

CODE
Town of
THREE LAKES, WISCONSIN
Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinances of November 21, 2017.

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CODE
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Published by Order of the Town Board

Adopted: March 5, 2002
Effective: March 7, 2002

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2001

OFFICIALS
of the
TOWN OF
THREE LAKES, WISCONSIN
AT THE TIME OF THIS CODIFICATION

Tom Truog
Town Chair

Dave Hapka
Bill Martineau
Cynthia Starke
Pat Volk
Town Board

William Anderson
Jeffery Jackomino
Town Attorney

Tony Hallman
Town Administrator

CURRENT OFFICIALS
of the
TOWN OF
THREE LAKES, WISCONSIN

Don Sidlowski
Town Chair

Jeffrey Bruss
Steve Garbowicz
Dr. William Martineau
Edwin Starke, Jr.
Town Board

Law Offices of Harrold, Scrobell & Danner, S.C.
Attorney Gregory J. Harrold
Town Attorney

Susan Harris
Town Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Three Lakes, Wisconsin.

Source materials used in the preparation of the Code were the 1987 Code, as supplemented through June 20, 2000. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1987 Code, as supplemented.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the

left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

| | |
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The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of David G. Poucher, Senior Code Attorney, and Robert MacNaughton, Editor, of the Municipal Code

Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to town staff for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Town of Three Lakes, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Town of Three Lakes, Wisconsin.

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ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the Town of Three Lakes, Wisconsin; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

The Three Lakes Town Board of Supervisors, of the Town of Three Lakes, Oneida County, Wisconsin, Ordains As Follows:

Section 1. The Code entitled "Code of the Town of Three Lakes, Wisconsin," published by Municipal Code Corporation, consisting of chapters 1 through 74, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before July 1, 2000, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. 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 forfeiture which shall be as follows:

- (a) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction, forfeit not less than \$5.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) *Second offense.* Any person found guilty of violating any ordinance or part of this Code, who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00 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 until such forfeiture and costs are paid, but not exceeding six months.
- (c) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such

penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town board to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after July 1, 2000, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall be effective March 7, 2002.

Adopted this 5th day of March, 2002.

By:

/s/ Tom Truog
Chairperson

ATTEST:

/s/ Tony Hallman
Town Administrator

Published: February 27, 2002

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the town board of Three Lakes, Wisconsin, held on the 5th day of March, 2002.

/s/ Tony Hallman
Town Administrator

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(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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By adding to this table with each supplement, users of this Code will be able to gain a more complete picture of the Code's historical evolution.

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| 12-1-2015 | Included | Supp. No. 4 |
| 12-1-2015 | Included | Supp. No. 4 |
| 1-19-2016 | Included | Supp. No. 4 |
| 2-2-2016 | Included | Supp. No. 4 |
| 5-17-2016 | Included | Supp. No. 5 |
| 7-5-2016 | Included | Supp. No. 5 |
| 2-7-2017 | Included | Supp. No. 5 |
| 022117 | Included | Supp. No. 5 |
| 5-2-2017 | Included | Supp. No. 5 |
| 050217 | Included | Supp. No. 5 |
| 5-2-2017 | Included | Supp. No. 5 |
| 5-17-2017 | Included | Supp. No. 5 |
| 5-17-2017 | Included | Supp. No. 5 |
| 6-6-2017 | Included | Supp. No. 5 |
| 6-6-2017 | Included | Supp. No. 5 |

SUPPLEMENT HISTORY TABLE

| Ord./Date | Included/ Omitted | Supp. No. |
|------------|----------------------|-------------|
| 6-20-2017 | Included | Supp. No. 5 |
| 6-20-2017 | Included | Supp. No. 5 |
| 8-1-2017 | Included | Supp. No. 5 |
| 11-21-2017 | Included | Supp. No. 5 |
| 11-21-2017 | Included | Supp. No. 5 |

CODE

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Title; effective date; citation.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes, references, editor's notes.
- Sec. 1-4. Provisions deemed continuation of existing ordinances.
- Sec. 1-5. Repeal of general ordinances.
- Sec. 1-6. Effect of repeals.
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- Sec. 1-9. Amendments to Code, effect of new ordinances; amendatory language.
- Sec. 1-10. Keeping Code current; revisor's amendments.
- Sec. 1-11. Clerk to file documents incorporated by reference.
- Sec. 1-12. Conflict and separability.
- Sec. 1-13. Responsibility for acts; aiding and abetting.

Sec. 1-1. Title; effective date; citation.

These ordinances shall be known as the "Code of the Town of Three Lakes, Wisconsin," and shall take effect from and after passage and publication, as provided in Wis. Stats. § 66.035. All references thereto shall be cited by section number (for example: section 13-6, Code of the Town of Three Lakes).
(Code 1987, § 25.07)

Sec. 1-2. Definitions and rules of construction.

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

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the town board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Acts 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.

And/or. The word "and" may be read as "or" and the word "or" may be read "and" where the sense requires it.

Code. Whenever the term "Code" is used without further qualification, it shall mean the "Code of the Town of Three Lakes, Wisconsin", as designated in section 1-1.

Computation of time. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done or proceeding had or taken falls on Sunday or legal holiday the act maybe done or the proceeding had or taken on the next secular day. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or filing with any officer, agent, agency, department or division of the state or of the county, or a city, village, town, school district or other division of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report notice or other document is required to be filed, do not include any office hours thereof on such Saturday, such proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or legal holiday. Regardless of whether the time limited in any ordinance for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time. The expression "legal holiday" as used in this section means any statewide legal

holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this definition.

State law reference—Wis. Stats. § 990.001(4).

County. The term "county" means Oneida County, Wisconsin.

Delegation of authority. A provision that authorizes or requires a town officer or town employee to perform an act or make a decision and authorizes such officer or employee to act or make a decision through subordinates.

Following. The term "following" means next after.

Gender, singular and plural. Every term in this Code, and in any ordinance 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 that 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.

State law reference—Similar provisions, Wis. Stats. § 990.001(2).

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

State law reference—Similar provisions, Wis. Stats. § 990.001(8).

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Oath. The term "oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by law to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

State law reference—Similar provisions, Wis. Stats. § 990.01(24).

Officers and employees. Whenever any officer or employee is referred to by title, such as "town clerk" or "clerk" such reference shall be construed as if followed by the words "Town of Three Lakes, Wisconsin."

GENERAL PROVISIONS

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Owner. The term "owner," as applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The term "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.

Personal property. The term "personal property" includes every species of property except real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real property, personal property and mixed property.

Real property, real estate, land, lands. The terms "real property", "real estate", "land", "lands" include lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means that portion of a street between the curblin, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the sidewalk.

Signature. If the signature of any person is required by law it shall always be the handwriting of such person or, if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence.

State law reference—Similar provisions, Wis. Stats. § 990.01(38).

State. The term "state" means the State of Wisconsin.

Street. The term "street" means any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the town. The term "street" also means the entire width between abutting property lines. Street includes a sidewalk or footpath.

Tenant, occupant. The terms "tenant" and "occupant," as applied to a building or land, include:

- (1) Any person holding either alone or with others a written or oral lease of such building or land.
- (2) Any person who either alone or with others occupies such building or land.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The term "town" means the Town of Three Lakes, Wisconsin.

Town board, board. The terms "town board" and "board" mean the board of supervisors of the Town of Three Lakes, Wisconsin.

Week. The term "week" means a period of seven consecutive days.

Wisconsin Statutes. All references to "Wisconsin Statutes" and "Wis. Stats." shall mean the Wisconsin Statutes, as amended.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.
(Code 1987, § 25.01)

Sec. 1-3. Catchlines of sections; history notes, references, editor's notes.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parenthesis after sections in this Code have no legal effect and only indicate legislative history.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(d) Editor's notes and other references appearing after sections through this Code are not intended to have any legal effect but are merely intended to assist the user of the Code.

Sec. 1-4. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-5. Repeal of general ordinances.

(a) All ordinances previously adopted by the town 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 Town of whatever name or description.
- (2) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employees.

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- (4) Rights, licenses, franchises or the creation of any contract with the town.
- (5) The lighting of streets and alleys.
- (6) The naming and changing of names of streets, alleys, public grounds and parks.
- (7) The letting of contracts without bids.
- (8) The establishment of wards, ward boundaries and election precincts.
- (9) Tax and special assessment levies.
- (10) Releases of persons, firms or corporations from liability.
- (11) Construction of public works.
- (12) Water, sewer and electric rates, rules and regulations, and sewer and water main construction.
- (13) Budget ordinances, resolutions and actions.
- (14) Adopting or amending the comprehensive plan.
- (15) Dedicating, accepting or vacating any plat or subdivision.
- (16) Annexing property into the town.
- (17) Deannexing property or excluding property from the town.
- (18) That is temporary, although general in effect.
- (19) That is special, although permanent in effect.
- (20) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

(Code 1987, § 25.05)

Sec. 1-6. 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 town.
- (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 above is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, 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.

(Code 1987, § 25.06)

Sec. 1-7. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any town ordinance on the effective date of this Code.

Sec. 1-8. Penalties.

(a) *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 forfeiture which shall be as follows:

- (1) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction, forfeit not less than \$5.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (2) *Second offense.* Any person found guilty of violating any ordinance or part of this Code, who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00 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 until such forfeiture and costs are paid, but not exceeding six months.

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

(c) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(Code 1987, § 25.04)

State law references—Bail, Wis. Stats. § 66.114; penalties for violation of municipal ordinances, Wis. Stats. § 66.115; outstanding unpaid forfeitures, Wis. Stats. § 66.117; actions for violations of municipal ordinances, Wis. Stats. § 66.12; fines and costs in municipal courts, Wis. Stats. § 814.65.

Sec. 1-9. Amendments to Code, effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Code of the Town of Three Lakes, Wisconsin is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of the Town of Three Lakes, Wisconsin is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-10. Keeping Code current; revisor's amendments.

As each ordinance or resolution affecting the Code becomes effective, the clerk shall forward such ordinance or resolution to the revisor, who shall incorporate them into the 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 town board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

(Code 1987, § 25.08)

Sec. 1-11. 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.

(Code 1987, § 25.03)

Sec. 1-12. Conflict and separability.

(a) *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.

(b) *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 any 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 of such Code. The board declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion of the Code irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

(Code 1987, § 25.02)

State law reference—Severability generally, Wis. Stats. § 990.001(11).

Sec. 1-13. Responsibility for acts; aiding and abetting.

Every person concerned in the commission of any act prohibited by this Code, whether any person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, upon conviction, is punishable as if such person had directly committed such act.

State law reference—Collection of forfeitures generally, Wis. Stats. § 778.10.

Chapter 2

ADMINISTRATION*

Article I. In General

- Sec. 2-1. Elected officials.
- Sec. 2-2. Appointed officials and term of appointment.
- Sec. 2-3. Oaths and bonds.
- Sec. 2-4. Removals.
- Sec. 2-5. Vacancies.
- Sec. 2-6. Salaries.
- Sec. 2-7. Receipt of gifts and gratuities.
- Sec. 2-8. Annual audit.
- Sec. 2-9. Extension of town officer terms in response to election law changes.
- Secs. 2-10—2-40. Reserved.

Article II. Town Board

- Sec. 2-41. Composition.
- Sec. 2-42. Chair and supervisors.
- Sec. 2-43. Meetings.
- Sec. 2-44. Order of business.
- Sec. 2-45. Presiding officer.
- Sec. 2-46. Quorum.
- Sec. 2-47. Ordinances and resolutions.
- Sec. 2-48. Conduct of deliberations.
- Sec. 2-49. Appropriations and accounts.
- Sec. 2-50. Reconsideration of question.
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- Secs. 2-55—2-90. Reserved.

Article III. Officers and Employees

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- Secs. 2-91—2-110. Reserved.

Division 2. Assessor

- Sec. 2-111. Appointment and term.
- Sec. 2-112. Powers and duties.
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***Cross references**—Civil emergencies, ch. 22; elections, ch. 26; law enforcement, ch. 38; library, ch. 42.

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Division 3. Clerk

- Sec. 2-131. Powers and duties.
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Article IV. Public Records

- Sec. 2-201. Release.
- Sec. 2-202. Procedure for requesting inspection or reproduction.
- Sec. 2-203. Fees for locating or reproducing public documents.
- Secs. 2-204—2-230. Reserved.

Article V. Tax Roll and Receipts

- Sec. 2-231. Preparation.
- Sec. 2-232. Fiscal year.
- Sec. 2-233. Budget.
- Sec. 2-234. Changes in budget.
- Sec. 2-235. Town funds to be spent in accordance with appropriations.
- Secs. 2-236—2-270. Reserved.

Article VI. Claims

- Sec. 2-271. Procedure.
- Secs. 2-272—2-300. Reserved.

Article VII. Fees and Charges

- Sec. 2-301. Enumeration.

ARTICLE I. IN GENERAL**Sec. 2-1. Elected officials.**

The elected officials of the town shall be a town chair and four supervisors and a town treasurer who shall serve two-year terms.

(Code 1987, § 1.01; Ord. No. 1.01n, § 1, 4-7-1998)

Sec. 2-2. Appointed officials and term of appointment.

The following town officials shall be appointed in the manner and for the term indicated:

| <i>Official</i> | <i>How Appointed</i> | <i>Term</i> |
|---------------------------|----------------------|-------------|
| Airport manager | Airport commission | Two years |
| Assessor | Town board | Annual |
| Attorney | Town board | Indefinite |
| Auditor | Town board | Annual |
| Building inspector | Town board | Annual |
| Fire chief/fire inspector | Town board | Indefinite |
| Fire inspector | Town board | Indefinite |
| Police chief | Town board | Indefinite |
| Town clerk | Town board | Three years |

For any term indicated or if not contractually bound, the town board may, in its sole discretion at any time, review the appointment and make changes in term and/or official as may be needed, required or necessary.

(Code 1987, § 1.02; Ord. No. 1.01n, § 2, 4-7-1998; Ord. of 8-17-2010; Ord. of 7-7-2015; Ord. of 11-21-2017)

Sec. 2-3. Oaths and bonds.

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment and shall execute and file the official bond as required by statute and this Code.

(Code 1987, § 1.03)

Sec. 2-4. Removals.

(a) *Elected officials.* Elected officials may be removed by the town board as provided in Wis. Stats. § 17.13(2), or by the judge of the circuit court for cause pursuant to Wis. Stats. § 17.13(3), or as provided by Wis. Stats. § 17.16.

(b) *Appointed officials.* Appointed officials may be removed as provided in Wis. Stats. §§ 17.13(1), and (3) and 17.16.

(Code 1987, § 1.04)

Sec. 2-5. Vacancies.

(a) *How occurring.* Vacancies in elective and appointive positions are caused as provided in Wis. Stats. §§ 17.03 and 17.035.

(b) *Filling.* Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. § 17.25.

(Code 1987, § 1.05)

Sec. 2-6. Salaries.

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the town board from time to time, provided that the salary of the chair and members of the board shall not be increased during their terms of office.

(Code 1987, § 1.06)

State law reference—Similar provisions, Wis. Stats. § 66.0505.

Sec. 2-7. Receipt of gifts and gratuities.

(a) *Restricted.* No town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

- (1) Has or is seeking to obtain contractual or other business or financial relationships with the town or town board;
- (2) Conducts operations or activities which are regulated by the town or town board; or
- (3) Has interests which may be substantially affected by the town or town board.

(b) *Penalty.* The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the town and is punishable as provided in Wis. Stats. § 946.12. Such conduct shall also be punishable under section 1-8 of this Code.

(Code 1987, § 1.07)

Sec. 2-8. Annual audit.

The town board shall authorize an annual detailed audit of its financial transactions and accounts by a public accountant licensed under Wis. Stats. ch. 442 and designated by the town board.

(Code 1987, § 3.06(5))

Sec. 2-9. Extension of town officer terms in response to election law changes.

The terms of elected town officers which shall expire after 11:59 p.m. on the second Monday of April in either April 2012 or April 2013 shall be extended until the third Tuesday of April in the same year in which the terms would otherwise have expired.

(Ord. of 3-20-2012)

Secs. 2-10—2-40. Reserved.

ARTICLE II. TOWN BOARD**Sec. 2-41. Composition.**

The town board shall consist of the town chair and four supervisors.
(Code 1987, § 2.01)

Sec. 2-42. Chair and supervisors.

(a) *Election and term.* The town board shall consist of five persons, three to be elected in odd-numbered years, one of whom shall be designated on the ballots as chair, and two in even-numbered years.

(b) *Authority.* The town board shall have all powers of the town not specifically given to some other body or officer. Except as otherwise provided by law, the town board has power over property, finances, highways, streets, utilities and the public service; may act for the government and good order of the town, 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 town board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the board shall have the powers enumerated in Wis. Stats. § 60.22, and may exercise the powers enumerated in Wis. Stats. § 60.23. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(Code 1987, § 1.10; Ord. of 8-17-2010)

Sec. 2-43. Meetings.

(a) Annual town meeting and special town elections. The annual town meeting and special town elections shall be held at the town hall pursuant to Wis. Stats. §§ 60.11, 60.12(3), 985.02(2).

(b) Regular meetings. Regular meetings of the town board may be held on the first and third Tuesdays of each month at 6:30 p.m. Any regular meeting falling on a legal holiday shall be held on the next secular day at the same hour and place. All meetings of the board, including special and adjourned meetings, shall be held in the town hall.

(c) Open meeting law. All meetings of the town board, its committees, boards and commissions shall be open to the public and preceded by public notice as provided in Wis. Stats. § 19.84.

(d) Adjournments. The board may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.

(Code 1987, § 2.02; Ord. of 3-5-2002(2); Ord. of 5-9-2009)

Sec. 2-44. Order of business.

The business of the board may be conducted in the following order:

- (1) Call to order by the presiding officer.
- (2) Report on agenda posting in accordance with Wisconsin Open Meeting Law.
- (3) Establishment of quorum. If a quorum is not present, the meeting may thereupon adjourn, which may be to a specific date and hour pursuant to subsection 2-43(d).
- (4) Approval of agenda.
- (5) Communications.
- (6) Approval of minutes from prior regular and special meetings.
- (7) Reports and presentations.
- (8) New and unfinished business, including but not limited to:
 - a. Licenses and permits.
 - b. Appointments and hirings.
 - c. Consideration of resolutions and ordinances.
- (9) Payment of bills.
- (10) Comments and suggestions from citizens present.
- (11) Adjournment.

(Code 1987, § 2.03; Ord. of 8-17-2010)

Sec. 2-45. Presiding officer.

(a) *Designated.* The chair, at the stated hour, shall call the meeting to order. If the chair is absent at the designated time of any meeting, the clerk or, in his absence, the senior supervisor present, based on date of original election, shall call the meeting to order, and the supervisors present shall elect one of their number acting chair for that meeting.

(b) *Duties.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting. Whenever the presiding officer shall desire to speak upon any question or make any motion, he may do so without vacating the chair and designate a supervisor to preside temporarily.

(c) *Decisions; appeals from.* Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members, excluding the presiding officer.

(Code 1987, § 2.04)

Sec. 2-46. Quorum.

A majority of the members of the town board shall constitute a quorum.
(Code 1987, § 2.05)

Sec. 2-47. Ordinances and resolutions.

All ordinances and resolutions considered by the town board shall be read by title prior to any discussion. Any supervisor may require the reading in full at any time before the board. Prior to action of the board, aspects of ordinances and resolutions may be referred to an appropriate committee or other authority by the chair or a majority of supervisors present. If remanded to a committee or other authority, a representative of the committee or other authority shall, at the next regular meeting at which the ordinance and resolution is once again considered, have submitted a written report on all matters referred to it, and if so requested, make a report in person to the board. All such reports shall be entered in the proceedings and become part of the public record. A committee or authority to which any aspect of a pending ordinance or resolution has been remanded may request a town officer to confer with it and to supply information needed in connection with any remanded matter pending before the committee.

(Code 1987, § 2.06; Ord. of 8-17-2010)

Sec. 2-48. Conduct of deliberations.

