….. 9.943.21
FUNDS
How to be Spent……. 3.05
Temporary Investment of…… 3.09

-G-

GAMBLING…….. 9.945.02
Devices……... …… 10.04(2)
GARAGE, PUBLIC…….. ……..……. 14.20
GARBAGE
Ashes and Rubbish…….. 11.03
Collection of…… 11.04

-H-

HAZARDOUS WASTES……...……... 11.10
HEALTH AND Ch. 11

WELFARE……..…
Authority and Duties of Health Officer ……..……... 11.01
Collection, Removal and Disposal of Garbage…….. 11.04
Communicable Diseases …….…….. 11.02
Disposal of Human Excreta and Liquid Waste ……..…… 11.06
Garbage, Ashes and Rubbish ……..……..…. 11.03
Hazardous Wastes…….. 11.10
Penalty…… 11.25
Property Maintenance Code……...……. 11.08
Recycling…… 11.11
Regulation of Stagnant Pools…….. 11.09
Trailers, Tents, Garages, Motorized Vehicles and Boats as and for Dwellings……. 11.07
11.13

Unlawful Removal of Items Deposited for Collection……...
1.31, 11.01

HEALTH OFFICER……..
HEALTH, BOARD OF……. 1.31
HEAVY TRAFFIC ROUTES…… 7.05
HOUSE AND BUILDING NUMBERING…….. 8.15

-I-

ICE, REMOVAL FROM SIDEWALKS ...……... 8.12
INSECTS OR VERMIN, BREEDING PLACE FOR…...…… 10.03(3)
INSPECTORS…… 1.13
INTERSECTIONS, OBSTRUCTION OF…… 10.05(4)
INTOXICANTS IN PUBLIC PLACES…… 9.15
INTOXICATING LIQUOR…….. 12.03
ISSUE OF WORTHLESS CHECKS……. 9.943.24

-J-

JUKEBOXES...…….…….…… 12.07
JUNKED VEHICLES, ILLEGAL STORAGE OF …...……..…… 9.175.25
JUNKYARDS PROHIBITED ……..…… 9.19

-L-

LAW ENFORCEMENT
Interference with…...……..…… 9.13
Standards Board Program ……..…… 4.06
LETTING OF CONTRACTS…… 3.07
LEVING TAXES, APPROPRIATING FUNDS AND CREATING
VILLAGE LIABILITY, ACTION OF VILLAGE BOARD……. 2.08
LEWD AND LASCMOUS BEHAVIOR……. 9.944.20
LICENSES AND PERMITS…… Ch. 12
Adult Bookstores and Motion Picture Theaters…….. 12.09
Amusement Devices…… 12.06
Auction Sales…….. 12.11
Carnivals……. 12.13
Cigarette and Tobacco Products……. 12.17
Dog Licensing and Regulation…… 12.05
General Provisions…….. 12.02
Intoxicating Liquor and Fermented Malt Beverages…….. 12.03
Licenses Required…….. 12.01
Massage Establishments and Massage Technicians…….. 12.08
Nonintoxicating Beverages…… 12.04
Parades…… 12.12
Penalty…… 12.20
Pool and Billiards…… 12.15
Pot-bellied Pig Licensing and Regulation…….. 12.16
Public Dances and Dance Halls……. 12.14
Regulating Direct Sellers…… 12.10
Regulation and License of Jukeboxes……..……... 12.07
Tents…… 12.18
LIQUOR AND BEER, UNLICENSED SALE OF……... 10.04(3)
LITTERING SHORES…….. 9.947.047
9.03
LIVESTOCK, KEEPING OF……
LOITERING OF MINORS PROHIBITED…….. 9.01

-M-

MAILBOXES, SPECIFICATIONS & PLACEMENT OF.....…… 8.18
MARIJUANA, POSSESSION OF …….…….. 9.12
MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS... 12.08
2.02
MEETINGS, REGULAR AND SPECIAL ……..
MEMBERS MUST ADDRESS PRESIDING OFFICER …… 2.22
MINORS, LOITERING PROHIBITED…… 9.01