Deliberations of the town board shall be conducted in the following manner:

- (1) No supervisor shall address the board until he has been recognized by the presiding officer. He shall then address himself to the chair and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the board, unless recognized by the chair.
- (4) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the motion and the person seconding it.
- (5) When a question is under discussion, no action shall be in order except the following motions, which shall have precedence in the order listed:
 - a. To adjourn;
 - b. To lay on the table;
 - c. To move the previous question;
 - d. To postpone to a certain day;
 - e. To refer to a committee;
 - f. To amend; or
 - g. To postpone indefinitely.
- (6) Any supervisor may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. A majority vote of all members of the board in favor of

any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute. Except as otherwise provided by these rules, a majority vote of those present shall prevail in other cases.

- (7) A motion to adjourn shall always be in order and a motion to adjourn, to lay on the table and a call for the previous question shall be decided without debate.

(Code 1987, § 2.07)

Sec. 2-49. Appropriations and accounts.

All ordinances or resolutions appropriating money, or creating any charge against the town other than the payment of claims for purchases or work previously authorized by the board, shall only be acted upon by the board at the next regular meeting. This section may be suspended by an affirmative vote of three members of the board. A roll call vote shall be taken and recorded on all appropriations.

(Code 1987, § 2.08)

Sec. 2-50. Reconsideration of question.

Any member voting with the majority may move for a reconsideration of the vote on any question at that meeting. A motion to reconsider being put and lost shall not be renewed. A supervisor may not change his vote on any question after the result has been announced.

(Code 1987, § 2.09)

Sec. 2-51. Permission to leave required.

No person shall leave any meeting of the town board while in session without first asking permission of the presiding officer.

(Code 1987, § 2.10)

Sec. 2-52. Publication and effect of ordinances.

All ordinances and bylaws shall be signed by the town chairman, countersigned by the town supervisors if required by state statute or as may be directed by the town board, and attested by the clerk; and, if any penalty or forfeiture is thereby imposed, or if required by state statute shall be published as a class 1 notice, under Wis. Stats. ch. 985, and shall take effect on the day after its publication or a later date if expressly prescribed. The town board may, in addition to or in lieu of newspaper publication, have copies of ordinances and bylaws posted in at least three public places in the town and proof of such act filed and recorded by the town clerk. The ordinance shall take effect the day after the proof of posting has been filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

(Code 1987, § 2.11; Ord. of 9-7-2010)

Sec. 2-53. Amendment of rules.

The rules of this article shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds of all the members of the board.

(Code 1987, § 2.12)

Sec. 2-54. Suspension of rules.

The rules of this article, or any part, may be temporarily suspended in connection with any matter under consideration by an affirmative vote of three members of the board.

(Code 1987, § 2.13)

Secs. 2-55—2-90. Reserved.**ARTICLE III. OFFICERS AND EMPLOYEES*****DIVISION 1. GENERALLY****Secs. 2-91—2-110. Reserved.****DIVISION 2. ASSESSOR****Sec. 2-111. Appointment and term.**

The assessor shall be appointed by the town board for an annual term.
(Code 1987, § 1.11(1); Ord. of 11-21-2017)

Sec. 2-112. Powers and duties.

(a) *Generally.* The assessor shall have the general powers and duties as listed in Wis. Stats. § 60.307.

(b) *Other duties prescribed by law.* The assessor shall perform such other duties as shall be prescribed by law, supervisory personnel of the state department of revenue and the town board, including attendance at all meetings of the board of review.

(Code 1987, § 1.11(2))

Secs. 2-113—2-130. Reserved.

***Cross references**—Any ordinance for the fixing of salaries of public officials and employees saved from repeal, § 1-5(3); building inspector, § 14-6; election officials, § 26-2; chief of police, § 38-1; police officers, § 38-3.

DIVISION 3. CLERK

Sec. 2-131. Powers and duties.

The clerk shall have such powers and perform such duties as prescribed by state and directed by the town board.

(Code 1987, § 1.13(2))

State law reference—Clerk generally, Wis. Stats. § 60.33.

Sec. 2-132. Fidelity bond.

The town clerk, deputy clerk, town treasurer, and deputy treasurer shall be covered by a fidelity bond in the amount approved by the town board.

(Code 1987, § 3.06(6); Ord. of 9-7-2010)

Secs. 2-133—2-150. Reserved.

DIVISION 4. TOWN ATTORNEY

Sec. 2-151. Powers and duties.

The town attorney shall perform such duties as directed by the town board.

(Code 1987, § 1.12(2))

Secs. 2-152—2-170. Reserved.

DIVISION 5. TREASURER

Sec. 2-171. Powers and duties.

The treasurer shall have such powers and perform such duties as prescribed by law and directed by the town board.

(Code 1987, § 1.14)

State law reference—Treasurer generally, Wis. Stats. § 60.34.

Sec. 2-172. Duplicate treasurer's bond.

Town liable for default of treasurer. Pursuant to Wis. Stats. § 70.67(2), the town shall pay, if the treasurer fails to do so, all state and county taxes required by law to be paid by the treasurer to the county treasurer.

(Code 1987, § 3.07; Ord. of 9-7-2010; Ord. of 11-21-2017)

Sec. 2-173. Temporary investment of funds not immediately needed.

The treasurer shall invest town funds in accordance with the town's investment policy as provided for in Wis. Stats. § 66.04(2).

(Code 1987, § 3.08; Ord. of 9-7-2010)

Secs. 2-174—2-200. Reserved.

ARTICLE IV. PUBLIC RECORDS

Sec. 2-201. Release.

(a) *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:

Record means the term as it appears in Wis. Stats. § 19.32(2).

(b) *Legal custodian.* The town clerk, is the legal custodian of all public records which respectively fall under his/her direct jurisdiction as well as the adjunct records of elected officials from such meetings and in such capacity as results from the normal interaction of elected official and custodian in the discharge of their normal duties and responsibilities.

(c) *Requests for records or property.* All requests for the inspection, release or reproduction of public records of the town shall be directed or referred to the respective custodian. The custodian is vested by the town board with full authority to make all reasonable and necessary decisions relating to the inspection, release or reproduction of public records of the town and is further granted all authority intended to be vested in him by the Wisconsin Public Records and Property Law (Wis. Stats. § 19.31 et seq.).

(d) *Procedure for inspection, release or reproduction.* The town board hereby adopts the following notice, as required by Wis. Stats. § 19.34, to be prominently displayed and made available at the town offices for the guidance of the public in obtaining access to the public records or property:

PUBLIC RECORDS AND PROPERTY NOTICE

Pursuant to law, this notice has been adopted by the Three Lakes Town Board of Supervisors, an organization subject to the Wisconsin Public Records and Property Law. The town board has directed that this notice be placed in a prominent place at the town offices, so that the same may be inspected by members of the general public.

1. The town board has designated the Town Clerk, as legal custodian of all public records as defined herein. The names of the individuals presently holding these positions of the custodian or elected official can be obtained at the following address:

Town of Three Lakes Town Office
6965 W. School Street
P.O. Box 565
Three Lakes, Wisconsin 54562
Telephone 715-546-3316

2. Any public record of the town, as defined by Wis. Stats. § 19.32, will be made available for inspection at the town offices between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.
3. No original public records of the town shall be removed from the possession of the custodian.
4. The official procedure by which record inspection and/or reproduction shall be requested is provided in section 2-202.
5. Fees shall be charged for the costs of reproducing and/or locating official records according to sections 2-203 and 2-301.

(e) *Adoption of procedure and fee schedule.* The town board adopts the procedure set forth in section 2-202 and the official notice contained in subsection (d) of this section, as the proper procedure by which a request for records and property shall be made. The town also adopts the fee schedule in section 2-301 as the official fee schedule for the locating and reproduction of records or property of the town.

(f) *Records preserved.*

- (1) The records of the town shall be retained and preserved by the custodian, as required by the Wisconsin Public Records and Property Law or other applicable statutes. No such records shall be destroyed without the prior written approval of the town board.
- (2) No official record of the town shall be destroyed after receipt of a request for such record, until such request is granted, or until any dispute concerning the propriety of the request has been completely and finally determined.

(g) *Indemnification of custodian.* Any costs or fees incurred by the custodian of the records in pursuit of his duties under this article shall be directly reimbursed by the town to the custodian and shall not be treated as the personal liability of the custodian.

(Code 1987, § 1.20; Ord. of 9-10-2010)

Sec. 2-202. Procedure for requesting inspection or reproduction.

(a) The custodian will not respond to oral requests for records of the town; therefore, all requests for records or public property must be submitted in writing to the custodian. The requesting party need not disclose his identity or the purpose for which the records are sought.

(b) Any request for a record must reasonably identify the record or information sought. If the custodian cannot reasonably determine the subject of the request, the request shall be denied in writing with the reason for such denial being stated.

(c) After receipt of a written request for access to the records of the town, the custodian shall attempt to make such records available as soon as is practical. In any event, every request shall either be granted or denied within five business days of its making.

(d) If a public record cannot be made available within five working days, the custodian will inform the requesting party within that period when the record can be made available and shall produce it within a reasonable time.

(e) If any records of the town are requested which are necessary for the daily operation of the town, the official custodian may arrange for the records to be inspected before or after regular business hours.

(f) If the custodian determines that portions of any records requested contain information which should not be released, the custodian shall edit such records to delete such material and shall thereafter release the balance.

(g) Any requests for computer records of the town, if any, will be referred by the custodian to the person in charge of the equipment which will be used to produce the information, to determine the cost of any such computer search, printing charges and availability of computer search time. Computer information will not be provided until the person requesting the information is informed of the estimated actual costs of production and/or printing.

(h) A person requesting the right to inspect records of the town also has the right to receive a reproduction of such records. Any request for reproduction shall be filed with the request for inspection of the records. On receipt of a request for reproduction of records, the custodian shall inform the requesting party of the costs of locating and reproducing such records. Fees shall be charged by the custodian at or prior to delivery of the reproductions, in the custodian's discretion, according to the schedule in section 2-301.

(Code 1987, § 1.21)

Sec. 2-203. Fees for locating or reproducing public documents.

(a) *Locating costs.* Most of the town's records are readily available or can be located in a reasonably short period of time. There will be no fee for locating documents. If the cost is more than \$50.00, a \$20.00/hour will be charged after the first one and one-half hours to locate and the actual cost of shipping/handling.

(b) *Reproduction expenses.*

- (1) The custodian shall charge for each page of records which can be copied on a standard office copying machine.
- (2) A fee as provided in section 2-301 shall be paid by the requesting party for clerical help in making the copies.
- (3) If reproduction of records involves the use of equipment not ordinarily available in the offices of the town, the custodian shall charge the requesting party the actual cost to the town of procuring copies of such records, including any costs for rental of equipment or purchase of film, tape or other recording media.

(c) *Disputes.* The custodian shall report any disputes which arise under the fee schedule to the town board and shall recommend to the board any modifications or revisions as the custodian believes are necessary.

(Code 1987, § 1.22; Ord. of 6-2-2009; Ord. of 2-7-2017)

Secs. 2-204—2-230. Reserved.

ARTICLE V. TAX ROLL AND RECEIPTS

Sec. 2-231. Preparation.

(a) *Aggregate tax stated on roll.* Under Wis. Stats. § 70.65(2), the clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school 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.

(b) *Tax receipt forms.* Pursuant to Wis. Stats. § 74.19, the town clerk shall use the tax receipt forms furnished by the county clerk.

(Code 1987, § 3.01)

Sec. 2-232. Fiscal year.

The calendar year shall be the fiscal year.

(Code 1987, § 3.02)

Sec. 2-233. Budget.

(a) *Departmental preparation.* Annually, at a time specified by the town chair, each officer, department head, or any other person charged with the responsibility for management of town funds, shall participate in the budget cycle process prescribed by the town board in which all the line item and capital expenses necessary to carry out the powers and duties of such departments for the upcoming fiscal year are prepared and submitted.

(b) *Compilation of proposed budget.*

(1) *Town board to compile.* The town board, with the assistance of the clerk, using the line item and capital expenses submitted by the various town departments, shall in sufficient time to meet state-mandated deadlines compile and finalize a proposed budget presenting a financial plan for conducting the affairs of the town for the coming fiscal year.

(2) *Information required.* The budget shall include the following information:

- a. The expense of conducting each department and activity of the town for the coming fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for any increase and decrease recommended as compared with appropriations for the current year.

- b. An itemization of all anticipated income of the town from sources other than general property taxes and bonds issued, with a statement comparing the amounts received by the town from each of the same or similar sources for the last preceding and current fiscal year.
 - c. An itemization 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.
 - d. Such other information as may be required by the board and law.
- (3) *Copies required.* The town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (c) *Hearing.* The board shall hold a public hearing on the budget as required by law.
- (d) *Action by board.* Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the board as ordinances.
(Code 1987, § 3.03; Ord. of 9-10-2010)

Sec. 2-234. Changes in budget.

- (a) 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 two-thirds vote of all the members of the town board.
- (b) After the budget is adopted, the electors of the town at a regular or special meeting, shall set the tax rate of the town as provided in Wis. Stats. § 60.10(1)(a), except if such authority has been delegated to the town board as provided in Wis. Stats. § 60.10(2)(a).
(Code 1987, § 3.04)

Sec. 2-235. Town funds to be spent in accordance with appropriations.

No money shall be drawn from the treasury 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 2-234. 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, for 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 been accomplished or abandoned.
(Code 1987, § 3.05)

Secs. 2-236—2-270. Reserved.

ARTICLE VI. CLAIMS**Sec. 2-271. Procedure.**

(a) The town, having adopted a resolution to direct the town board to exercise village board powers under Wis. Stats. § 60.10(2)(c), does now enact an alternative system of approving certain financial claims against the town by virtue of the provisions of Wis. Stats. § 66.0609.

(b) Payments may be made from the town treasury after the clerk audits and approves each claim as a proper charge and endorses his approval on the claim after having determined that the following conditions have been met:

- (1) Funds are available therefor under the budget approved by the town board.
- (2) The service covered by such claim has been authorized by the proper official, department head, board or commission.
- (3) The service has been actually rendered in conformity with such authorization.
- (4) The claim is just and valid according to law. The clerk may require the submission of such proof and evidence to support the above as deemed necessary.

(c) The authority extended to the clerk shall apply only to the regular payroll checks of town employees and the salaries of elected town officials. All other claims against the town will be examined and approved in accordance with applicable law.

(d) The clerk shall file with the town board, not less than monthly, a list of the claims approved showing the date paid, name of claimant, purpose and amount.

(Code 1987, § 3.06)

Secs. 2-272—2-300. Reserved.

ARTICLE VII. FEES AND CHARGES**Sec. 2-301. Enumeration.**

The following are a listing of administrative charges mentioned throughout this Code:

CHAPTER 2. ADMINISTRATION

| <i>Section No.</i> | <i>Fee Information</i> | <i>Amount</i> |
|--------------------|--|-------------------------|
| 2-203(a) | Fees for locating or reproducing public documents. If the cost is more than \$50.00, a \$20.00/hour after first 1½ hours to locate and actual cost of shipping/handling. | |
| 2-203(b) | All photocopies Letter, 8.5" × 11" | \$0.25 per page 0.25 |

| <i>Section No.</i> | <i>Fee Information</i> | <i>Amount</i> |
|--------------------|------------------------|---------------|
| | Letter, color | 0.50 |
| | Legal, 8.5" × 14" | 0.25 |
| | Legal, color | 0.50 |
| | Ledger, 11" × 17" | 0.50 |
| | Ledger, color | 1.00 |
| | Voter lists printed | 20.00 |
| | Electronic media | 5.00 |

Note: A double-sided page is considered two copies.

CHAPTER 6. ALCOHOL BEVERAGES

License fees are as follows:

Class "B" beer and liquor combination license

\$250.00 beer and liquor license, plus \$25.00 cigarette license (optional), and publication fee of \$25.00 for a total of \$300.00.

Class "A" beer license (off-premises, stores, gas stations)

\$100.00 beer license, plus \$25.00 cigarette license (optional) and a publication fee of \$25.00 for a total of \$150.00.

Class "B" beer license (beer and wine only at the establishment)

\$100.00 beer and wine license, plus \$25.00 cigarette license (optional) plus a publication fee of \$25.00 for a total of \$150.00.

Class "A" beer and liquor combination

\$250.00 beer and liquor license (off-premises), plus \$25.00 cigarette license (optional) and a \$25.00 publication fee for a total of \$300.00.

Class "A" wine

\$150.00 winery license

\$10,000.00 for any additional "Class B" combination liquor licenses in the town that qualify for a "Class B" combination liquor license under Wis. Stats. § 125.51(3)(e)3.

1. A full-service restaurant that has a seating capacity of 300 or more persons.
2. A hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.
3. The initial issuance fee of a "Class B" liquor license beyond the statutory quota as established on December 1, 1997, shall be \$10,000.00, plus the annual "Class B" liquor license fee of \$250.00. The \$10,000.00 fee is a one-time issuance fee.

The fee for a license for less than 12 months shall be prorated according to the number of months or fraction of such number for which the license is issued.

Temporary Class "B" special event (picnic). Pursuant to Wis. Stats. § 125.26, licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be \$1.00.

Reserve "Class B" license: \$10,000.00, pursuant to Wis. Stats. § 125.51(3)(e)(2).

Operator's license: \$15.00 for one year or \$25.00 for two years and a \$7.00 fee of a background check. *Provisional Operator's license:* \$5.00

From section 6-8 of this Code:

Transfer of license fee: \$10.00.

CHAPTER 10. ANIMALS

Dog license fee. From section 10-5 of this Code: The minimum dog license tax is \$5.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$10.00 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became five months of age after July 1 of the license year.

Late fees. From section 10-6 of this Code: The collecting official shall assess and collect a late fee of \$5.00 from every owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

CHAPTER 54. PARKS AND RECREATION

Camping permit fee. From section 54-106(c) of this Code: \$5.00 per day or any portion of a day.

Townline launch fee. From section 54-38 of this code. \$5.00 per day or \$20.00 for a season pass.

Lone Stone watercraft slip on public pier fee. From section 54-39 of this code. \$600.00 per seasonal watercraft slip space.

CHAPTER 62. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Permit to temporarily place and keep building materials upon any street, sidewalk or alley. From section 62-3(d): \$50.00.

(Ord. of 5-9-2009; Ord. of 2-7-2017; Ord. of 5-2-2017)

Chapters 3—5

RESERVED

Chapter 6

ALCOHOL BEVERAGES*

Article I. In General

- Sec. 6-1. State statutes adopted.
- Sec. 6-2. Liquor and beer.
- Sec. 6-3. Licenses; permits; authorization required.
- Sec. 6-4. Classes of licenses and fees.
- Sec. 6-5. License application.
- Sec. 6-6. License restrictions.
- Sec. 6-7. Form and expiration of licenses.
- Sec. 6-8. Transfer of licenses.
- Sec. 6-9. Posting and care of licenses.
- Sec. 6-10. Regulation of licensed premises and licensees.
- Sec. 6-11. Closing hours.
- Sec. 6-12. Revocation and suspension of licenses.
- Sec. 6-13. Nonrenewal of licenses.
- Sec. 6-14. Violations by agents and employees.
- Secs. 6-15—6-50. Reserved.

Article II. License Fees

- Sec. 6-51. Enumeration.

*Cross reference—Businesses, ch. 18.

ARTICLE I. IN GENERAL**Sec. 6-1. State statutes adopted.**

The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing and transfer of alcohol beverages, including the provisions relating to persons under the legal drinking age, are adopted and made a part of this chapter by reference. A violation of any of such provisions shall constitute a violation of this chapter.

(Code 1987, § 12.03(1))

Sec. 6-2. Liquor and beer.

All places where liquor or beer are sold, stored, brewed, bottled, manufactured or rectified without a permit or license issued by the town are hereby declared to be illegal.

(Code 1987, § 10.04(3))

Sec. 6-3. Licenses; permits; authorization required.

(a) *When required.* Except as provided by Wis. Stats. § 125.06, no person shall, within the town, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Wis. Stats. ch. 125 requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter.

State law reference—Similar provisions, Wis. Stats. § 125.04(1).

(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.

State law reference—Similar provisions, Wis. Stats. § 125.04(9).
(Code 1987, § 12.03(2))

Sec. 6-4. Classes of licenses and fees.

The following classes and denominations of licenses may be issued by the clerk under the authority of the town board upon compliance with law and payment of the fee specified in article II of this chapter, which, when so issued, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in the referenced statute. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- (1) *Class "A" fermented malt beverage retailer's license.* Class "A" licenses generally, see Wis. Stats. § 125.25.
- (2) *Class "B" fermented malt beverage retailer's license.* Class "B" licenses generally, see Wis. Stats. § 125.26.
 - a. *Six months.* A Class "B" license may be issued at any time for six months in any calendar year, for 50 percent of the applicable license fee. Such license shall not be renewable during the calendar year in which it is issued.

State law reference—Class "B" six-month licenses generally, Wis. Stats. § 125.26(5).

- b. *Picnic.* For a picnic license see Wis. Stats. § 125.26(6).

State law reference—"Temporary" license, Wis. Stats. § 125.26(6).

- (3) *Wholesaler's fermented malt beverage license.* A wholesaler's fermented malt beverage license may not exceed \$25.00 per year or a fraction of such period.

State law reference—Wholesaler's licenses generally, Wis. Stats. § 125.28.

- (4) *Retail "Class A" liquor license.* For a retail "Class A" liquor license see Wis. Stats. § 125.51(2).

- (5) *Retail "Class B" liquor license.* A retail "Class B" liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed four liters at any one time to be consumed off the licensed premises.

State law reference—"Class B" licenses generally, Wis. Stats. § 125.51(3).

- a. A license may be issued after July 1 in any license year which shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions of months remaining until the following June 30.
- b. The fee for a six-month license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which it is issued.

State law reference—Similar provisions, Wis. Stats. § 125.51(9).

- (6) *Operator's license.* For an operator's license see Wis. Stats. § 125.17.

- a. Operator's licenses shall be granted to individuals who qualify under Wis. Stats. § 125.04(5) for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).
- b. Operator's licenses may be issued only on written application on forms provided by the clerk.
- c. Operator's licenses shall be valid for one or two years and shall expire on June 30 of each year or on June 30 of the second year after issuance.
- d. Provisional operator's licenses shall be granted to individuals who are enrolled in a responsible beverage server training course and comply with Wis. Stats. § 125.17(5). The provisional license is good for a period not to exceed 60 days, or until a regular operators license is issued.

- (7) *Manager's license.* For a manager's license see Wis. Stats. § 125.18.

(Code 1987, § 12.03(3); Ord. of 5-9-2009)

Sec. 6-5. License application.

(a) *Form.* Application for a license to sell or deal in alcohol beverages shall be made in writing on forms prescribed by the state department of revenue, the town board and filed with the clerk at least 15 days prior to issuance. The premises shall be physically described as the address or fire number of the property.

(b) *Application to be notarized.* The application shall be signed and sworn to by the applicant as provided by Wis. Stats. § 887.01.

(c) *Publication.* Prior to issuance of a license under this chapter, the clerk shall publish notice of the application in the official town newspaper.

(d) *Duplicate.* Upon approval, a duplicate copy of each application shall be forwarded by the clerk to the state department of revenue.

(Code 1987, § 12.03(4))

Sec. 6-6. License restrictions.

(a) *Statutory requirements.* Licenses shall be issued only to persons eligible therefor under Wis. Stats. §§ 125.04 and 125.17.

(b) *Location.*

(1) Pursuant to Wis. Stats. § 125.68(3), no "Class A" or "Class B" license or permit shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public school, parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the town board. 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 the premises covered by the license or permit.

(2) This subsection (b) 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 feet of the premises by any school, hospital or church building. Nor shall it apply to a restaurant located within 300 feet of a church or school; provided, however, that the sale of alcohol beverages accounts for less than 50 percent of its gross receipts.

(c) *Violators of alcohol beverage laws or ordinances.* No retail Class "A" or Class "B" license shall be issued to any person who has been convicted of a violation of any federal or state alcohol beverage law or the provisions of this section or whose license has been revoked under Wis. Stats. § 125.12, 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 ineligible for such license for one year.

(d) *Health and sanitation requirements.* No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Development 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 town board.

(e) *Quota.* The number of persons and places that may be granted a retail "Class B" license under this section is limited as provided in Wis. Stats. § 125.51(4).

(f) *Corporations.* No license shall be granted to any corporation when more than 50 percent of the voting stock, legal or beneficial interest is held by any person not eligible for a license under this chapter.

(g) *Age requirement.* No license under this chapter shall be granted to any person under the age of 18 in accordance with Wis. Stats. § 125.04(5)3.

(h) *Effect of revocation.* Twelve months shall elapse before another license shall be granted to the person whose license was revoked.

(i) *Delinquent taxes, assessments and claims.* No license shall be granted for any premises for which real estate and/or special assessments taxes are delinquent and unpaid. No liquor license shall be granted to any person who is delinquent in the payment of any claims of monies due the town including, but not limited to, unpaid forfeiture judgments.

(j) *Issuance for sales in dwellings.* No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(k) *[Condition of maintaining and keeping licenses.]*

- (1) The class "A" and class "B" and "class A" and "class B" licenses shall, as a condition of maintaining and keeping a license in the town, continue in the active operation of business. Therefore, if a license issued by the town does not operate for a minimum of 120 consecutive days of its issuance or does not operate for a minimum of 120 consecutive days or more per license term, such situation may be grounds for revocation of license. Consecutive days shall be construed to account for normal weekly days of closure for any given licensee and not exceed three days per week. One hundred and twenty consecutive days of operation or issuance does not apply to licensees whose business model in whole or in part includes paid overnight lodging, meeting, event, or convention space rental, for primarily generating revenue. Licenses issued in this manner must be held in the organization/business name and may not be sublet or transferred.
- (2) The town determines that retention of a license by a party not doing business or not intending to resume doing business is declared to be against public policy and constitutes grounds for revocation of said license.
- (3) Exceptions to the requirements of continued business license usage would be bank foreclosure or any act of God which damaged or destroyed the facility for which the license has been issued to operate the licensed business in. In such case, the holder of the license is allowed up to two years to repair damages or rebuild the damaged or destroyed facility and again resume operating the business utilizing the license from the premises for which the license issued was intended.
- (4) In the event a licensee violates the provisions of this article, disciplinary action may be taken by the town board including reprimand, suspension of the license for a specified number of days or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall be done after notice to the licensee and after a hearing. The proceeding shall be conducted in accordance with Wis. Stats. § 125.12(2)(b) or any amendments thereto. Prior cancellation of any license the town clerk shall notify the

licensee in writing of the town's intention to cancel license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing which shall be not be less than 15 days after the date of the notice.

- (5) In lieu of revoking such license, the town board shall, after notice and hearing, determine if good cause exists for the failure of the licensee to be open for business for periods in excess of the minimum set forth in this section. If such cause is found to exist, the town board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must be open for business to avoid revocation of the subject license.
- (6) There shall be no refund of any license fee paid to a party whose license is revoked.
- (7) In lieu of a hearing, the town board may accept surrender of the license and the town board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.

(1) *Fee for late filing of renewal.* Annual renewal applications shall be considered for approval at the second regular meeting of the town board in June as convened on the third Tuesday. All licenses shall file with the town clerk a properly completed renewal application with fee paid in advance no later than 14 days prior to and not including the third Tuesday (the "deadline date") this being the time required for all license renewals to reside in the town office prior to consideration for approval. In accordance with Wis. Stats. § 125.10 the town board may impose a fee not to exceed \$250.00 upon any licensee a) whose annual renewal application is not filed by the deadline date and b) in the event the licensee requests a special meeting of the town board to consider license renewal approval after the second regular meeting has been held and before July 1, that being the expiration day of the current license. No fee shall be imposed upon any licensee who submits a renewal application after the deadline date and has affirmed in writing with the town clerk that licensee will wait until the first regular meeting of the town board on the first Tuesday in July for consideration of renewal, with the understanding that from July 1 through issuance of renewal license the licensee's establishment may not serve or sell alcohol per its license classification.

(Code 1987, § 12.03(5); Ord. of 2-15-2005; Ord. of 7-5-2011; Ord. of 8-16-2011; Ord. of 6-6-2017; Ord. of 8-1-2017)

Sec. 6-7. 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, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided by law.

(Code 1987, § 12.03(6))

Sec. 6-8. Transfer of licenses.

(a) *As to person.* No license shall be transferable as to a licensee except as provided by Wis. Stats. § 125.04(12).

(b) *As to place.* Licenses issued pursuant to this chapter may be transferred to another premises once during any license year as provided in Wis. Stats. § 125.04(12). 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. The fee for such transfer shall be as provided in section 2-301.
(Code 1987, § 12.03(7))

Sec. 6-9. Posting and care of licenses.

Every license or permit required under this chapter shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit or allow any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
(Code 1987, § 12.03(8))

Sec. 6-10. Regulation of licensed premises and licensees.

(a) *Gambling and disorderly conduct.* Each licensed and permitted premises shall at all times be conducted in an orderly manner, and no disorderly, riotous conduct or gambling shall be allowed at any time on any such premises.

(b) *Employment of underage person.* Except as provided in Wis. Stats. § 125.07(03), no licensee shall employ any person under the legal drinking age to serve, sell, dispense or give away any alcohol beverage.

(c) *Sales by clubs.* No club shall sell alcohol 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 it is used.
(Code 1987, § 12.03(9))

Sec. 6-11. Closing hours.

(a) *Wholesalers.* Pursuant to Wis. Stats. § 125.68(4), no premises for which a wholesale intoxicating liquor permit has been issued may remain open for the sale of intoxicating liquor between the hours of 5:00 p.m. and 8:00 a.m., except on Saturday the premises may remain open until 9:00 p.m.

(b) *"Class A" retailers.* No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 6:00 a.m.

(c) *"Class B" and "Class C" retailers.*

- (1) No premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this subsection (c)(1) and subsection (c)(4) of this section. On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday no premises may remain open between 2:30 a.m. and 6:00 a.m. This subsection does not apply to a "Class B" license issued to a winery under Wis. Stats. § 125.51(3)(am).
- (2) Between 12:00 midnight and 6:00 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle, or for consumption away from the premises. The town board may, by ordinance, impose more restrictive hours than are provided in this subsection (c)(2). This subsection does not apply to a "Class B" license issued to a winery under Wis. Stats. § 125.51(3)(am).
- (3) No premises which is a winery for which a "Class B" license has been issued under Wis. Stats. § 125.51(3)(am) may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.
- (4) Hotels and restaurants, the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but may not sell intoxicating liquor during the closing hours under subsection (c)(1) of this section.

(Code 1987, § 12.03(10); Ord. of 5-9-2009)

Sec. 6-12. Revocation and suspension of licenses.

(a) *Procedure.* Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

(b) *Effect of revocation.* The effect of revocation is described in section 6-6(h).
(Code 1987, § 12.03(11))

Sec. 6-13. Nonrenewal of licenses.

Before renewal of any license issued under this chapter is refused, the licensee shall be given written notice of any charges or violations 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 town board.

(Code 1987, § 12.03(12))

Sec. 6-14. Violations by agents and employees.

A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(Code 1987, § 12.03(13))

Secs. 6-15—6-50. Reserved.

ARTICLE II. LICENSE FEES

Sec. 6-51. Enumeration.

Unless otherwise indicated, fees for licenses issued under this chapter shall be as provided in section 2-301.

- (1) Retail Class "A" fermented malt beverage license: a fee as provided in section 2-301.
- (2) Retail Class "B" fermented malt beverage license: a fee as provided in section 2-301.
 - a. Part-time: a fee as provided in section 2-301.
 - b. Temporary Class "B" special event (picnic): a fee as provided in section 2-301.
- (3) Retail "Class A" intoxicating liquor license: a fee as provided in section 2-301.
- (4) Retail "Class B" intoxicating liquor license: a fee as provided in section 2-301.
- (5) Reserve "Class B" license: a fee as provided in section 2-301.
- (6) Operator's license: a fee as provided in section 2-301.

(Code 1987, § 12.01(1))

Chapters 7—9

RESERVED

Chapter 10

ANIMALS

Article I. In General

- Sec. 10-1. Definitions.
- Sec. 10-2. Penalty for violation of chapter.
- Sec. 10-3. Noisy animals or fowl.
- Sec. 10-4. Harboring certain animals.
- Sec. 10-5. Dog license.
- Sec. 10-6. Late fees.
- Sec. 10-7. Owner's liability for damage caused by dog; penalties.
- Sec. 10-8. Dogs running at large and untagged dogs.
- Sec. 10-9. Poundkeeper.
- Sec. 10-10. State law adopted.
- Sec. 10-11. Payment of cost of impounding dogs.
- Sec. 10-12. Wild animals.
- Secs. 10-13—10-40. Reserved.

Article II. Rabies

- Sec. 10-41. Penalties for violation of article.
- Sec. 10-42. Vaccination.

ARTICLE I. IN GENERAL**Sec. 10-1. Definitions.**

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

Collar means a band, strip or chain placed around the neck of a dog.

Department means the state department of agriculture, trade and consumer protection.

Kennel means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes.

Livestock means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.

Officer means as designated under Wis. Stats. § 95.21(1)(b).

Owner means any person who owns, harbors or keeps a dog.
(Code 1987, § 12.04(1))

Cross reference—Definitions generally, § 1-2.

Sec. 10-2. Penalty for violation of chapter.

In addition to the revocation or suspension of any license issued under the provisions of this chapter, any person found to be in violation of any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in section 1-8 of this Code.

(Code 1987, § 12.05)

Sec. 10-3. 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 neighbor or any number of persons within the town.

(Code 1987, § 10.05(10))

Sec. 10-4. Harboring certain animals.

(a) *Restrictions.* No person shall own, harbor or keep any dog, cat or other animal in a domesticated environment which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway or is allowed to run at large.
- (2) Assaults or attacks any person.
- (3) Is vicious. A showing that a dog or other animal has bitten, attacked or injured any person shall constitute a prima facie showing that such dog or animal is vicious.

- (4) Habitually barks, crows, cries, screeches, howls or makes any other loud or annoying sound which greatly disturbs the peace and quiet of a neighborhood or of any two or more persons within the town.
- (5) Has not been licensed as required by the ordinances of the town and the laws of the state.

(b) *Confinement and disposition.*

- (1) *Confinement of offending or running animals.* The police department or any officer appointed by the town board may apprehend any dog or other animal found running at large within the town or which does any of the things prohibited under subsection (a) of this section, except subsection (a)(3) of this section, and confine the animal in a suitable place.
- (2) *Disposition of unclaimed dogs.* The keeper of a pound shall keep all dogs or other animals apprehended for seven days (unless sooner claimed by the owner or keeper). If any dog or other animal is not reclaimed by the rightful owner within such time, the dog or other animal may be destroyed.

(Code 1987, § 9.11)

Sec. 10-5. Dog license.

(a) *Requirement.* The owner of a dog more than five months of age on January 1 of any year or five months of age within a license year shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license.

(b) *Fee.* The minimum dog license fee is provided in section 2-301 of this Code.
(Code 1987, § 12.04(2), (3))

Sec. 10-6. Late fees.

Late fees shall be assessed and collected as provided in section 2-301 of this Code.
(Code 1987, § 12.04(4))

Sec. 10-7. Owner's liability for damage caused by dog; penalties.

(a) *Liability for injury.*

- (1) *Without notice.* The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property.
- (2) *After notice.* Subject to Wis. Stats. § 895.045, the owner of a dog is liable for two times the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock or property.

(b) *Penalties imposed on owner of dog causing damage.*

- (1) *Without notice.* The owner of a dog shall forfeit not less than \$50.00 nor more than \$500.00 if the dog injures or causes injury to a person, livestock, property, deer, game birds or the nests or eggs of game birds.
- (2) *After notice.* The owner of a dog shall forfeit not less than \$200.00 nor more than \$1,000.00 if the dog injures or causes injury to a person, livestock, property, deer, game birds or the eggs or nests or game birds if the owner was notified or knew the dog previously injured or caused injury to any of the same.
- (3) *Penalties in addition to liability for damages.* The penalties in this subsection (b) are in addition to any other liability imposed on the owner of a dog.

(Code 1987, § 12.04(5))

Sec. 10-8. Dogs running at large and untagged dogs.

(a) *Running at large.* A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(b) *Untagged dog.* A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(c) *Subject to impoundment.* Any officer may, and a humane officer may, attempt to capture and restrain any dog running at large and any untagged dog.

(d) *Penalties.* If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses.

(Code 1987, § 12.04(6))

Sec. 10-9. Poundkeeper.

The officer or employee designated by the town shall keep the dog pound clean and sanitary and shall feed and water the animals daily. He shall receive \$5.00 per day for every dog or litter of dogs impounded or disposed of by him.

(Code 1987, § 12.04(10))

Sec. 10-10. State law adopted.

The provisions of Wis. Stats. chs. 95 and 174, so far as applicable, are adopted by reference and made part of this chapter.

(Code 1987, § 12.04(11))

Sec. 10-11. Payment of cost of impounding dogs.

The possession of any dog so impounded or seized may be obtained by paying to the town treasurer the sum of \$5.00 a day for each day the dog is impounded. After any dog has been so impounded for a period of seven days, it may be destroyed under the direction of the police or health authorities or other officer performing similar functions.

(Code 1987, § 12.04(9))

Sec. 10-12. Wild animals.

(a) *Intent and purpose.* The town board hereby finds that wild animals are inherently dangerous and do not adjust well to captive environment. It is the intent of the town board to protect the public against health and safety risks that wild animals pose and the potential of decreasing neighboring property values.

(b) *Possession of wild animals.* It shall be unlawful for any person to keep, maintain, or have in his/her possession or under his/her control within the township except in areas zoned general use, forestry or farming and having a lot size of five acres or larger any of the following animals:

- (1) Bears (Ursid);
- (2) Cheetahs (Acinonyx jubatus);
- (3) Coyotes (Canis latrans);
- (4) Elephants (Elephas and Loxodonta);
- (5) Hippopotami (Hippopotamidae);
- (6) Hyenas (Hyaenidae);
- (7) Pumas (Fells Conolor) also known as cougars, mountain lions and panthers;
- (8) Ocelots (Felispardalis);
- (9) Rhinoceroses (Rhinocero tidae);
- (10) Snow leopards (Panthera uncia);
- (11) Tigers (Panthera tigris);
- (12) Wolves—Red wolf (Canis Lupus), gray timber (Canis Nigar), or hybrid dog part wolf;
- (13) Jaguars (Panthera onca);
- (14) Leopards (Panthera pardus);
- (15) Lions (Panthera leo);
- (16) Lynxes (Lynx).

Any person possessing any of the above animals in the proper zoning district must have all necessary county, state and federal licenses, permits, inspections and register said animal with the town office. The above animals are subject to all existing animal noise and nuisance ordinances.

(c) *Exceptions.*

- (1) Veterinarians;
- (2) Public zoo or aquariums;
- (3) Schools;
- (4) A circus or carnival.

(d) *Penalties.* As per chapter 1 section 1-8 of the Three Lakes Code \$5.00—\$500.00 each day of violation.

(Ord. of 2-7-2006)

Sec. 10-13—10-40. Reserved.

ARTICLE II. RABIES

Sec. 10-41. Penalties for violation of article.

An owner who fails to have a dog vaccinated against rabies may be required to forfeit not less than \$50.00 nor more than \$100.00.

(Code 1987, § 12.04(8))

Sec. 10-42. Vaccination.

(a) *Required for dogs.* Except as provided in Wis. Stats. § 175.054, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this town after the dog has reached five months, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

(b) *Issuance of certificate of vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination, bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires, as specified for that type of vaccine for the Center for Disease Control of the U.S. Department of Health and Human Services and the town where the dog is required to be licensed.

(c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(d) *Vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material, bearing the same serial number as the certificate, the year the vaccination was given, and the name, address and telephone number of the veterinarian.

(e) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and the collar with the tag attached shall be kept on the dog at all times. This requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area, or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this section do not apply to a dog which is not required to be vaccinated under Wis. Stats. § 175.054.

(f) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(g) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag. (Code 1987, § 12.04(7))

State law reference—Similar provisions, Wis. Stats. § 95.21(2).

Chapters 11—13

RESERVED

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

- Sec. 14-1. Purpose of chapter.
- Sec. 14-2. Scope of chapter.
- Sec. 14-3. Authority of chapter provisions.
- Sec. 14-4. Forfeiture.
- Sec. 14-5. Wisconsin Uniform Dwelling Code adopted.
- Sec. 14-6. Building inspector.
- Sec. 14-7. Building permit fee.
- Sec. 14-8. Fair and open housing.