MOTIONS……. 2.16
Entered in Minutes…….. 2.20
Precedence of…….. 2.18
MOTOR DRIVEN CYCLES…… 7.09
MOTOR VEHICLES/SALE TO MINOR……. 9.218.0147
MUNICIPAL COURT……... 1.11
MUNICIPAL JUDGE…… 1.11
MUNICIPAL UTILITIES……. Ch. 13
Abandonment of Wells……... 13.03
Amount of Sewer Service Charges……. 13.14
Appeals…… 13.21
Audit…… 13.22
Basis for Sewer Service Charges…… 13.13
Billing Practice…… 13.15
Control of Industrial Wastes Directed to Public Sewers……. 13.12
Cross Connections with Public Water System…… 13.05
Definitions……... 13.10
Discharge of Unpolluted Waters……. 13.02
Effective Date…….. 13.23
Right of Entry, Safety and Identification…… 13.16
Rules and Regulations……. 13.06
Sewer Construction and Connections……. 13.17
Use of the Public Sewers……. 13.11
Violations and Penalties…….. 13.20
Water and Sewer Utility Committee……... 13.01

-N-

NONINTOXICATING BEVERAGES …… 12.04
NONPARTISAN PRIMARY…… 1.40

-O-

OATHS AND BONDS ……. 1.03
ODORS, NOXIOUS ……. 10.03(8)
OFFICER
Refusing to Aid …….…… 9.946.40
Resisting or Obstructing …… 9.946.41
ORDER OF BUSINESS…… 2.09

ORDINANCES

Engrossed and Enrolled by Clerk, Ordinances and Resolutions……. 2.31

New Ordinances to be Numbered……... 2.38

Publication of Ordinances……... 2.39

Reading of Ordinances……... 2.13

To Be in Writing……. 2.10

-P-

PARADES……. 12.12
PEACE AND ORDER…….. Ch. 9
Animals Running at Large……. 9.02
Burning of Combustibles…… 9.04
Criminal Damage to Property……. 9.10
Deposit of Ashes……. 9.16
Disorderly Conduct…… 9.05
Drug Paraphernalia……. 9.125
Fair Housing…… 9.20
False Fire or Rescue Alarm…… 9.17
Fireworks Prohibited……. 9.21
Improper Use of 911 Emergency Telephone System …...……. 9.24
Interference with Law Enforcement and Firefighting …… 9.13
Junkyards Prohibited …….……. 9.19
Keeping Livestock Within the Village Limits ……...…… 9.03
Loitering of Minors Prohibited……... 9.01
Offenses Against State Laws Subject to Forfeiture…… 9.29.601–9.961.41
Offenses Involving Alcohol Beverages by Underage Persons……... 9.155
Penalty…… 9.25
Possession and Consumption of Intoxicants in or Upon Certain Public Places…… 9.15
Possession of Marijuana……. 9.12
Radios and Other Electrical Sound Amplification Devices…… 9.055
Shoplifting…….. 9.08
Storage of Abandoned, Junked or Dismantled Motor Vehicles……. 9.11

Theft…… 9.14
Tobacco, Purchase or Possession of…… 9.156
Trespass on Private or Public Property……... 9.09
Unlawful Assemblies and Their Suppression……. 9.06
Village Parks……... 9.18
Weapons……. 9.07
PEACE OFFICER, IMPERSONATING…….. 9.946.70
PENALTY PROVISIONS…… 25.04
PERSONAL PROPERTY TAXES, INTEREST……... 3.10
PLAN COMMISSION…….. 1.33
PLANNED DEVELOPMENT DISTRICT……... 17.37
POLICE ALARM SYSTEM……. 4.07
POLICE DEPARTMENT……. Ch. 4
Director of Public Safety: Duties and Powers……. 4.02
Law Enforcement Standards Board Program…….. 4.06
Personnel……. 4.01
Police Alarm Systems……. 4.07
Police Officers: Duties and Powers…….…… 4.03
Power of Arrest…….. 4.04
President's and Trustee's Police Powers……..…….. 4.05
POLL HOURS…….. 1.42
POOL AND BILLIARDS, LICENSING…….. 12.15
POT-BELLIED PIG LICENSING AND REGULATION…… 12.16
PRESIDING OFFICER…… 2.03
PUBLIC DANCES AND DANCE HALLS, LICENSING…….. 12.14
PUBLIC REMARKS AT MEETINGS…… 2.30
PUBLIC WORKS……. Ch. 8
Additional Special Assessment Procedures…… 8.17
Culverts: Cost of Installation…….. 8.08
Curb Lines to be Fixed and Marked…… 8.06
Driveway Approaches with Curbs and Gutters……... 8.07
Establishing the Cross Section of All Unpaved Streets…….. 8.04
Jurisdiction Over Street Signs……. 8.10
Obstructing, Littering and Damaging of Streets, Alleys and Public Grounds…… 8.13
Opening of Village Highways…… 8.09
Penalty…… 8.20
Removal of Snow and Ice from Sidewalks……. 8.12
Smoking…….. 8.16
Standards for Curbs and Gutters……. 8.05
Standard Sidewalks……. 8.01
Street Grades……..……. 8.03
Street Trees…….. 8.11