***Cross references**—Fire prevention and protection, ch. 30; solid waste, ch. 58; streets, sidewalks and other public places, ch. 62; subdivisions, ch. 66; zoning, ch. 74.

Sec. 14-1. Purpose of chapter.

The purpose of this chapter is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(Ord. No. 13.01, § 1.2, 7-1-2000)

Sec. 14-2. Scope of chapter.

The scope of this chapter includes the construction and inspection of one-family and two-family dwellings built since June 1, 1980.

(Ord. No. 13.01, § 1.3, 7-1-2000)

Sec. 14-3. Authority of chapter provisions.

The regulations of this chapter are adopted under the authority granted by Wis. Stats. § 101.65.

(Ord. No. 13.01, § 1.1, 7-1-2000)

Sec. 14-4. Forfeiture.

The enforcement of this chapter and all other laws and ordinances relating to buildings shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be as specified in section 1-8 of this Code.

(Ord. No. 13.01, § 1.8, 7-1-2000)

Sec. 14-5. Wisconsin Uniform Dwelling Code adopted.

The Wisconsin Uniform Dwelling Code, Wis. Admin. Code, chs. Comm 20-25, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this chapter.

(Ord. No. 13.01, § 1.4, 7-1-2000)

Sec. 14-6. Building inspector.

(a) There is created the position of building inspector, who shall administer and enforce this chapter and shall be certified by the division of safety and buildings, as specified by Wis. Stats. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (Note: Contact the division of safety and buildings at (608)261-8500 for certification information.)

(b) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector, is exempted from permit requirements. Residing, reroofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

(Ord. No. 13.01, § 1.5, 7-1-2000)

Cross reference—Officers and employees, § 2-91 et seq.

Sec. 14-7. Building permit fee.

The building permit fees shall be determined by resolution.
(Ord. No. 13.01, § 1.7, 7-1-2000)

Sec. 14-8. Fair and open housing.

(a) The town board hereby adopts Wis. Stats. § 106.50, as amended, and all subsequent amendments thereto.

(b) The officials and employees of the town shall assist in the orderly prevention and removal of all discrimination in housing within the town by implementing the authority and enforcement procedures set forth in Wis. Stats. § 106.50, as amended.

(c) The town clerk shall maintain forms for complaints to be filed under Wis. Stats. § 106.50, as amended, and shall assist any persons alleging a violation thereof in the town to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Wis. Stats. § 106.50, as amended.
(Ord. of 6-6-2017)

Chapters 15—17

RESERVED

Chapter 18

BUSINESSES*

Article I. In General

Secs. 18-1—18-30. Reserved.

Article II. Licenses or Permits

- Sec. 18-31. Required.
- Sec. 18-32. Application.
- Sec. 18-33. Payment of fee.
- Sec. 18-34. Bond and insurance.
- Sec. 18-35. Approval or denial.
- Sec. 18-36. Certificate.
- Sec. 18-37. Terms.
- Sec. 18-38. Exhibition of certificate.
- Sec. 18-39. Transfer.
- Sec. 18-40. Determinations of the town board.
- Sec. 18-41. Inspection.
- Sec. 18-42. Revocation and suspension.

*Cross reference—Alcohol beverages, ch. 6.

ARTICLE I. IN GENERAL

Secs. 18-1—18-30. Reserved.

ARTICLE II. LICENSES OR PERMITS

Sec. 18-31. Required.

No person shall engage in any trade, profession, business or privilege in the town for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the town in the manner provided in this article, unless otherwise specifically provided.

(Code 1987, § 12.02(1))

Sec. 18-32. Application.

Unless otherwise provided, application for a license or permit shall be made in writing to the clerk upon forms provided by the town, and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(Code 1987, § 12.02(2))

Sec. 18-33. Payment of fee.

The fees required for any license or permit shall be paid at the office of the clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied.

(Code 1987, § 12.02(3))

Sec. 18-34. Bond and insurance.

All required bonds shall be executed by two sureties or a surety company and be subject to the approval of the town board. Where policies of insurance are required, such policies shall be approved as to substance and form by the town attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the town before the license or permit is issued.

(Code 1987, § 12.02(4))

Sec. 18-35. Approval or denial.

Where the approval of any town or state officer is required prior to the issuance of any license or permit, such approval shall be presented to the town before any license or permit is issued.

(Code 1987, § 12.02(5))

Sec. 18-36. Certificate.

Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed, and the term of the license or permit, and shall be signed in the name of the town by the chair and town clerk and be impressed with the town seal. The clerk shall keep a record of all licenses and permits issued.

(Code 1987, § 12.02(6))

Sec. 18-37. Terms.

(a) Unless otherwise provided, the license year shall end on June 30 of each year.

(b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

(c) Permits shall be issued for the term set forth in the permit.

(Code 1987, § 12.02(7))

Sec. 18-38. Exhibition of certificate.

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the town.

(Code 1987, § 12.02(8))

Sec. 18-39. Transfer.

Unless otherwise provided, no license or permit shall be transferable or assignable.

(Code 1987, § 12.02(9))

Sec. 18-40. Determinations of the town board.

All determinations made by the town board shall be subject to the provisions of Wis. Stats. ch. 68.

(Code 1987, § 12.02(10))

Sec. 18-41. Inspection.

Town officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(Code 1987, § 12.02(11))

Sec. 18-42. Revocation and suspension.

(a) Except as otherwise provided, any license issued under this chapter may be revoked for cause by the town board. No license shall be revoked except upon written verified complaint filed with the town board by the chair, a member of the town board, the chief of police or a resident of the town. The licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the town board. The licensee shall be given notice of such hearing, which shall be not more than 20 nor less than five days after notice, except as otherwise agreed between the parties.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross examine witnesses and, upon request, may have subpoenas issued by the chair or presiding officer of the board to compel the attendance of witnesses.

(c) After hearing the evidence, the board may revoke such license or impose a limited period of suspension. The determination of the board shall be final, subject to review under Wis. Stats. ch. 68, provided that the licensee shall not be entitled to a further hearing unless granted by the town board.

(d) The police department shall repossess any license revoked under this article.

(e) If the licensee does not apply for a hearing within the time provided, the license may be revoked by the town board.

(Code 1987, § 12.02(12))

Chapter 19

ACCOMMODATIONS TAX

- Sec. 19-1. Statutory definitions adopted.
- Sec. 19-2. Definitions.
- Sec. 19-3. State law also applies.
- Sec. 19-4. Imposed.
- Sec. 19-5. Administration.
- Sec. 19-6. Enforcement.

Sec. 19-1. Statutory definitions adopted.

The applicable definitions in Wis. Stats. § 66.0615 are adopted by reference in this section as if fully set forth and shall apply to this article.

(Ord. of 4-19-2007; Ord. of 11-17-2009)

Sec. 19-2. Definitions.

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

- (1) *Accommodations tax* means a tax on the gross receipts derived from the business of furnishing at retail, except sales for resale, rooms, lodging or sites to transients by owners or operators of hotels, motels, licensed tourist rooming houses, site(s) and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations.
- (2) *Accommodations tax annual reconciliation report* means a form prescribed and provided by the treasurer for the purpose of reconciling the books of account for owners and operators of hotels, motels, licensed tourist rooming houses and site(s) with the quarterly accommodations tax returns filed for the year.
- (3) *Accommodations tax permit* means a permit issued by the town annually to owners or operators of hotels, motels, licensed tourist rooming houses and sites(s).
- (4) *Gross receipts* means as defined in Wis. Stats. § 77.51(4), insofar as applicable.
- (5) *Hotel or motel* has the meaning in Wis. Stats. §77.52(2)(a)1.
- (6) *Licensed tourist rooming house(s)* means a residential home, condominium or other structure for which a tourist rooming house license has been issued by Oneida County, Wisconsin Zoning authorities.
- (7) *Site* means a campground pad or location for which the public may obtain accommodations for a consideration including, without limitation, such establishments as public and private campgrounds, except accommodations rented for a continuous period of more than one month and accommodations furnished by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
- (8) *Person, anyone, others* or like references shall be deemed to refer to a person, sole proprietorship, company, partnership, LLP, corporation, LLC, municipal corporation and also a responsible member, responsible officer or a responsible managing agent or any single proprietorship, partnership, company or corporation.
- (9) *Quarterly accommodations tax return* means a form prescribed and provided by the treasurer to the owners or operators of hotels, motels or others for the purposes of computing and submitting payment on a quarterly basis to the town of the accommodations tax.

(10) *Town* means the Township of Three Lakes.

(11) *Tourism* means travel for recreational, business or educational purposes.

(12) *Transient* has the meaning given in Wis. Stats. § 77.52(2)(a)1.
(Ord. of 4-19-2007; Ord. of 11-17-2009)

Sec. 19-3. State law also applies.

Nothing contained in this article shall be deemed to limit or restrict the application of any law or administrative regulation of any state agency regulating the subject of this chapter.
(Ord. of 4-19-2007; Ord. of 11-17-2009)

Sec. 19-4. Imposed.

Authority, amount. Pursuant to Wis. Stats. 66.0616 an accommodations tax in the amount of four and one half percent is imposed on the gross receipts derived from the business of furnishing at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and sites furnishing accommodations available to the public. Such accommodations tax shall not be subject to the selective sales tax imposed by Wis. Stats, 77.52(2)(a)1.
(Ord. of 4-19-2007; Ord. of 11-17-2009)

Sec. 19-5. Administration.

(a) *Administrator.* This article shall be administered by the treasurer of the town (hereinafter "treasurer").

(b) *Reporting.* The treasurer shall prepare and submit to the town board of supervisors a written quarterly accommodations tax report within 60 days of the close of each calendar quarter (allowing thirty additional days after quarterly accommodations tax returns are due). An annual report shall be given to the town board of supervisors in regular meeting session within 30 days of the close of each calendar year.

(c) *Application for an accommodations tax permit.* Every person furnishing rooms or lodging or owning or operating a hotel, motel, licensed tourist rooming house and sites shall file annually with the treasurer an application for an accommodations tax permit for each place of business required to collect an accommodations tax under this chapter. Every application for an accommodations tax permit shall be made upon a form prescribed and provided by the treasurer and at no cost to the applicant. Application for an accommodations tax permit shall be made not later than November 1 of each year or within 30 days of the issuance of a tourist rooming house permit by the Oneida County, Wisconsin Zoning authorities.

(d) *Issuing of permits.* The treasurer shall grant and issue to each applicant a separate accommodations tax permit for each place of business operated by an applicant within the town. Such accommodations tax permit is not assignable and is valid only for the applicant in

whose name it is issued and for the transaction of business at the place designated in the permit. It shall at all times be displayed conspicuously at the place for which issued. The permit shall be valid for the calendar designated on the face thereof.

(e) *Operation with permit.* Accommodations as defined by this chapter may not lawfully be rented without a valid in-force permit.

(f) *Quarterly accommodations tax return and tax payment due dates.* The accommodations tax is due and payable within 30 days of the close of each calendar quarter. A quarterly accommodations tax return shall be filed with the treasurer by all accommodations tax permit holders and the tax shall be paid with the return.

(g) *Annual accommodations tax reconciliation return due date.* An annual accommodations tax reconciliation return is required to be filed with the treasurer within 30 days of the close of each calendar year. The annual accommodations tax reconciliation shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain additional information as the treasurer may require on the form.

(h) *Timely filing of returns.* Any return required to be filed under the provisions of this section and which is postmarked by the United States Postal Service no later than the due date of such return and shall be considered filed in a timely manner.

(i) *Extension of time to file returns.* The treasurer may for good cause grant an extension of time to file any quarterly accommodations tax return or annual accommodations tax reconciliation return, but in no event shall the extension exceed 15 days from the required filing date. An extension will avoid the late filing penalty.

(j) *Recordkeeping requirements.* Every person liable for the tax imposed by this chapter shall keep or cause to be kept accurate records of gross receipts for the business.
(Ord. of 4-19-2007; Ord. of 11-17-2009)

Sec. 19-6. Enforcement.

(a) *Penalty for unpaid taxes.* As a means of enforcing the collection of any room tax imposed by this chapter, the municipality may exchange audit and other information with the department of revenue and may do any of the following:

- (1) If the town has probable cause to believe that the correct amount of room tax has not been reported or that the tax return is not correct, the treasurer may inspect and audit the financial records of any person(s) pertaining to the furnishing of accommodations.
- (2) Any person(s) furnishing accommodations who fails to comply with a request to inspect and audit their financial records shall be subject to a forfeiture, not to exceed five percent of the accommodations tax to be imposed for the period being audited.
- (3) If a person(s) required to file a return fails, neglects or refuses to do so, the treasurer shall determine the tax according to their best judgment, in the manner as described in this chapter.

- (4) The penalty for the late payment of taxes that the town determines to be due shall be one percent per month on the unpaid balance commencing as of the date such tax was due and payable. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the town to inspect and audit his or her financial records.
- (5) Any person(s) furnishing accommodations who falls to pay the tax for a period of one calendar year shall be subject to forfeitures, not to exceed 25 percent of the room tax due or \$5,000.00, whichever is less.
- (6) Any person(s) furnishing accommodations who falls to pay the tax for a period of two successive tax quarters is subject to immediate revocation of the accommodations tax permit that was issued for the delinquent property.

(b) *Responsibility for unpaid tax.* If any person liable for any amount of tax under this chapter sells his business, accumulated accommodations tax not collected to date shall be due and payable upon consummation of such sale.

(c) *Estimate of taxes for failure to file and failure-to-file penalty.* If any person falls to file a return as required by this chapter within 30 days following the due date, the treasurer shall give the person written notice that a failure-to-file penalty shall be assessed. If the person falls to respond by written notification to the treasurer within ten days as to why the penalty shall not be assessed, the treasurer shall make an estimate of the amount of the gross receipts under this section. Such estimate shall be made for the period for which such person failed to file a return, based upon the prior year's returns if available; upon any quarterly returns as have been filed with the treasurer; or upon any such information as the treasurer may obtain concerning the business. On the basis of this estimate, the treasurer shall compute and determine the amount of tax due the town, adding to the sum thus arrived at a failure-to-file penalty equal to 12 percent of the tax due, exclusive of other penalties or interest charges.

(d) *False or fraudulent return penalty.* Any person who files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article shall be assessed a fraudulent filing penalty of 50 percent of any additional tax due, exclusive of interest and other penalties.

(Ord. of 4-19-2007; Ord. of 11-17-2009)

Chapters 20, 21

RESERVED

Chapter 22

CIVIL EMERGENCIES*

Sec. 22-1. Joint action agreement.

***Cross references**—Administration, ch. 2; fire prevention and protection, ch. 30; law enforcement, ch. 38.

Sec. 22-1. Joint action agreement.

(a) A joint action ordinance of the county board of supervisors providing for a county-municipal joint action plan or organization was adopted by the county board and is on file in the town clerk's office. Such ordinance is made a part of this chapter by the town.

(b) This ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the town and the county as provided in such joint action ordinance.

(c) The county-municipal emergency government director, appointed and employed by the county board as provided in the referred ordinance is designated and appointed emergency government director for the town, subject to the conditions and provisions as set forth in the statute and the county joint action ordinance.

(Code 1987, § 6.01)

Chapters 23—25

RESERVED

Chapter 26

ELECTIONS*

- Sec. 26-1. Registration required.
- Sec. 26-2. Election officials and poll workers.
- Sec. 26-3. Appointment of election officials/inspectors.
- Sec. 26-4. Training of election officials/inspectors and poll workers.

***Cross reference**—Administration, ch. 2.

Sec. 26-1. Registration required.

(a) Under the authority of Wis. Stats. § 6.27, registration of all voters for all future elections is hereby authorized and required.

(b) The registration required under this section will take place with and under the authority of the clerk in accordance with the law.

(Code 1987, § 1.25)

Sec. 26-2. Election officials and poll workers.

The minimum number of election officials required to work at each polling place during a town or other election shall be three election inspectors. However, the town clerk may assign additional poll workers if s/he believes they are needed for a given election. The number of total poll workers assigned shall always be an odd number (Wis. Stats. § 7.31). Additional election inspectors may be appointed by the town clerk to serve at any poll where election day registration makes it necessary.

(Code 1987, § 1.26; Ord. of 1-7-2003; Ord. of 1-19-2010)

Cross reference—Officers and employees, § 2-91 et seq.

Sec. 26-3. Appointment of election officials/inspectors.

Election officials/inspectors for the town shall be appointed in December of odd-numbered years for two-year terms, commencing on January 1 of the following even-numbered and ending two years hence on December 31. The two dominant political parties at the time in the town may submit a list of names to the town chairman, and if submitted, nominations shall be made from the names on the lists (Wis. Stats. § 7.30(4)(b)). If no lists of names are submitted, the town chairman shall develop a list of nominees (Wis. Stats. 7.30(4)(c)). As provided for herein, the town chairman shall nominate election officials/inspectors to the town board no later than the last regular meeting in December of odd-numbered years (Wis. Stats. § 7.30(4)). To be qualified as an election official/inspector, nominees must be a resident and elector of the municipality, able to read and write English, possess a general knowledge of election laws, be capable and willing to serve, be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve (Wis. Stats. § 7.30(2)(a) and (c)). Prior to the first election following appointment of the election officials/inspectors, the town clerk shall designate a minimum of one of the appointed officials as "chief election official" (Wis. Stats. § 7.30(6)(b)). The town clerk may be appointed as an election official/inspector since the town clerk exercises a statutory supervisory role over all elections.

(Ord. of 1-19-2010)

Sec. 26-4. Training of election officials/inspectors and poll workers.

The chief election official(s) must attend state-approved training and become certified prior to serving as chief inspector at a polling place (Wis. Stats. § 7.31). The town clerk shall provide training for the other election officials and poll workers. All election officials and poll

workers must attend training every two years and must have attended training within two years of any election at which they serve. The town clerk shall cause enough poll workers to be trained as alternates such that alternates can be called on the day of an election to serve if needed.

(Ord. of 1-19-2010)

Chapters 27—29

RESERVED

Chapter 30

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 30-1. Penalty for violation of chapter.
- Sec. 30-2. Injury to hoses, hydrants or fire apparatus.
- Sec. 30-3. Fire prevention code adopted.
- Sec. 30-4. Single or double dwelling chimney fires.
- Sec. 30-5. Careless smoking.
- Sec. 30-6. Burning generally.
- Sec. 30-7. Burning of grass and trash.
- Sec. 30-8. Regulating the installation and maintenance of fire signs.
- Secs. 30-9—30-40. Reserved.

Article II. Fire Department

- Sec. 30-41. Generally.
- Sec. 30-42. Powers.
- Sec. 30-43. Membership and organization.
- Sec. 30-44. Powers and duties of chief.
- Sec. 30-45. Equipment.
- Sec. 30-46. Fire department volunteer funds.
- Sec. 30-47. Ambulance, Medic 10, EMT department volunteer funds.
- Secs. 30-48—30-80. Reserved.

Article III. Fire Prevention

- Sec. 30-81. Fire inspector; duties.

*Cross references—Buildings and building regulations, ch. 14; civil emergencies, ch. 22; sale and discharge of fireworks, § 50-5.

State law reference—Town fire protection generally, Wis. Stats. § 60.55.

ARTICLE I. IN GENERAL**Sec. 30-1. Penalty for violation of chapter.**

Except as otherwise provided, any person found to be in violation of any provisions of this chapter shall be subject to a penalty as provided in section 1-8 of this Code.

(Code 1987, § 5.15)

Sec. 30-2. Injury to hoses, hydrants or fire apparatus.

No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the town, and no vehicle shall be driven over any 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, without the consent of the fire department official in command.

(Code 1987, § 5.04(3))

Sec. 30-3. Fire prevention code adopted.