Storing of Materials and Machinery on Streets……... 8.14
Uniform Assessments for Street Improvements……. 8.02
Uniform Numbering System……... 8.15

-Q-

QUESTION, DIVISION OF …… 2.19
QUORUM ……. 2.04
Procedure When Not in Attendance …….. 2.06

-R-

RAILROAD, CRIMINAL DAMAGE TO ……... 9.943.07
RECONSIDERATION ……. 2.21
RECORDS, PUBLIC……. 1.07
RECYCLING……. 11.11
REGISTRATION OF ELECTORS……... 1.41
REMARKS OF NONBOARD MEMBERS…….. 2.30
REMOVAL OF OFFICIALS…… 1.04
RESCUE ALARM, FALSE……...…… 9.17
RESOLUTIONS
Engrossed and Enrolled by Clerk, Ordinances and Resolutions……. 2.31
Entered in Minutes…….. 2.20
To Be in Writing……. 2.10
REVISOR'S AMENDMENTS……. 25.08
ROBERT'S RULES OF ORDER…….. 2.36
ROLL CALL…….. 2.06
RULES
Amendment of……. 2.28
Suspension of…….. 2.29

-S-

SALARIES ..……. 1.06
SEAL ……. 2.35
SEWER UTILITY (See MUNICIPAL UTILITIES)
SEXUAL GRATIFICATION ……... 9.944.17

SHOPLIFTING ……. 9.943.50, 9.08
SHORELAND/WETLAND ZONING…….. Ch. 16
Additional Application Requirements Concerning Conditional Uses of Wetlands……... 16.07
Amendments……... 16.11
Appeals to the Board of Appeals…… 16.10
Conditional Uses…… 16.05
Definitions…….. 16.12
Interpretation…….. 16.03
Penalty……. 16.15
Principal Uses……. 16.04
Prohibited Uses……... 16.06
Review and Approval by the Building Inspector of Shoreland/Floodplain Applications……. 16.09
Shoreland/Wetland Overlay District…….. 16.02
Standards in Reviewing Conditional Uses……. 16.08
Statement of Purpose……. 16.01
SIDEWALKS
Removal of Snow and Ice…….. 8.12
Standard…….. 8.01
SIGNS…… Ch. 19
Application for Permits…….. 19.04
Barber Poles…… 19.12
Definitions…….. 19.02
Detached Signs…… 19.09
Exemptions…….. 19.20
Existing Signs……. 19.16
General Requirements……. 19.07
Illuminated Signs…… 19.14
Maintenance…… 19.17
Painted Signs…….. 19.10
Permit Fees……. 19.06
Permit Issued if Application in Order……. 19.05
Permit Required …… 19.03
Prohibited Signs…….. 19.18
Projecting Signs…….. 19.08
Public Property…… 19.19
Purpose…… 19.01
Remedies……. 19.22
Special Exceptions…….. 19.21
Temporary Commercial Signs…… 19.13

Window Signs……. 19.11
Wind Pressure and Dead Load Requirements……. 19.15
SMOKE AND FIRE DETECTION……... 14.62
SMOKE, EMISSION OF DENSE……. 10.07
SMOKING
Tobacco, Causing Fires by…….. 9.254.76
In Village Buildings…… 8.15
SNOW AND ICE, REMOVAL OF……... 8.12
SNOW EMERGENCY PARKING……... 7.04(4)
SNOWMOBILE REGULATIONS……... 7.08
SPEAKER, INTERRUPTION OF……. 2.26
SPECIAL ASSESSMENT PROCEDURES, ADDITIONAL……... 8.17
SPEED LIMITS……. 7.02
STANDING COMMITTEES…… 2.11
STREET
Grades……..…… 8.03
Improvement, Assessment for……. 8.02
Pollution…….. 10.03(9)
Signs, Jurisdiction Over…….. 8.10
Trees…… 8.11
STREETS
Cross Section of Unpaved……... 8.04
Obstructing, Littering, etc……... 8.13
Obstruction by Trains……. 7.11
Obstructions and Excavations…….…… 10.05(11)
Opening of……..……. 8.09
Storing Materials on……..…….. 8.14
Weight Limits on……. 7.05
SUBDIVISION AND PLATTING…… Ch. 18
Definitions……... 18.03
General…… 18.02