The following provisions of the Wisconsin Administrative Code and National Fire Protection Association standards are adopted by reference:

| | |
|-------------|---|
| Comm 50-64 | Building and Heating, Ventilating and Air Conditioning Code |
| NFPA 10 | Standard for Portable Fire Extinguishers |
| Comm 11 | Liquefied Petroleum Gases |
| Comm 12 | Liquefied Natural Gases |
| Comm 10 | Flammable and Combustible Liquids |
| NFPA 385 | Tank Vehicles for Flammable and Combustible Liquids |
| Comm 40 | Underground Tanks and Piping |
| NFPA 58 | Liquefied Petroleum Gases |
| Comm 50.05 | Existing Building Code |
| NEC 110-700 | As recognized by Comm 75- 79 |
| NFPA 211 | Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances |
| NFPA 13 | Automatic Sprinkler Systems |
| NFPA 73 | Municipal Alarm Systems |

(Code 1987, § 5.11)

Sec. 30-4. Single or double dwelling chimney fires.

Chimneys and vents which have been subjected to a chimney fire shall not be reused until inspected and approved by the fire department or an authorized agent. This approval shall be in writing.

(Code 1987, § 5.12)

Sec. 30-5. Careless smoking.

Any owner or operator of a business held open to the public who allows or suffers the unsafe use or disposal of smoking materials by patrons and employees which results in a fire, shall be responsible for the entire costs of fire department response to such fire, in addition to any other penalties imposed.

(Code 1987, § 5.13)

Sec. 30-6. Burning generally.

The burning of any garbage, ashes or rubbish in the open within the boundaries of the town is prohibited unless such materials and substances shall be burned in a covered container so constructed as to prevent sparks or pieces of the materials or substances being burned from escaping from the container.

(Code 1987, § 11.02(3))

Sec. 30-7. Burning of grass and trash.

(a) *Grass.* No person shall kindle any grass fire within the town without first securing a written permit in accordance with the state department of natural resources regulations. No permit shall be valid until the permittee has notified the fire department of the time and place of such burning.

(b) *Bonfires.* No person shall kindle, or cause to be kindled, any fire in or upon any street, alley, public way, park, or public or private grounds within the town, within 25 feet of any building or within any fire lane, unless the fire is confined within a wire refuse burner or basket or metal enclosure with a wire cover attached, to prevent the escape of sparks and burning material.

(Code 1987, § 10.06)

Cross reference—Solid waste, ch. 58.

Sec. 30-8. Regulating the installation and maintenance of fire signs.

(a) All structures, including occasional-use trailers, within the town require a fire sign to provide for quick access by emergency services organizations.

(b) Applications for fire signs shall be made to the town clerk on forms furnished by the town. All fire sign fees required under this section shall be established, from time to time, by town board resolution.

(c) All fire signs and posts shall remain the property of the town. County land information will be responsible for assigning fire numbers. The town board or its designee will be responsible for installing new or replacing reflective fire signs as specified by the manual on uniform traffic control devices (MUTCD). Fire signs will be double-sided, perpendicular to the road. Fire signs will be installed within the town, private, county, state highway and forest service roads right-of-way. Once a sign has been installed, it shall not be removed except by a town official.

(d) Property owners shall be responsible for the following:

- (1) Maintaining the area around fire signs so that shrubbery, trees, brush, weeds, or other items do not obscure the visibility of the fire sign.
- (2) Ensuring signs remain free of dirt or snow.
- (3) Ensuring that nothing is attached to the fire sign post other than the fire sign.
- (4) Notifying a town official when a sign is missing or damaged beyond repair. Such notification shall be within 48 hours of the occurrence.
- (5) Will be responsible for the cost of any new or replaced fire signs that shall comply with the guidelines set forth in the MUTCD.

(e) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with this section or who resists the enforcement of any of its provision, or who moves, removes or tampers with any fire sign or fire sign post shall, upon conviction, forfeit not less than \$75.00 nor more than \$250.00 together with the cost of prosecution, shall be imprisoned in the county jail of the county until said forfeiture and costs are paid not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

(Ord. of 2-16-2010, §§ 1—6; Ord. of 12-1-2015)

Secs. 30-9—30-40. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 30-41. Generally.

(a) The members of the volunteer fire department are officially recognized as the fire department of the town, and the duty of firefighting and the prevention of fires in the town is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the department as are approved by the town board, except as is otherwise provided by law and ordinance.

(b) The town fire department is authorized and directed to adopt bylaws for the control, management, government and the regulation of business and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the town board. Amendments shall be adopted in the same manner.

(c) The town board shall appropriate funds to provide for operation 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 from fire.

(Code 1987, § 5.01)

Sec. 30-42. Powers.

(a) The chief and assistants or officers in command at any fire shall have full and complete authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

(b) The fire chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come. The chief shall have the power to cause the removal of any property whenever it becomes necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire. He 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 department during the progress of a fire.

(c) Any firefighter, while acting under the direction of the fire chief or other officer in command, may enter upon premises adjacent to or in the vicinity of any building or other property on fire for the purpose of extinguishing such fire. If any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as provided in this article, the person so offending shall be deemed guilty of resisting a firefighter in the discharge of his duties.

(d) Every person present at a fire shall be subject to the orders of the fire chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.

(Code 1987, § 5.05)

Sec. 30-43. Membership and organization.

(a) *Composition.* The fire department shall consist of the following officers: a chief, an assistant chief and a secretary/treasurer, and as many drivers and firefighters who live or normally work within the town as may be appointed by the chief and approved by the town board.

(b) *Chief.*

- (1) A vacancy in the office of the chief shall be filled by a nomination by a majority vote of the members of the fire department and approved by the town board. Upon creation of a vacancy of the office of chief, the ranking officer shall perform the duties of the chief until such vacancy has been filled. The town board may allow the members of the voluntary fire department to choose their own chief, provided that he is approved by the town board.
- (2) The chief shall immediately assume office and shall hold office until removed for cause after a hearing by action of all of the members of the town board, unless his services are sooner terminated by resignation, change of residence to outside of the town limits or death.
- (3) No member of the department shall be eligible for the office of chief or assistant chief who does not live in the town and who has not been a member of the department for at least one year.

(c) *Application for membership.*

- (1) Any person desiring to be a member of the fire department may file with the secretary an application in such form as the town board may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate. The name of any applicant approved by the chief as provided in the bylaws shall be presented to the town board for confirmation.
- (2) All resignations from the department shall take the same course as applications for and appointments to membership.
- (3) Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the town board and state why such penalty should not be confirmed. The town board may by a two-thirds vote of the members of the town board order the chief to reinstate the member or officer. The secretary/treasurer shall report the name of each person expelled or demoted to the town board.

(d) *Organization.*

- (1) The department shall organize into one or, at the option of the chief, into two or more companies. The chief may at any time make transfers which he deems necessary between companies.
- (2) Each of the companies of the department shall be in the charge of an assistant chief or, in his absence, a captain or lieutenant who shall be responsible to the chief.

(e) *Officers.* The election of the secretary/treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the department in such manner as is provided in the bylaws. In case of any vacancy the chief shall appoint a member in good standing to fill the office until the next annual meeting and election.

(Code 1987, § 5.02)

Sec. 30-44. Powers and duties of chief.

(a) The chief shall have general supervision of the department, subject to this chapter and the bylaws of the department, and shall be responsible for the personnel and general efficiency of the department.

(b) The chief shall preside at all meetings of the department, call special meetings, prescribe order, decide all points of order that may arise and enforce a rigid observance of this chapter and the bylaws. The chief shall have the right to appoint a chair to preside at meetings of the department in the place and stead of the chief.

(c) The chief shall be present at all fires, if possible, have complete command of and entire responsibility for all firefighting operations, plan the control of the operations, direct the action of the companies when they arrive at a fire, observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper and see that the fire apparatus is kept in proper condition at all times.

(d) The chief shall have the power to demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties. Such demotion or expulsion shall be subject to an appeal to the town board.

(e) The chief shall file with the clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

(f) The chief shall submit a written report to the town board each year relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of the fires and the loss occasioned thereby, the number of members of each company, the total number of active members in the department, and resignations and expulsions from the department. He shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the department.

(g) He shall enforce all fire prevention ordinances of the town and laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.

(h) He shall keep a fire record of every fire to which any company was called and shall enter in such book the locality of the fire, the time the alarm was received, the cause of delay (if any) in responding, the method of extinguishment and equipment used, the time the fire was extinguished, the names of the firefighters responding and general remarks.

(i) He shall keep an inventory of all apparatus, equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually identified.

(j) He shall perform such other duties as are incumbent on the commanding officer of the fire department.

(Code 1987, § 5.03)

Sec. 30-45. Equipment.

(a) The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

(b) No apparatus shall be used for any purpose except for firefighting within the town limits, or in training therefor, except pursuant to an agreement approved by the town board when the chief has given his recommendations on such use. With the approval of the chief, such apparatus may be used for emergency purposes other than firefighting within the town. A written report of all such uses shall be made quarterly to the town board.

(Code 1987, § 5.04)

Sec. 30-46. Fire department volunteer funds.

(a) *Title and purpose.* This section is entitled the "Town of Three Lakes Fire Department Volunteer Funds Ordinance." The purpose of this section is to authorize the town fire department to hold "volunteer funds" in the name of the town fire department.

(b) *Authority.* The town board has the specific authority under Wis. Stats. § 66.0608, to adopt this section.

(c) *Adoption of section.* This section, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, authorizes the town fire department to hold volunteer funds in the name of the town fire department as provided in this section.

(d) *Definitions.* In this section:

- (1) *Public depository* means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state that receives or holds any public deposits or the local government pooled- investment fund.
- (2) *Volunteer funds* means funds of a municipality that are raised by employees of the town's fire department, by volunteers, or by donation to the fire department for the benefit of the fire department.

(e) *Accounts.* The town fire chief, or his designee authorized to deposit funds, is authorized to deposit volunteer funds of the department in an account in the name of the town fire department in any public depository. The fire department, through the town fire chief, or his designee, shall have exclusive control over the expenditure of volunteer funds of the department, subject to subsection (f).

(f) *Limitations on accounts.* The fire department is subject to the following reporting and auditing requirements:

- (1) The fire chief, or his designee shall provide the town board with quarterly statements of the department's volunteer funds as of the end of March, June, September, and December of each calendar year. The statements shall be provided within 30 calendar days of the end of the calendar quarter. The statements shall include a detailed

itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.

- (2) Fire department accounts shall be included in the annual audit of town funds and shall be audited in the same manner as other town funds.

(Ord. of 11-17-2009, §§ I—VI)

Sec. 30-47. Ambulance, Medic 10, EMT department volunteer funds.

(a) *Title and purpose.* This section is entitled the "Town of Three Lakes, Oneida County Ambulance, Medic 10, EMT Department Volunteer Funds Ordinance." The purpose of this section is to authorize the town emergency medical technician (EMT) department to hold "volunteer funds" in the name of the EMT department.

(b) *Authority.* The town board has the specific authority under Wis. Stats. § 66.0608, to adopt this section.

(c) *Adoption of section.* This section, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, authorizes the town EMT department to hold volunteer funds in the name of the EMT department as provided in this section.

(d) *Definitions.* In this section:

- (1) *Public depository* means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state that receives or holds any public deposits or the local government pooled- investment fund.
- (2) *Volunteer funds* means funds of a municipality that are raised by employees of the town's EMT department, by volunteers, or by donation to the EMT department for the benefit of the EMT department.

(e) *Accounts.* The EMT supervisor, or designee authorized to deposit fund, is authorized to deposit volunteer funds of the department in an account in the name of the EMT department in any public depository. The EMT department, through EMT supervisor, or designee, shall have exclusive control over the expenditure of volunteer funds of the department, subject to subsection (f).

(f) *Limitations on accounts.* The EMT department is subject to the following reporting and auditing requirements:

- (1) The EMT supervisor, or designee, shall provide the town board with quarterly statements of the department's volunteer funds as of the end of March, June, September, and December of each calendar year. The statements shall be provided within 30 calendar days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.

- (2) EMT department accounts shall be included in the annual audit of town funds and shall be audited in the same manner as other town funds.

(Ord. of 11-17-2009, §§ I—VI)

Secs. 30-48—30-80. Reserved.

ARTICLE III. FIRE PREVENTION

Sec. 30-81. Fire inspector; duties.

(a) The fire chief shall hold the office of fire inspector, with the power to appoint one or more deputy fire inspectors who shall perform the same duties and have the same powers as the fire inspector.

(b) Whenever or wherever in the town any inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies shall serve notice in writing upon the owner of the property, giving the owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The fire chief or his deputy is authorized to have the hazard removed by the town, and the cost of such removal shall be charged on the tax roll against the property.

(c) The chief shall keep a written record of each property inspected which shall conform to the requirements of the state department of commerce (Comm) and shall make the quarterly report of inspections required by Comm.

(d) No person shall deny the chief or his deputies free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty or refuse to observe any lawful direction given by him.

(Code 1987, § 5.10)

Chapters 31—37

RESERVED

Chapter 38

LAW ENFORCEMENT*

- Sec. 38-1. Chief of police.
- Sec. 38-2. Police department personnel.
- Sec. 38-3. Police officers: powers and duties.
- Sec. 38-4. Power of arrest.

***Cross references**—Administration, ch. 2; civil emergencies, ch. 22; offenses and miscellaneous provisions, ch. 50; traffic and vehicles, ch. 70.

Sec. 38-1. Chief of police.

(a) *Appointment and term.* The chief of police shall be appointed by the town board for an indefinite term.

(b) *Powers and duties.*

- (1) The chief of police shall possess and exercise the powers and duties, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.
- (2) He shall obey all lawful written orders of the town chair or town board.
- (3) He shall cause the public peace to be preserved and see that all laws and ordinances of the town and state are enforced; and whenever any violation of such laws and ordinances 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) He shall be solely responsible for the care and condition of the equipment used by his department.
- (5) He 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 all reasonable times, shall be the property of the town and shall be turned over by the chief of police to his successor in office.
- (6) He shall devote his entire on-duty time to his official duties.
- (7) He shall keep an accurate and complete record of all fees, bail deposits and any other special remuneration or funds received by the department.

(Code 1987, §§ 1.15, 4.02)

Cross reference—Officers and employees, § 2-91 et seq.

Sec. 38-2. Police department personnel.

(a) *Enumerated.* The police department shall consist of the chief of police, who shall be appointed by the town board, and such police officers as the board may prescribe by ordinance or resolution or hired by the board.

(b) *Salary; collection of fees.* The chief and the police officers shall receive a salary fixed by the town 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 of its officers shall be deposited with the clerk.

(Code 1987, § 4.01)

Sec. 38-3. Police officers: powers and duties.

Each 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 town, subject to the orders, rules and regulations of the chief, the town chair and the town board.

(Code 1987, § 4.03)

Cross reference—Officers and employees, § 2-91 et seq.

Sec. 38-4. Power of arrest.

The chief of police and any police officer shall arrest any person in the town found in the act of violating any law or ordinance of the town or state or aiding or abetting in such violation. They shall arrest, without warrant, any person who 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 him and shall, within a reasonable time, bring such person before the court having jurisdiction to be dealt with according to law.

(Code 1987, § 4.04)

Chapters 39—41

RESERVED

Chapter 42

LIBRARY*

Sec. 42-1. Operations.

***Cross references**—Administration, ch. 2; streets, sidewalks and other public places, ch. 62.

Sec. 42-1. Operations.

(a) *Declaration of town's intent.* It is the intent of the town board to establish library services in the town pursuant to the provisions of Wis. Stats. ch. 43 and any future amendments.

(b) *Adoption of state law provisions by reference.* Such provisions of Wis. Stats. ch. 43, applicable to municipal library operations, are adopted in full in this section by reference.
(Code 1987, § 1.08)

Chapters 43—45

RESERVED

Chapter 46

NUISANCES*

- Sec. 46-1. Definitions.
- Sec. 46-2. Penalty for violation of chapter.
- Sec. 46-3. Prohibited generally.
- Sec. 46-4. Abatement.
- Sec. 46-5. Cost of abatement.
- Sec. 46-6. Public nuisances affecting health.
- Sec. 46-7. Public nuisances offending morals and decency.
- Sec. 46-8. Public nuisances affecting peace and safety.
- Sec. 46-9. Accumulation of used motor vehicles.
- Sec. 46-10. Open cisterns, wells, basements or other dangerous excavations.
- Sec. 46-11. Abandoned or unattended iceboxes, or other airtight containers.

*State law reference—Nuisances generally, Wis. Stats. § 823.01 et seq.

Sec. 46-1. Definitions.

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

Public nuisance means 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) 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.

(Code 1987, § 10.02)

Cross reference—Definitions generally, § 1-2.

Sec. 46-2. Penalty for violation of chapter.

Any person who shall violate any provision of this chapter, or any regulation, rule or order made under this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in section 1-8 of this Code.

(Code 1987, § 10.15)

Sec. 46-3. Prohibited generally.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the town.

(Code 1987, § 10.01)

Sec. 46-4. Abatement.

(a) *Enforcement.* A police officer, the fire chief, building inspector and health officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer 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.

(b) *Summary abatement.* If the inspecting officer determines that a public nuisance exists within the town and that there is great and immediate danger to the public health, safety, or peace, the chair may direct the proper officer to cause the nuisance to be abated and charge the cost to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(c) *Abatement after notice.* If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, or peace, he shall serve notice on the person causing or maintaining the nuisance to remove it within ten days. If such nuisance is not removed within ten days, the officer shall cause the nuisance to be removed as provided in subsection (b) of this section.

(d) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the town or its officials in accordance with law.

(e) *Court order.* Except when necessary under subsection (b)(2) of this section, an officer under this chapter 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. If such permission is denied, the officer shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(Code 1987, § 10.10)

Sec. 46-5. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. 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.

(Code 1987, § 10.11)

Sec. 46-6. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances. Such enumeration shall not be construed to exclude other health nuisances coming within the definition in section 46-1:

- (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 hours 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) *Garbage cans.* Garbage cans which are not flytight.

- (6) *Noxious weeds.* Canada Thistle, Leafy Spurge, Field Bindweed (creeping Jenny), unsightly and troublesome plants which are detrimental to cultivated crops, public health, public welfare and to the general appearance of the surrounding area or such uncultivated rank plants which create unpleasant or noxious odors or grow to such height as to permit the concealment of filthy deposits.
 - (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.* Any use of property, substances or things within the town emitting or causing any foul, offensive, noxious or disagreeable odors, gases, effluvia or stench 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 town.
 - (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 town.
 - (10) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the town 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 town.
 - (11) *Loose animals.* Any animals running at large in the town.
- (Code 1987, § 10.03)

Sec. 46-7. Public nuisances offending morals and decency.

Pursuant to Wis. Stats. ch. 823, 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 in section 46-1:

- (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.* All gambling devices and slot machines.
 - (3) *Continuous violation.* Any place or premises within the town where ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously, and repeatedly violated.
 - (4) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking alcohol beverages in violation of laws.
- (Code 1987, § 10.04)

Sec. 46-8. Public nuisances affecting peace and safety.

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 in section 46-1:

- (1) *Dangerous signs, billboards, and similar structures.* 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 ordinances relating to materials and manner of construction of buildings and structures within the town.
- (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, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such 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 hanging tree limbs.* All limbs of trees which project over and less than ten feet above any public sidewalk, street or other public place.
- (6) *Dangerous trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) *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.
- (8) *Low hanging wires and cables.* All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface.
- (9) *Blighted buildings and premises.*
 - a. Premises existing within the town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to 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, or welfare of the people of the town.
 - b. Blighted premises contribute to conditions that are dangerous to the public health, safety, and general welfare of the people. The conditions necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services. Such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

- c. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish such purposes.

(Code 1987, § 10.05)

Sec. 46-9. Accumulation of used motor vehicles.

No person except a licensee of a motor vehicle dealer's license issued under the statute shall accumulate or store or allow to remain outside of any building on real estate located within the town for a period of more than six months or dump, deposit or otherwise abandon upon any property or upon any highway, street, road, alley or way within the town any used motor vehicles as motor vehicle is defined by statute or any detached part for which no current registration fee has been paid under statute or which, if paid, does not have properly attached thereto under statute a current license plate if so required and which is in condition which would mechanically prevent its immediate operation upon any public highway or its operation thereon would be in violation of law. Each day that any used motor vehicle or any detached part shall be accumulated or stored or allowed to remain contrary to these provisions shall constitute a separate and distinct offense.

(Code 1987, § 10.07)

Cross reference—Traffic and vehicles, ch. 70.

Sec. 46-10. Open cisterns, wells, basements or other dangerous excavations.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the cover cannot be removed by small children. Any violation of this section is a public nuisance and may be disposed of in accordance with Wis. Stats. ch. 823.

(Code 1987, § 9.12)

Sec. 46-11. Abandoned or unattended iceboxes, or other airtight containers.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure, under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(Code 1987, § 9.13)

Chapters 47—49

RESERVED

Chapter 50

OFFENSES AND MISCELLANEOUS PROVISIONS*

- Sec. 50-1. Offenses against state laws subject to forfeiture.
- Sec. 50-2. Carrying weapon in public building.
- Sec. 50-3. Throwing or shooting of arrows, stones and other missiles.
- Sec. 50-4. Unlawful assemblies.
- Sec. 50-5. Sale and discharge of fireworks.
- Sec. 50-6. Penalties for violation of chapter.
- Sec. 50-7. Obstructing streets and sidewalks.
- Sec. 50-8. Loud and unnecessary noise.
- Sec. 50-9. Gambling; lotteries; fraudulent devices and practices.
- Sec. 50-10. Loitering.
- Sec. 50-11. Destruction of property.
- Sec. 50-12. Littering.
- Sec. 50-13. Open containers.
- Sec. 50-14. Disorderly conduct with a motor vehicle.
- Sec. 50-15. Smoke Free Wisconsin enactment.
- Sec. 50-16. Synthetic cannabinoid prohibited.
- Sec. 50-17. Disorderly conduct.

***Cross references**—Law enforcement, ch. 38; traffic and vehicles, ch. 70.

Sec. 50-1. Offenses against state laws subject to forfeiture.

The following statutes are adopted by reference to define offenses against the peace and good order of the town, provided that the penalty for commission of such offenses under this chapter shall be limited to a forfeiture imposed under section 1-8 of this Code.

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| Wis. Stats. § 254.76 | Careless smoking |
| Wis. Stats. § 110.075(7) | Producing/using inspection sticker fraudulently |
| Wis. Stats. § 134.06 | Bonus to chauffeur prohibited |
| Wis. Stats. § 134.71(10) | Violations by secondhand dealers |
| Wis. Stats. § 285.30 | Pollution by motor vehicle/tampering with pollution control system |
| Wis. Stats. § 961.41 | Unlawful manufacture/delivery of controlled substance |
| Wis. Stats. § 961.41 | Possession of marijuana |
| Wis. Stats. § 175.25 | Illegal storage of junked vehicles |
| Wis. Stats. § 218.0145 | Used cars/prohibited acts |
| Wis. Stats. § 218.0147 | Motor vehicles/sale or lease to minor |
| Wis. Stats. § 939.05 | Parties to crime |
| Wis. Stats. § 939.22 | Words and phrases defined |
| Wis. Stats. § 939.32 | Attempt |
| Wis. Stats. § 940.19(1) | Battery |
| Wis. Stats. § 941.01 | Negligent operation of vehicle |
| Wis. Stats. § 941.10 | Negligent handling of burning material |
| Wis. Stats. § 941.12(2), (3) | Interfering with firefighting |
| Wis. Stats. § 941.13 | False alarms |
| Wis. Stats. § 941.20(1) | Reckless use of weapons |
| Wis. Stats. § 941.23 | Carrying concealed weapon |
| Wis. Stats. § 941.237 | Carrying handgun where alcohol beverages may be sold and consumed |
| Wis. Stats. § 941.24 | Possession of switchblade knife |
| Wis. Stats. § 941.35 | Emergency telephone calls |
| Wis. Stats. § 943.01(1) | Criminal damage to property (less than \$1,000.00) |
| Wis. Stats. § 943.017 | Graffiti |
| Wis. Stats. § 943.07(1), (2), (3) | Criminal damage to railroad |
| Wis. Stats. § 943.07(4) | Intentionally depositing debris on railroad |
| Wis. Stats. § 943.11 | Entry into locked vehicle |
| Wis. Stats. § 943.125 | Entry into locked coin box |
| Wis. Stats. § 943.13 | Criminal trespass to land |
| Wis. Stats. § 943.14 | Criminal trespass to dwelling |
| Wis. Stats. § 943.20 | Theft (\$1,000.00 or less) |
| Wis. Stats. § 943.21 | Fraud on hotel or restaurant keeper (\$1,000.00 or less) |

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| Wis. Stats. § 943.22 | Use of cheating tokens |
| Wis. Stats. § 943.23(4m) | Operate auto without owner's consent |
| Wis. Stats. § 943.24 | Issue of worthless checks (less than \$1,000.00) |
| Wis. Stats. § 943.34(1) | Receiving stolen property, value less than \$1,000.00 |
| Wis. Stats. § 943.37 | Alteration of property identification marks |
| Wis. Stats. § 943.41(2), (3)(a—d) or (4)(b) | Credit card crimes, value less than \$1,000.00 |
| Wis. Stats. § 943.50 | Retail theft (shoplifting, value not exceeding \$1,000.00) |
| Wis. Stats. § 944.15 | Fornication |
| Wis. Stats. § 944.17 | Sexual gratification |
| Wis. Stats. § 944.20 | Lewd and lascivious behavior |
| Wis. Stats. § 944.30 | Prostitution |
| Wis. Stats. § 944.31 | Patronizing prostitutes |
| Wis. Stats. § 944.33(1) | Pandering |
| Wis. Stats. § 944.36 | Solicitations prohibited |
| Wis. Stats. § 945.01 | Definitions relating to gambling |
| Wis. Stats. § 945.02 | Gambling |
| Wis. Stats. § 945.04 | Permitting premises to be used for commercial gambling |
| Wis. Stats. § 946.06 | Improper use of flag |
| Wis. Stats. § 946.32 | False swearing |
| Wis. Stats. § 946.40 | Refusing to aid officer |
| Wis. Stats. § 946.41(1) | Resisting or obstructing officer |
| Wis. Stats. § 946.42(1) | Escape |
| Wis. Stats. § 946.69(1) | Falsely assuming to act as a public officer |
| Wis. Stats. § 946.70 | Personating peace officer |
| Wis. Stats. § 946.72(2) | Tampering with public records and notices |
| Wis. Stats. § 947.01 | Disorderly conduct |
| Wis. Stats. § 947.012 | Unlawful use of telephone |
| Wis. Stats. § 947.06 | Unlawful assemblies |
| Wis. Stats. § Chapter 951 | Crimes against animals |
| Wis. Stats. § 961.577 | Municipal ordinances |

(Code 1987, §§ 9.29.288—9.948.16; Ord. of 9-20-2011)

Sec. 50-2. Carrying weapon in public building.

As prescribed in Wis. Stats. § 941.235 Carrying concealed weapon:

- (1) No person may go armed with a weapon in any building owned or leased by the town that has been posted in accordance with Wis. Stats. § 943.13(2)(bm).
- (2) No person may go armed with a weapon at any special event taking place in the town. Special events as defined by Wis. Stats. 943.13(1e)(h) shall be designated by town board resolution that has been posted in accordance with Wis. Stats. § 943.13(2)(bm).

(3) Such owned or leased town buildings and special events may be posted in accordance with Wis. Stats. § 943.13(2)(bm) at the town board discretion.
(Code 1987, § 9.02; Ord. of 9-20-2011; Ord. of 6-2-2015)

Sec. 50-3. Throwing or shooting of arrows, stones and other missiles.

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the town, provided the chief of police may grant a permit for archery for a period not more than one year.
(Code 1987, § 9.03)

Sec. 50-4. Unlawful assemblies.

Unlawful assemblies are any unauthorized or prohibited 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.
(Code 1987, § 10.05(12))

Sec. 50-5. Sale and discharge of fireworks.

(a) *Statute; adopted by reference.* Wis. Stats. § 167.10, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.

(b) *Fireworks.* All use or display of fireworks shall be restricted, except as provided by state law and ordinances.

(Code 1987, §§ 9.04, 10.05(7))

Cross reference—Fire prevention and protection, ch. 30.

Sec. 50-6. Penalties for violation of chapter.

(a) Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to section 1-8 of this Code.

(b) In addition to any penalty imposed for violation of section 50-11, any person who shall cause physical damage to or destroy any public property shall be liable the costs of replacing or repairing such damaged or destroyed property. The parents of any unemancipated minor child who violates section 50-11 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Wis. Stats. § 895.035.

(Code 1987, § 9.20)

Sec. 50-7. Obstructing streets and sidewalks.

No person shall stand, sit, loaf, loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder

free ingress or egress to or from any place of business or amusement, church, public hall or meeting place, except with the permission of the town board upon written application to the board.

(Code 1987, § 9.05)

Cross reference—Streets, sidewalks and other public places, ch. 62.

Sec. 50-8. Loud and unnecessary noise.

(a) *Loud and unnecessary noise.* No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley, park or any private residence.

(b) *Use of amplifying devices*

(1) *Permit required.* You may either apply for each event or a one-time yearly permit that includes all the dates for your upcoming events. This permit may be amended with chief of police or town clerk. No group or organization shall operate any device or instrument which amplifies sound into any outdoor public or private place, or from any indoor public or private place such that the amplified sound is projected outdoors into any outdoor public or private place without a permit for such operation having been approved by the chief of police or the town clerk,

(c) *Standards for issuance and revocation of permit*

- (1) A permit shall be issued under this article unless the chief of police shall find that the proposed use of an amplifying device would be reasonably likely to disturb the public peace, and good order, or endanger the public safety.
- (2) A permit issued under this section may be summarily revoked by the chief of police, or designee, if s/he finds that the use of the amplifying device is disturbing the public peace, and good order, or endangering the public safety.
- (3) In recommending against the issuance of a permit, or in revoking a permit under this section, the chief of police shall consider the following: the degree of amplification, the hours of use, the proximity of such use to residential areas, the proximity of such use to areas in which activities are carried on that are incompatible with the use, and effect of such use upon the movement of pedestrian and vehicular traffic.
- (4) If the chief of police recommends against the issuance of a permit, or in revoking a permit, s/he shall make a written report to the town board of supervisors.

(d) *Hours of operation.* No permit shall allow the hours of operation for amplification to begin prior to 10:00 a.m. nor to exceed 11:00 p.m. on Fridays, Saturdays and legal holidays and 10:00 p.m. on Sunday thru Thursday, or as allowed by permit.

(e) *Exemptions.* Churches, bell towers, outdoor worship services, government warning devices, schools and camps if on premises.

(Code 1987, § 9.06; Ord. of 7-3-2012; Ord. of 6-17-2014; Ord. of 5-17-2016)

Sec. 50-9. Gambling; lotteries; fraudulent devices and practices.

All forms of illegal gambling, lotteries and fraudulent devices and practices are prohibited within the town. Any police officer shall seize anything devised solely for gambling or found in actual use for gambling within the town and dispose of such device after a judicial determination that such device was used solely for gambling or found in actual use for gambling as required by law.

(Code 1987, § 9.07)

Sec. 50-10. Loitering.

(a) *Obstruction of traffic.* No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges, or in any other public places within the town, in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, sidewalks, street crossings and bridges or other public places by persons passing along and over such public places.

(b) *After being requested to move.* No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.

(Code 1987, § 9.08(3), (4))

Sec. 50-11. Destruction of property.

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the town or its departments, or to any private person without the consent of the owner or proper authority.

(Code 1987, § 9.09)

Sec. 50-12. Littering.

No person shall throw or deposit any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid, or other litter or unwholesome substance upon the streets, alleys, highways, public parks or other property of the town or upon any private property not owned by him or upon the surface of any body of water within the town.

(Code 1987, § 9.10)

Cross reference—Solid waste, ch. 58.

Sec. 50-13. Open containers.

(a) No person shall have in his possession an open container of alcohol beverage while on town property, streets or sidewalks.

(b) Subsection (a) of this section shall not apply to those groups making application for a special permit for parties to be held on town property after receiving special written permission from the town board.

(Code 1987, § 9.14)

Sec. 50-14. Disorderly conduct with a motor vehicle.

No person shall operate a motor vehicle in such a manner as to cause the tires to squeal, the motor to race excessively, the horn to blow unnecessarily, the radio to blare or in any other manner which would annoy or disturb other persons in the town or endanger the public peace and safety.

(Code 1987, § 9.15)

Cross reference—Traffic and vehicles, ch. 70.

Sec. 50-15. Smoke Free Wisconsin enactment.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: "Smoke Free Wisconsin" means 2009 Wisconsin Act 12;

(b) *State smoke free laws adopted.* State smoke free laws as found in Wis. Stats. §§ 77.52 and 101.123 are adopted by reference in this section as if fully set forth.

(c) *Intent of article.* The intent of this article is to provide safe and healthful conditions in all public places and the interior of all buildings consistent with public rights and interests.

(d) *Applicability and enforcement of article provisions.*

- (1) It shall be unlawful and a violation of this section for any person, whether employed by the town or a member of the public, to smoke in enclosed public places, places of employment, in any town building, town vehicle or joint use building. Those areas specifically prohibited in Wis. Stats. § 101.123(2).
- (2) No person in charge may allow any person to smoke in violation of (b) at a location that is under the control or direction of the person in charge. A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited. A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
 - a. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - b. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
 - c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
 - d. If a person refuses to leave a location after being requested to do so as provided in subsection (d)(2) the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(e) *Exceptions.* The prohibition against smoking in subsection (d)(1) does not apply to the following:

- (1) A private residence.
- (2) A room used by only one person in an assisted living facility as his or her residence.
- (3) A room in an assisted living facility in which two or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

- (4) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

(f) *Smoking prohibited.*

- (1) *Purpose and authority.* The town finds that smoking contributes to health problems of its employees and of members of the public, both directly through deliberate use of smoking materials and indirectly, to non-smokers, through involuntary inhalation of smoke in the air. This section is enacted to reduce that risk as much as possible in enclosed places, places of employment, and public places as well as in town buildings and vehicles. This section is enacted under the authority of Wis. Stats. §§ 59.07 and 101.123, and Federal Public Law 103-227.

- (2) *Definitions.* As used in this section, the following words have the meanings indicated:

Assisted living facility means a community-based residential facility, a residential care apartment complex, or an adult family home.

Correctional facility means a state prison, a juvenile detention facility, a juvenile correctional facility, or a jail.

Educational facility means any building used principally for educational purposes in which a school is located or course of instruction or training program is offered that has been approved or licensed by a state agency or board.

Enclosed place means a structure or area that has all of the following: a roof and more than two substantial walls. The definition of substantial wall is a wall with no opening or with an opening that either does allow air in from the outside or that is less than 25 percent or more of the wall's surface area.

Inpatient health care facility means a hospital, a county home, a county infirmary, a nursing home, a hospice, a Wisconsin veterans home, or a treatment facility.

Joint use building means a building that is owned by the town, part of which is leased to another party.

Lodging establishment means a bed and breakfast establishment, a hotel, motel, or a tourist rooming house.

Person in charge means the person or his or her agent who ultimately controls, governs, or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated.

Place of employment means any enclosed place that employees normally frequent during the course of employment including an office, work areas, employee lounge, restroom, conference room, meeting room, classroom, elevator, stairway, lobby, common area, vehicle, cafeteria, or hallway.

Private club means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

Public conveyance means a mass transit vehicle, a school bus, or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.

Public place means any enclosed place that is open to the public regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

Retail establishment means any store or shop in which retail sales is the principal business conducted.

Retail tobacco store means a retail establishment that does not have a "Class B" intoxicating liquor license or a "Class B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.

Smoking has the meaning set forth in § 101.123(1)(h), Wis. Stats.

Sports arena means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

Tavern means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or "Class B" fermented malt beverages license.

Tobacco bar means a tavern that generates 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.

Town building means any building owned, leased, contracted or operated by the town. Town building does include space leased to the town in a building which has other tenants but the regulations set forth in this section shall apply only to that part of the leased space which is partitioned off from the remaining space, including common areas, by floor to ceiling walls. Town building does not include any building that is both owned by the town and completely leased to another party.

Town vehicle means all self-propelled vehicles owned or leased by the town.

(g) *Penalties.*

- (1) Any person who violates subsection (d)(1) be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation.
- (2) A violation of this section does not constitute negligence as a matter of law.
- (3) Except as provided in subsection (g)(4) or (5) any person in charge who violates subsections (d)(2)a. to c. shall be subject to a forfeiture of \$100.00 for each violation.
- (4) For violations subject to the forfeiture under subsection (g)(3), if the person in charge has not previously received a warning notice for a violation of sub. (d)(2)a. to c. the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

- (5) No person in charge may be required under subsection (g)(3) to forfeit more than \$100.00 in total for all violations of subsections (d)(2)a. to c. occurring on a single day.
- (6) A violation of this section does not constitute negligence as matter of law.
- (7) Any town employee found in violation of this section shall be subject to the town's positive disciplinary process.

(h) *Injunction.* Notwithstanding Wis. Stats. § 165.60, state or local officials or any affected party may institute an action in Oneida County Circuit Court to enjoin such conduct where a person has been subject to penalties, as set forth above, on two or more occasions.
(Ord. of 6-1-2010)

Sec. 50-16. Synthetic cannabinoid prohibited.

(a) *Possession, use and sale are prohibited.* It shall be illegal for any person to use, possess, transport, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label, or description:

- (1) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, Its seeds or extracts;
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl) Indole-some trade or other names: JWH- 018/spice;
- (4) 1-Butyl-3-(1-naphthoyl) Indole-some trade or other names: JWH-073;
- (5) 1-(3(trifluoromethylphenyl)) piperazine-some trade or other names: TFMPP; or
- (6) Any similar structural analogs.

(b) *Deliver.* "Deliver," with respect to the substances named herein has the same meaning given in Wis. Stats. § 961.01(6) with respect to a controlled substance or similar structural analogs.

(c) *Distribute.* "Distribute," with respect to the substances named herein has the same meaning given In Wis. Stats. 961.01(9) with respect to a controlled substance or similar structural analogs.

(d) *Manufacture.* "Manufacture," with respect to the substances named herein has the same meaning given in Wis. Stats. 961.01(13) with respect to a controlled substance or similar structural analogs.

(e) *Exception.* Acts otherwise prohibited under this section (a) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is

permitted under state and federal laws. This section does not apply to the manufacture of any dosage form of the substances named herein that may be obtained from a retail establishment without a prescription and that is recognized by the U.S. Food and Drug Administration as a homeopathic drug, or to the distribution or delivery to an individual who is 18 years of age or older of any dosage form that may be obtained from a retail establishment without a prescription and that is recognized by the U.S. Food and Drug Administration as a homeopathic drug.

(f) *Medical or dental use allowed.* Acts otherwise prohibited under this section not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

(g) *Penalty.* Any minor (juvenile) or adult person violating this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs, and upon failure to pay the same shall be confined in the county jail for not more than 30 days. Except as provided herein, whoever manufactures, distributes, or delivers any of the substances named herein with intent that it be consumed by an individual may be fined not more than \$10,000.00.

(Ord. of 12-7-2010)

Sec. 50-17. Disorderly conduct.

No person shall within the town:

- (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person.
- (2) Intentionally cause, provoke, or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (3) Make a telephone call with intent to annoy another, whether or not conversation ensues.
- (4) Operate a motor vehicle in such a manner as to cause the tires to squeal, the motor to race excessively, the horn to blow unnecessarily, audio systems to blare, wheelies on motorcycles or in any other manner which would annoy or disturb persons in the town or endanger the public peace and safety.
- (5) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of any may not be charged with a violation of, this section, for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

(Ord. of 9-20-2011)

Chapters 51, 52

RESERVED

Chapter 53

AIRPORT

- Sec. 53-1. Title.
- Sec. 53-2. Commission established.
- Sec. 53-3. Appointment of commissioners.
- Sec. 53-4. Terms.
- Sec. 53-5. Qualifications.
- Sec. 53-6. Officers.
- Sec. 53-7. Management.
- Sec. 53-8. Authority.

Sec. 53-1. Title.

This chapter is titled the "Town of Three Lakes Municipal Airport Commission Ordinance."
(Ord. of 7-5-2016)

Sec. 53-2. Commission established.

An airport commission of five commissioners is hereby created, and jurisdiction for the construction, improvement, maintenance and operation of the Three Lakes Municipal Airport is hereby vested in said commission.
(Ord. of 7-5-2016)

Sec. 53-3. Appointment of commissioners.