General Requirements and Design Standards……. 18.05
Penalty…… 18.15
Plats and Data……. 18.08
Procedure…… 18.04
Purpose…… 18.01
Required Improvements…….. 18.06
Reservations…… 18.07
Subdivision Created by Successive Divisions…… 18.09
Variances……. 18.10
SUSPENSION OF RULES…… 2.29
SWIMMING POOLS…… 14.40
SWITCHBLADE KNIFE, POSSESSION OF…….. 9.941.24

-T-

TAX ROLL AND TAX RECEIPTS …… 3.01
TAXES, PERSONAL PROPERTY ……. 3.10
TELEPHONE, UNLAWFUL USE OF …… 9.947.012
TENTS…….. 12.18
.
THEFT…….. 9.943.20, 9.14
THROUGH STREETS……. 7.03
TRAFFIC CODE…….. Ch. 7
Bicycles…….. 7.07
Disorderly Conduct with a Motor Vehicle……. 7.10
Enforcement…… 7.16
Leaving Keys in Parked Motor Vehicles Prohibited…….. 7.12
Obstruction of Streets and Highways by Trains……. 7.11
Official Signs and Signals…….. 7.06
Penalty…… 7.15

Motor Driven Cycles…….. 7.09
Parking, Stopping and Standing Regulated…… 7.04
Provisions of State Law Adopted by Reference……. 7.01
Snowmobile Regulations…… 7.08
Speed Limits…… 7.02
Through Streets…….. 7.03
Weight Limits and Heavy Traffic Routes…….. 7.05
TRAFFIC SIGNS, UNAUTHORIZED……. 10.05(3)
TRAILERS, TENTS, GARAGES, MOTORIZED VEHICLES AND **BOATS AS AND FOR DWELLINGS……..** 11.07
TRAINS, OBSTRUCTION OF STREETS AND HIGHWAYS BY…… 7.11
TREASURER'S BOND…… 3.08
TREES, DANGEROUS…… 10.05(6)
TRESPASS
On Private or Public Property……. 9.09
To Dwelling…… 9.943.14
To Land…….. 9.943.13
TRUANCY…… 9.948.45
TRUSTEES…… 1.10
…

-U-

UNIFORM NUMBERING SYSTEM …….. 8.15
UNLAWFUL ASSEMBLIES …….. 9.947.06
USED CARS, PROHIBITED ACTS …… 9.218.0145
UTILITIES (See MUNICIPAL UTILILIES)

-V-

VACANCIES IN OFFICE 1.05

……
VEHICLE
Disorderly Conduct With …….…….…… 7.10
Entry into Locked…….…….. 9.943.11
Leaving Keys in Parked Motor Vehicles 7.12
Prohibited……..
Storage of Junked…… 9.11
VILLAGE BOARD……...…… 1.10, Ch. 2
VILLAGE
Engineer…….. 1.12
Parks…… 9.18
President…….. 1.10, 2.05
Trustees……...…… 1.10
VOTES; HOW 2.17
TAKEN……

-W-

WATER AND SEWER UTILITY COMMITTEE 13.01
……..……
WATER POLLUTION 10.03(7)
…….……
WATER UTILITY (See MUNICIPAL UTILITIES)
WATER, 10.03(4),
STAGNANT…….. 11.09
WEAPONS…… 9.07
…
Reckless use of…… 9.941.20(1)
WEED 1.20
COMMISSIONER……
WEEDS, 10.03(6)
NOXIOUS……..
WEIGHT LIMITS ON 7.05
STREETS…….
WETLANDS, ADDITIONAL APPLICATION REQUIREMENTS
CONCERNING CONDITIONAL USES 16.07
OF…….
WIRES AND CABLES, LOW- 10.05(9)
HANGING……..

-Z-

ZONING CODE (See index at Ch. 17)……. Ch. 17