Such commissioners shall be appointed by the town chairman, subject to the approval of the town board.
(Ord. of 7-5-2016)

Sec. 53-4. Terms.

The term of office for said commissioners shall be six years; on the first appointment the members shall be appointed for terms of two, four and six years respectively.
(Ord. of 7-5-2016)

Sec. 53-5. Qualifications.

Such commissioners shall be persons especially interested in aeronautics. All necessary expenses will be done through a town approved budget.
(Ord. of 7-5-2016)

Sec. 53-6. Officers.

Such airport commission shall elect one member chairman and one secretary. The secretary shall keep an accurate record of all of the proceedings and transactions of the airport commission and report such to the governing bodies on an annual basis.
(Ord. of 7-5-2016)

Sec. 53-7. Management.

Such airport commission shall have complete and exclusive control and management of the Three Lakes Municipal Airport. All monies appropriated for the construction, improvement, equipment, maintenance or operation of said airport or earned by such airport or made available for its construction, improvement, equipment, maintenance or operation in any manner whatsoever shall be deposited with the treasurer of the town.

(1) Such airport commission may appoint a manager who may be a member of the commission and may also work with volunteers, as may be deemed necessary.
(Ord. of 7-5-2016)

Sec. 53-8. Authority.

Such airport commission is expressly authorized to execute, in the name of the town, such contracts, leases or other agreements as they deem necessary for the construction, improvement, equipment, maintenance or operation of the airport, subject to the normal budgetary procedures of the governing body. Such commission may contract with the United States, the State of Wisconsin, or any agency thereof; may petition, in the name of the governing body, for such state and federal aid as may be available for airport purposes, and after resolution certifying the availability of local funds, or appropriation of such funds, may execute agency agreements, contracts and all other documents necessary to the project.

- (1) Such commission shall have the power to do all acts and things necessary or convenient for the promotion of its business and the general welfare of the commission in order to carry out the powers, duties and responsibilities imposed by this provision or any other laws, as so approved and designated by the municipality.
 - (2) Implement a "Minimum Standards and Procedures for Three Lakes Municipal Airport" from time to time review and make such revisions or amendments as shall be deemed necessary. Upon enactment of any such amendments, all operators and tenants shall be required to conform to such amended standards.
 - (3) Establish policy as may be required for the safe and orderly operation of the airport including the operation of aircraft on the ground and in the airport airspace.
 - (4) Prepare, and make available, an airport layout plan (ALP).
- (Ord. of 7-5-2016)

Chapter 54

PARKS AND RECREATION*

Article I. In General

- Sec. 54-1. Penalty for violation of chapter.
- Sec. 54-2. Emergency invasive species control zone.
- Sec. 54-3. Summer exhibitions and races.
- Sec. 54-4. Winter exhibitions and races.
- Secs. 54-5—54-30. Reserved.

Article II. Boating

- Sec. 54-31. Definitions.
- Sec. 54-32. Penalties for violation of article.
- Sec. 54-33. State boating and safety laws adopted.
- Sec. 54-34. Intent of article.
- Sec. 54-35. Applicability and enforcement of article provisions.
- Sec. 54-36. Controlled area.
- Sec. 54-37. Exemptions to 2009 Wisconsin Act 31.
- Sec. 54-38. Use of public boat launches.
- Sec. 54-39. Use of public piers.
- Secs. 54-40—54-70. Reserved.

Article III. Bulkhead Lines

- Sec. 54-71. Established.
- Secs. 54-72—54-100. Reserved.

Article IV. Camping

- Sec. 54-101. Purpose of article.
- Sec. 54-102. Definitions.
- Sec. 54-103. Penalty for violation of article.
- Sec. 54-104. Authority to regulate.
- Sec. 54-105. Enforcement of article provisions.
- Sec. 54-106. Permit.

Article V. Walking and Bike Trails

- Sec. 54-107. Purpose of article.
- Sec. 54-108. Authority to regulate.
- Sec. 54-109. Penalty for violation of article V.
- Sec. 54-110. Ban on the operation of motor vehicles on town walking and bike trails.

***Cross reference**—Streets, sidewalks and other public places, ch. 62.

ARTICLE I. IN GENERAL**Sec. 54-1. Penalty for violation of chapter.**

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in section 1-8 of this Code.

(Code 1987, § 20.05)

Sec. 54-2. Emergency invasive species control zone.

(a) *Purpose.* This section is enacted under authority of Wis. Stats. § 30.77(3)(a), to protect and preserve the public's interest in the outstanding natural resources and environment of the Three Lakes Chain of Lakes from degradation by the invasive Eurasian Water Milfoil (EWM).

(b) *Background.* EWM is a non-native invasive aquatic plant that, when established, rapidly spreads and can form large impenetrable mats which severely inhibit or preclude boating, swimming, and fishing. Uncontrolled infestations have greatly reduced lake use and riparian property values elsewhere in Wisconsin and the U.S. EWM was found in the Eagle River Chain downstream of the Burnt Rollways Dam in the early 1990s. It was subsequently found in the Three Lakes Chain in the Long Lake channel just upstream of the dam but has not been found, so far, elsewhere in the Three Lakes Chain. Despite intensive control efforts beginning in 2005, EWM has spread upstream in the channel. If not controlled, EWM will eventually clog the channel and spread into the rest of the Three Lakes Chain with consequent severe impact on the value and enjoyment of these incomparable public waters. Motorized watercraft activities are the proximate cause of the spread of EWM upstream against water flow. Control measures include removal of plants found on boats, exclusion of motorized watercraft from near-surface beds of EWM infected areas, and chemical treatment of EWM beds. Effective chemical treatment is possible only in the spring, in near still water conditions, and when the EWM growth begins before native water plants begin growth.

(c) *Definitions.* Definitions provided in NR 5.001, Wisconsin Administrative Code, are hereby adopted by reference. Supplementary definitions applicable to this section are:

Motorized watercraft. Boats as defined in NR 5.001 moved by propulsion machinery whether propeller, fan, or water jet driven.

Non-motorized watercraft. Boats as defined in NR 5.001, including, but not limited to, canoes, kayaks, sail boats, rafts, and fishing boats, not moved by propulsion machinery.

Slow-No-Wake. Moving at the slowest possible speed while maintaining steerage control.

(d) *Establishment and boundaries of EWM control zone.* Effective immediately, an EWM control zone is established in the Long Lake channel. The side boundaries of the control zone shall be the ordinary high water mark (OHWM) on the banks of the channel and as extended across the mouth of Lower Ninemile Creek. The downstream boundary shall be the spillway on the Burnt Rollways Dam. The upstream boundary shall be a line between and approximately perpendicular to the OHWM on either bank at the junction of the channel with Long Lake proper, the line to cross the center of navigation of the channel at coordinates N 45 52.944

W 089 08.720. However, the town chairman may, with 36-hour public notice in accordance with subsection (g)(2) below, change the control zone boundaries based on infestation locations, control treatment requirements, or for other good cause, after obtaining advice as provided in subsection (e) below.

(e) *Temporary prohibition of motorized boating in the EWM control zone.* To facilitate effective chemical treatment and control of spread of EWM infestation, operation of motorized watercraft may be temporarily prohibited in the EWM control zone by the town chairman, except as allowed by subsection (f) below, for at least one week to a maximum of three months, when necessary due to appearance of near-surface weed beds in the control zone, exigencies of weather and/or water flow at the dam, chemical treatment procedures, or for other good cause. In taking such action, the chairman may consider operational and technical advice from the Three Lakes Waterfront Association board of directors, AIS control contractors, and the state department of natural resources.

(f) *Restrictions on boating in the EWM control zone.*

- (1) Except when permitted under b. below, all watercraft movement in the EWM control zone is indefinitely restricted to operation at slow-no-wake speed, shall avoid all identified EWM infestations and treatment areas, and shall comply with all waterway markers, signs, and buoys.
- (2) Operation of motorized watercraft in the control zone is permitted at faster than slow-no-wake speed in emergencies, for EWM treatment and control, and for enforcement of this section or other boating regulations.
- (3) During the temporary motorized boating prohibition period imposed under subsection (e), owners of riparian property abutting the control zone, and their guests, nevertheless may transit the control zone with motorized watercraft for travel to and from portions of the Three Lakes Chain outside of the control zone. Transit must be in compliance with (1) above and (5) below, and only for direct ingress and regress to that owner's property.
- (4) Non-motorized watercraft may transit the control zone at any time in compliance with (1) above and (5) below.
- (5) Operators of all watercraft in the control zone, immediately upon leaving it, shall visually inspect the hull, transom, and propulsion machinery. This inspection shall be conducted at full stop when leaving the control zone by water, or on land immediately when taken directly out of the water from the control zone. All aquatic plants regardless of species found on or in the boat or an associated trailer shall be totally removed and properly disposed of on land.
- (6) The provisions of this section shall remain in force indefinitely and shall not automatically expire at the end of the temporary motorized boating prohibition period provided in subsection (e) above.

(g) *Public notice and EWM control zone marking.*

- (1) The town clerk shall cause this section to be posted on the town website and published in the next available edition of the town official newspaper. A copy shall be mailed to all known marinas and riparian restaurants in the town, to the Three Lakes Area Chamber of Commerce and Visitors Center, Eagle River Chamber of Commerce and Visitors Center, Vilas County Unified Lower Eagle River Chain of Lakes Commission, the Wisconsin Department of Natural Resources in Rhinelander, and to the Wisconsin Valley Improvement Company, and all other owners of riparian properties abutting the control zone at their current tax roll addresses.
- (2) Notification of any change to control boundaries, or imposition or removal of a prohibition on motorized boating, shall be disseminated by mail, fax, or email within 36 hours to the recipients identified as in (1) above.
- (3) The town crew shall place and maintain appropriate buoys, signs, and markers to notify waterway users of the restrictions of this section.

(h) *State boating laws and regulations adopted.* State boating laws as found in Wis. Stats. §§ 30.50 to 30.71 and 30.742, and NR 5, Wisconsin Administrative Code, are hereby adopted by reference.

(i) *Enforcement and penalties.* Qualified law enforcement officials employed or contracted by the town shall issue citations for violations in accordance with Wis. Stats. § 66.0113. Deposits as established in the Uniform Deposit and Bail Schedule adopted by the Wisconsin Judicial Conference are hereby adopted by reference with all references to fines amended to read forfeitures and all references to imprisonment deleted.

(Ord. of 1-14-2009, §§ I—IX)

Sec. 54-3. Summer exhibitions and races.

(a) *Applicability and enforcement.* Persons or groups wishing to conduct any summer events, as defined herein, such as exhibitions or races, on or off water, as defined by state statutes or the Wisconsin Administrative Code, which may include boats or other watercraft, snowmobiles, ATVs, motorcycles, automobile, or other motorized vehicles shall apply for a special permit issued by the town clerk after town board approval. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police or town clerk.

- (1) The provisions of this section shall apply to summer events in the town occurring, on or off water, during those months when there is no snow on the ground and the lakes are not frozen, including all exhibitions and races involving boats or other watercraft, snowmobiles, ATVs, motorcycles, automobiles or other motorized vehicles.
- (2) Exceptions, if any, from the state boating laws granted through the permitting process apply only to the specific event days and times. These exceptions from state boating laws may be extended to apply for practice times or dates.

(3) Exceptions, if any, from existing state laws for snowmobiles, ATVs, motorcycles or other motorized vehicles granted through the permitting process apply only to the specific event days and times. These exceptions from state do not apply for any practice time or dates.

(4) The elected officials and officers of the town shall enforce this section.

(b) *Intent.* The intent of this section is to provide safe and healthful conditions for the enjoyment of summer events and recreation consistent with public rights and interests.

(c) (1) *State snowmobile race laws adopted.* State snowmobile laws as found in Wis. Stats. ch. 350 are adopted by reference.

(2) *State ATV laws adopted.* State ATV laws as found in Wis. Stats. ch. 23 are adopted by reference.

(3) *State boating and safety laws adopted.* State boating laws as found in Wis. Stats. §§ 30.50 to 30.71 and 30.742, and NR 5.19 Wis. Admin. Code are adopted by reference.

(d) *Exhibition and race application form/permit.* An application form, which shall become the permit if approved by the town board of supervisors, chief of police or town clerk, shall be submitted and include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

(e) *Placement of course markers, buoys and safety buffering.* Under the permit granted by this section, the town board hereby authorizes and directs the permittee to place course markers, buoys and safety buffering material at the event location described in the permit for the length of the permit.

(f) *Exclusive use area.* An exclusive event use location shall be described on the application submitted, to become the permit if approved by the town board of supervisors, chief of police or town clerk. The permittee shall be granted exclusive use of the event location described during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an emergency, to the police and/or fire departments, or to rescue vehicles or craft within the exclusive use area.

(g) *Summer event exhibition and race authorized areas.* An authorized practice area, the same as or separate from the exclusive use area, may be designated in the permit authorized by the town board, chief of police or town clerk. The permittee's use of either and/or both areas are limited to the days and hours described in the permit.

(h) *Penalties.* Wisconsin state boating, ATV, snowmobile penalties as found in Wis. Stats. ch. 350, ch. 23, §§ 30.50 to 30.71 and 30.742, and NR 5.19 Wis. Admin. Code and deposits as established in the uniform deposit and bail schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

(Ord. of 6-11-2008; Ord. of 10-2-2012; Ord. of 10-7-2014)

Sec. 54-4. Winter exhibitions and races.

(a) *Applicability and enforcement.* Persons or groups wishing to conduct any winter events, as defined herein, such as exhibitions or races, as defined by state statutes or the Wisconsin Administrative Code, which may include snowmobiles, ATVs, or other motorized vehicles designed to operate in winter conditions, shall apply for a special permit issued by the town clerk after town board approval. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police or town clerk.

- (1) The provisions of this section shall apply to winter events in the town occurring, during months when there is snow on the ground and lakes are frozen and usable for such events, including all exhibitions and races involving snowmobiles, ATVs, or other motorized vehicles designed to operate in winter conditions.
- (2) Exceptions, if any, from existing state laws for snowmobiles, ATVs or other motorized vehicles granted through the permitting process apply only to the specific event days and times. These exceptions from state do not apply for any practice times or dates.
- (3) The elected officials and officers of the town shall enforce this section.

(b) *Intent.* The intent of this section is to provide safe and healthful conditions for the enjoyment of winter events and recreation consistent with public rights and interests.

(c) *State snowmobile race laws adopted.* State snowmobile laws as found in Wis. Stats. ch. 350 are adopted by reference.

(d) *Exhibition and race application form/permit.* An application form, which shall become the permit if approved by the town board of supervisors, chief of police or town clerk, shall be submitted and include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

(e) *Placement of course markers, buoys and safety buffering.* Under the permit granted by this section, the town board hereby authorizes and directs the permittee to place course markers and safety buffering material at the event location described in the permit for the length of the permit.

(f) *Exclusive use area.* An exclusive event use location shall be described on the application submitted, to become the permit if approved by the town board of supervisors, chief of police or town clerk. The permittee shall be granted exclusive use of the event location described during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an emergency, to the police and/or fire departments, or to rescue vehicles or craft within the exclusive use area.

(g) *Winter event exhibition and race authorized areas.* An authorized practice area, the same as or separate from the exclusive use area, may be designated in the permit authorized by the town board, chief of police or town clerk. The permittee's use of either and/or both areas are limited to the days and hours described in the permit.

(h) *Penalties.* Wisconsin state snowmobile penalties as found in Wis. Stats. ch. 350 and deposits as established in the uniform deposit and bail schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.
(Ord. of 3-16-2010; Ord. of 10-7-2014)

Secs. 54-5—54-30. Reserved.

ARTICLE II. BOATING

Sec. 54-31. Definitions.

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

Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(Ord. No. 20, § IV, 7-6-1999)

Cross reference—Definitions generally, § 1-2.

Sec. 54-32. Penalties for violation of article.

State boating penalties as found in Wis. Stats. § 30.80 and deposits as established in the uniform deposit and bail schedule established by the state judicial conference are adopted in this section by reference with all references to fines amended and all references to imprisonment deleted.

(Ord. No. 20, § VI, 7-6-1999)

Sec. 54-33. State boating and safety laws adopted.

State boating laws as found in Wis. Stats. §§ 30.50—30.71 are adopted by reference in this section as if fully set forth.

(Ord. No. 20, § III, 7-6-1999)

Sec. 54-34. Intent of article.

The intent of this article is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

(Ord. No. 20, § II, 7-6-1999)

Sec. 54-35. Applicability and enforcement of article provisions.

(a) The provisions of this article shall apply to the waters of the lakes in the town as named in Wisconsin Department of Natural Resources PUB-FH-800.

(b) The officers of the town shall enforce this article.
(Ord. No. 20, § I, 7-6-1999; Ord. of 5-20-2003; Ord. of 3-1-2011)

Sec. 54-36. Controlled area.

No person shall operate a boat faster than slow-no-wake in the following waters, as marked by buoys:

The Thoroughfare, beginning at approximately 250 feet east of the bridge on East Big Lake Loop Road and ending at Whitefish Lake.

On Big Lake, beginning approximately 100 feet south of the bridge on North Big Lake Loop Road and ending approximately 300 yards north of the bridge.

On Deer Lake, beginning approximately 300 feet south of the bridge on Highway 32 and ending approximately 100 feet north of the bridge.

On Big Stone Lake, beginning approximately 200 yards north of the shore line (directly north of Airport Road) and continuing approximately 450 yards west of the center buoy.

On Laurel Lake, beginning on the east side of Den by Island, approximately 100 feet south of the Den by Island channel, and ending approximately 100 feet north of the channel.

On Little Fork Lake, beginning approximately 100 feet west of the channel into Big Fork Lake and ending approximately 100 feet east of the channel.

On Little Fork, beginning approximately 300 yards east of the bridge on County Highway X (Blue Ribbon Bridge) and ending approximately 100 feet west of the bridge.

On Island Lake, beginning approximately 300 yards west from the shore line at the marina and continuing approximately 450 yards south of the center buoy.

On The Eagle River, beginning approximately 1,000 yards upstream from the dam and ending at the dam.

On the Eagle River, beginning at the entrance from Long Lake and ending at the dam.

On Crystal Creek, beginning at Deer Lake and ending at Crystal Lake.

On Town Line Creek, beginning at Planting Ground Lake and ending at Town Line Lake.

The town shall place and maintain a copy of this article at all public access points within the jurisdiction of the town.

(Ord. No. 20, § V, 7-6-1999; Ord. of 5-20-2003; Ord. of 3-1-2011)

Sec. 54-37. Exemptions to 2009 Wisconsin Act 31.

Under the authority of Wis. Stats. § 30.66(3)(ag)2, the Town shall provide an exemption from the slow-no-wake speeds, as defined in § 30.66(3)(ag)1 on all lakes in the town named in DNR Publication FH-800, except for the controlled areas as defined herein.

(Ord. of 6-15-2010; Ord. of 3-1-2011)

Sec. 54-38. Use of public boat launches.

(a) *Fees for use of public boat launch.*

- (1) No person shall use or otherwise launch a watercraft at or on the following public boat launches owned by the town without the pre-payment of a fee: Townline Lake boat launch.
- (2) Types of fees:
 - a. \$5.00 per day launch fee entitling the holder to launch watercraft for one day;
 - b. \$20.00 per season fee entitling unlimited launches from January 1 to December 31.
- (3) The amount of the fees established and/or the list of public boat launches covered under this section may be amended from time to time by the town board.

(b) *Payment of fees and display of permit.*

- (1) Fees shall be paid in advance. A registration envelope must accompany the day launch fee. Upon payment of the fee by placing it in the payment box at the ramp, the person must detach the permit form attached to the flap of the envelope and display on dash of vehicle on drivers side in such a way as to be visible from the outside. Annual launch permits may be displayed on the dash of the vehicle or on the boat trailer.
- (2) Fees may be paid as follows:
 - a. At the launch ramp using the lock box provided; or
 - b. At the town office, either in person or by mail by sending a check or money order made to "Town of Three Lakes" and mailed to the town clerk at P.O. Box 565, Three Lakes WI 54562.
- (3) Every person or vehicle using the launch ramp shall display on the vehicle dashboard the permit form that they received when paying the fee.

(c) *No overnight tie up.* No person, firm or association shall tie a watercraft to a launch ramp owned by the town at any time from 11:00 p.m. to 5:00 a.m. the following day. This prohibition shall not apply to watercraft owned or operated by the town, the town volunteer fire department, or any other official watercraft.

(d) *Items allowed on ramp.* No person, firm or association shall place any thing on the launch ramp except watercrafts, motor vehicles and trailers.

(e) *Enforcement.* This section may be enforced by the town police department by issuing citations. Violations shall be punishable by forfeiture in the amount of a minimum of \$25.00 up to a maximum of \$100.00. Each day that a violation takes place shall be a separate violation. Failure to pay the forfeiture shall result in prosecution to the full extent of the law. (Ord. of 7-20-2010; Ord. of 6-18-2013)

Sec. 54-39. Use of public piers.

Pursuant to the authority granted to the town by Wis. Stats, Chapters 60, 66 and 30, and consistent with the provisions of Rules NR 1.90 and NR 326 and following the Wisconsin Administrative Code, the following provisions are hereby created to read as follows:

(1) *Docking at or along launch piers and pier placement on public property.*

a. *Definitions.*

Boat or vessel includes every description of watercraft used or capable of being used as a means of transportation on water.

Docking refers to a boat or vessel that is alongside and physically attached to any portion of a launch pier by any means including, without limitation, ropes, lines, wires, straps, bumpers, or manually being held to the pier by one or more persons.

Fishing pier refers to the piers located at the Lone Stone municipal boat launch in the town.

Launch pier refers to the piers located at the Lone Stone municipal boat launch in the town.

Piers/boat slip refers to the pier/boat slip located at the Lone Stone municipal beach or waterfront property in the town.

b. *Regulation.*

1. Docking of a boat or vessel for a period longer than specified herein is prohibited.
 - i. Launch side of launch pier, adjacent to ramp: Maximum of 15 minutes in any one-hour period.
 - ii. Opposite side of launch pier: Maximum of two hours.
 - iii. Designated public pier: Maximum of two hours.
 - iv. Established fishing piers: No tie-ups allowed.
 - v. No overnight tie-ups of boats on shore, and no overnight water mooring will be allowed on public land.
 - vi. No private piers on public land on Lone Stone Lake.
 - vii. The town in its discretion may lease pier space.

c. *Penalties and enforcement.*

1. *Citation and forfeiture.* Any person who shall violate any provision of this ordinance may be issued a town citation, with a forfeiture of \$25.00 for the first offense and \$100.00 for each subsequent offense.
2. *Removal of illegally-placed piers, docked boats; removal, towing and storage charges.*
 - i. *Hazard to public safety.* Any boat docked in violation of this section is declared to be a hazard to marine traffic and public safety.

- ii. *Removal.* The town police officer, or such other designee as the town board may designate from time to time, may order a marine service that performs pier removal, boat towing and storage services to remove and store a pier illegally placed or boat docked in violation of this section in any facility of that marine service located within Oneida County,
 - iii. *Removal, towing and storage charges.* In addition to other penalties provided by this section, the owner or operator of any such property so removed shall pay the actual cost of moving, towing and storage.
- d. *Fees for town pier/watercraft slip.*
- 1. Town pier/watercraft slip fee is on a seasonal basis:
 - i. \$600.00 per season per pier/slip space fee entitling the holder to utilize the slip space.
 - 2. The amount of the fee established covered under this section may be amended from time to time by the town board.
 - 3. Fees shall be paid in advance by certified check or money order and paid at the town office, either in person or by mail by sending a certified check or money order made to "Town of Three Lakes" and mailed to:
Town Clerk
PO Box 565
Three Lakes, WI 54562.

(Ord. No. 022117, 2-21-2017; Ord. No. 050217, 5-2-2017)

Secs. 54-40—54-70. Reserved.

ARTICLE III. BULKHEAD LINES**Sec. 54-71. Established.**

The town board, being authorized under Wis. Stats. §§ 30.11(3) and 60.50(5) to cause improvements to be made in any lake located in the town, does determine as follows:

- (1) The bulkhead line of that part of the south shore of Big Stone Lake is established and determined as set forth in the following description, subject to the approval of the state public service commission, namely: A parcel of land being a part of government lot 6, section 9, T38N, R11E, of the 4th P.M., Oneida County, Wisconsin, and being more particularly described as follows:

Commencing at an iron pipe on the west line of such government lot 6, the place of beginning, thence north 1° 02' west along such west line a distance of 65.0' to the shore of Big Stone Lake, thence south 46° 10' east along the shore of such lake a distance of 140.0' to a point on the bulkhead shoreline of Big Stone Lake, thence south 76° 45' east along such bulkhead shoreline a distance of 35.0', thence south 49° 58' east along such bulkhead shoreline a distance of 102.77', thence south 57° 46' east along such bulkhead shoreline a distance of 60.0', thence south 68° 49' east along such bulkhead shoreline a distance of 114.0' to an iron pipe marking the west line of the Meyer property, thence south along the west line of the Meyer property a distance of 38.7' to an iron pipe on the northerly right-of-way line of STH 32, thence northwesterly along the northerly right-of-way line of such road to the west line of such government lot 6, thence north 1° 02' west along the west line a distance of 12.5' to an iron pipe, the place of beginning.

- (2) Three certified copies of this section, together with three true and correct copies of a map more particularly showing such bulkhead line, shall be submitted to the state public service commission for its approval.
- (3) Upon the return and receipt of such approved maps the maps shall be filed as follows:
 - a. One in the office of the public service commission.
 - b. One in the office of the clerk.
 - c. One in the office of the county register of deeds.

(Code 1987, § 20.02)

Secs. 54-72—54-100. Reserved.**ARTICLE IV. CAMPING****Sec. 54-101. Purpose of article.**

The purpose of this article is to establish a no camping policy and to prohibit camping, except by permit, on any township property including, but not limited to, boat landings, parks, town highway rights-of-way, and other township parking areas and lands.

(Ord. No. 12.041, § 1, 5-2-2000)

Sec. 54-102. Definitions.

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

Camping means the use of any vehicle, a trailer, a truck with a structure affixed, either permanently or temporarily, to the bedframe of the truck, a tent, or any other like structure, the purpose of which would be to provide shelter for sleeping purposes.

(Ord. No. 12.041, § 1, 5-2-2000)

Cross reference—Definitions generally, § 1-2.

Sec. 54-103. Penalty for violation of article.

Any person violating this article shall be subject to a forfeit as provided in section 1-8 of this Code.

(Ord. No. 12.041, § 5, 5-2-2000)

Sec. 54-104. Authority to regulate.

The town board has the specific statutory authority and power, pursuant to Wis. Stats. §§ 60.22(1), 60.22(3) and 61.34(1), to regulate, control and prevent camping on town-owned property and highway rights-of-way, within the jurisdiction of the town.

(Ord. No. 12.041, § 2, 5-2-2000)

Sec. 54-105. Enforcement of article provisions.

The enforcement of this article in the town will be in accordance with Wis. Stats. § 66.0113. Citations for violation of this article shall be issued, such citations to conform to the provisions of Wis. Stats. § 66.0113. Stipulations and deposits may be accepted by the clerk.

(Ord. No. 12.041, § 4, 5-2-2000)

Sec. 54-106. Permit.

(a) Required. Camping on any town property is prohibited except by a permit issued by the town.

(b) Camping is permitted only in the following locations: Don Burnside Park, Three Lakes Municipal Airport.

(c) Camping in the permitted locations is limited to the designated areas only. Fires are permitted only in the designated and placed fire rings. Fires are never permitted at any time at the airport.

(d) Camping in Don Burnside Park is permitted only in conjunction with such events and on such dates as approved preferably in advance by the park commission.

(e) There shall be a fee of \$5.00 per night for camping on town property with funds transferred to the park commission for Burnside Park camping and to the airport budget for airport camping.

(f) Application forms; contents. A camping permit application form shall be made available for use by the general public, which shall require, at a minimum, the following information:

- (1) Name and address of the party applying for the permit.
- (2) Number of persons in the party who will be camping.
- (3) The time period desired for the camping, specifically by beginning date and ending date, such period not to exceed three days.
- (4) Such other information as may be included on the form.

(g) Forms shall be issued by members of (1) the park commission at approved events in Don Burnside Park and (2) the town office or airport manager/assistant manager for the Three Lakes municipal airport. Completed forms will be submitted to the town office.

(h) Period of validity. Upon receipt of a completed camping application the authorized town official shall issue a camping permit to the applicant. The permit shall designate on its face the time period for which the permit is valid, the number of persons in the camping party and the name and address of the person who applied for the camping permit. The permit shall be posted in a visible location at the campsite.

(Ord. No. 12.041, § 3, 5-2-2000; Ord. of 6-7-2011; Ord. of 7-16-2013)

ARTICLE V. WALKING AND BIKE TRAILS

Sec. 54-107. Purpose of article.

The purpose of this article is to establish a policy of prohibiting all motor vehicles on walking and bike trails in the town as created by land use agreements naming the town as permittee.

(Ord. of 4-16-2008, § 1)

Sec. 54-108. Authority to regulate.

The town board has the specific authority and power, pursuant to Wis. State. § 60.66 and § 349.23 to regulate parks, bicycle lanes and bicycle ways, including park areas acquired in the name of the town by lease among other things.

(Ord. of 4-16-2008, § 1)

Sec. 54-109. Penalty for violation of article V.

Any person violating this article shall be subject to a forfeiture as provided in section 1-8 of this Code.

(Ord. of 4-16-2008, § 1)

Sec. 54-110. Ban on the operation of motor vehicles on town walking and bike trails.

(a) No person shall operate a motor vehicle on any public biking or walking trail created by any land use agreement naming the town as a permittee.

(b) The trail begins near the tennis courts in Don Burnside Park and proceeds in a northeasterly direction across Gogebic Street, then through private property along the former Chicago & Northwestern Rail right-of-way, then across Highway A, continuing along the right-of-way first on town property then on DOT property, then again on town property, then on DOT property, eventually entering private property about 0.7 mile north of Wykowski Road, then, leaving the old rail right-of-way and heading in a westerly direction through private properties and eventually terminating on Sundstein Road in the Town of Sugar Camp.

(c) Trail usage. The Three Eagle Trail is open to public use for the general purposes of biking and walking with the following limitations:

- (1) No motorized vehicles of any kind shall be operated on the approved trails, except for authorized vehicles, maintenance vehicles, battery powered wheelchairs and snowmobiles as described in (c)(2) and (c)(3).
- (2) Areas open to snowmobiling: That portion of the trail from Gogebic Street north to a point 0.7 mile north of Wykowski Road which is so designated for snowmobile use shall be open to use by snowmobiles during the snowmobile season as defined in (c)(3), and other authorized motor vehicles,
- (3) Snowmobile season is from a date in the fall to be announced by the responsible Oneida County official until March 31 or until officially closed to snowmobile traffic by the responsible Oneida County official.
- (4) No person shall operate a snowmobile on any portion of the trail other than those segments described in (c)(2).

(Ord. of 4-16-2008, § 1)

Chapters 55, 56

RESERVED

Chapter 57

RECYCLING REGULATIONS

- Sec. 57-1. Title.
- Sec. 57-2. Purpose.
- Sec. 57-3. Statutory authority.
- Sec. 57-4. Abrogation and greater restrictions.
- Sec. 57-5. Interpretation.
- Sec. 57-6. Severability.
- Sec. 57-7. Applicability.
- Sec. 57-8. Administration.
- Sec. 57-9. Effective date.
- Sec. 57-10. Definitions.
- Sec. 57-11. Separation of recyclable materials.
- Sec. 57-12. Separation requirements exempted.
- Sec. 57-13. Care of separated recyclable materials.
- Sec. 57-14. Management of lead acid batteries, major appliances, waste oil and yard waste.
- Sec. 57-15. Preparation and care of separated recyclable material.
- Sec. 57-16. Responsibilities of owners or designated agents of multiple-family dwellings.
- Sec. 57-17. Responsibilities of owners or designated agents of non-residential facilities and properties.
- Sec. 57-18. Prohibitions on disposal of recyclable materials separated for recycling.
- Sec. 57-19. Enforcement.

Sec. 57-1. Title.

This chapter shall be known as the "Recycling Ordinance for Town of Three Lakes, Oneida County."

(Ord. of 11-2-2010)

Sec. 57-2. Purpose.

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Wis. Admin. Code ch. NR 544.

(Ord. of 11-2-2010)

Sec. 57-3. Statutory authority.

This chapter is adopted as authorized under the provisions of Wis. Stats. § 287.09(3)(b).

(Ord. of 11-2-2010)

Sec. 57-4. Abrogation and greater restrictions.

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply.

(Ord. of 11-2-2010)

Sec. 57-5. Interpretation.

In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. of 11-2-2010)

Sec. 57-6. Severability.

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

(Ord. of 11-2-2010)

Sec. 57-7. Applicability.

The requirements of this chapter apply to all persons within the boundaries of the town.
(Ord. of 11-2-2010)

Sec. 57-8. Administration.

The provisions of this chapter shall be administered by the town clerk.
(Ord. of 11-2-2010)

Sec. 57-9. Effective date.

The provisions of this chapter shall take effect on passage, publication and adoption of this chapter.
(Ord. of 11-2-2010)

Sec. 57-10. Definitions.

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

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

Nonresidential facilities and properties mean commercial, retail, industrial, institutional and governmental facility and properties. This term does not include multiple-family dwellings.

Office paper means high-grade printing and writing papers from offices in nonresidential facilities and properties. Examples include printed white ledger and computer printouts.

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 Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in Wis. Stats. § 289.01(17).

Recyclable materials means and shall include:

- (1) Aluminum cans;
- (2) Container glass (clear, brown and green);
- (3) Container plastic (bottles only), including #1 PETE, #2 HDPE, #3 PVC, #4 LDPE, #5 PP, #6 PS, #7 other;
- (4) Corrugated cardboard which remains in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling;

- (5) Ferrous metal which are tin cans, steel and bimetal cans;
- (6) Magazines, or like glossy papers which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling;
- (7) Newspaper, portions of newspapers or periodicals in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling;
- (8) Office paper;
- (9) Polystyrene, packaging foam;
- (10) Scrap metal recyclables which are those items consisting of a majority of ferrous metals or aluminum which is suitable for recycling;
- (11) Used lead acid vehicle batteries, which are no longer suitable for its original purpose because of wear, damage or defect;
- (12) Waste oil, engine, hydraulic or gear oil, with no contaminants of gasoline or solvents;
- (13) Waste tires which is that portion of a tire which is removed from the rim and is no longer suitable for its original purpose because of wear, damage and defect;
- (14) White goods which are appliances, including but not limited to refrigerators, freezers, stoves, air conditioners, dishwashers, water heaters;
- (15) Yard waste which is leaves, wood, limbs and brush less than six inches in diameter, grass, and lawn rakings.

"Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(Ord. of 11-2-2010)

Sec. 57-11. Separation of recyclable materials.

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

- (1) Lead acid batteries;
- (2) Major appliances;
- (3) Waste oil;
- (4) Yard waste;
- (5) Aluminum containers;
- (6) Bi-metal containers;
- (7) Corrugated paper or other container board;

- (8) Foam polystyrene packaging*;
- (9) Glass containers;
- (10) Magazines;
- (11) Newspaper;
- (12) Office paper;
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins*;
- (14) Steel containers;
- (15) Waste tires.

**Note:* Denotes materials for which DNR has granted a waiver from separation and collection requirements and landfill/incineration bans.

(Ord. of 11-2-2010)

Sec. 57-12. Separation requirements exempted.

The separation requirements of section 57-11 do not apply to the following:

- (1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 57-11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplement fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (3) A recyclable material specified in subsections 57-11(5) through (15) for which a variance has been granted by the department of natural resources under Wis. Stats. § 287.11(2m), or § NR 544.14, Wis. Administrative Code.

(Ord. of 11-2-2010)

Sec. 57-13. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 57-11 shall be clean and kept free from contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(Ord. of 11-2-2010)

Sec. 57-14. Management of lead acid batteries, major appliances, waste oil and yard waste.

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

- (1) Lead acid batteries shall be delivered to any retailer engaged in the sale of batteries, to a licensed hauler, or to a department of natural resources authorized facility and/or program.
- (2) Major appliances shall be delivered to the transferred site located in the town, where they will be accepted subject to the payment of a fee; to a licensed hauler; or to a department of natural resources authorized facilities and/or program.
- (3) Waste oil shall be placed in unbreakable leak proof containers and delivered to a licensed hauler, or to any department of natural resources authorized faculty and/or program.

(Ord. of 11-2-2010)

Sec. 57-15. Preparation and care of separated recyclable material.

Recyclables must be separated from other solid waste and prepared prior to a collection or being deposited at a collection point per requirements of the licensed recyclables hauler and designated self-certified material recovery facility.

(Ord. of 11-2-2010)

Sec. 57-16. 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 subsections 57-11(5) through (15):

- (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 solid waste by the 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 subsection (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwellings is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in subsections 57-11(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. of 11-2-2010)

Sec. 57-17. 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 subsection 57-11(5) through (15):

- (1) Provide adequate, separate containers for the recyclable material.
- (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 the 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 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 (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 department of natural resources that recovers for recycling the materials specified in subsections 57-11(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. of 11-2-2010)

Sec. 57-18. 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 subsections 57-11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. A person may dispose of a microwave oven in a solid waste disposal facility in this state if the capacitor has been removed and disposed of in accordance with Wis. Stats. § 299.45(7), if applicable.

(Ord. of 11-2-2010)

Sec. 57-19. Enforcement.

(a) For the purposes of ascertaining compliance with the provisions of this chapter, any authorized officers, employees, or representative of the town may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection areas

of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect propriety information. No person may refuse access to any authorized officer, employee or authorized representative of the town, who requests access for the 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 this chapter may be issued a citation by the town 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 section.

(c) Penalties for violating this chapter may be assessed as follows:

- (1) Any person who violates sections 57-18 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
 - (2) Any person who violates a provision of this chapter, except section 57-18, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
- (Ord. of 11-2-2010)

Chapter 58

SOLID WASTE*

- Sec. 58-1. Definitions.
- Sec. 58-2. Littering.

***Cross references**—Buildings and building regulations, ch. 14; burning of grass and trash, § 30-7; littering, § 50-12; deposit of refuse, obstruction of streets and sidewalks, § 62-3.

Sec. 58-1. Definitions.

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

Garbage means all kinds of organic refuse resulting from the preparation of food, the ordinary kitchen wastes, including cans or bottles originally containing food stuffs, discarded, decayed or spoiled food products of an organic nature including dead animals of any source whatever.

Rubbish means all discarded material not defined as garbage of an inorganic nature and normally will include ashes, paper, cans, glass, cloth, trees, shrubs, metal articles and similar products.

(Code 1987, § 11.02(1))

Cross reference—Definitions generally, § 1-2.

Sec. 58-2. Littering.

No person shall deposit, throw or place any garbage or refuse on or within any public street, road, alley, park, sidewalk or other public place or within or upon any private property or premises whether owned, kept or controlled by such person or not, unless authorized by the town board.

(Code 1987, § 11.02(2))

Chapters 59—61

RESERVED

Chapter 62

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

- Sec. 62-1. Penalty for violation of chapter.
- Sec. 62-2. Road names.
- Sec. 62-3. Deposit of refuse upon streets and sidewalks.
- Sec. 62-4. Obstructions of streets; excavations and closures.
- Sec. 62-5. Snow—Plowing, clearing and removal.
- Sec. 62-6. Opening, repairing and replacing of sidewalks.

***Cross references**—Any ordinance for the establishment of grades, curblines and widths of sidewalks in the public streets and alleys saved from repeal, § 1-5(2); any ordinance for the lighting of streets and alleys saved from repeal, § 1-5(5); any ordinance for the naming and changing of names of streets, alleys, public grounds and parks saved from repeal, § 1-5(6); any ordinance for tax and special assessments levies saved from repeal, § 1-5(9); buildings and building regulations, ch. 14; library, ch. 42; obstructing streets and sidewalks, § 50-7; parks and recreation, ch. 54; subdivisions, ch. 66; traffic and vehicles, ch. 70; zoning, ch. 74.

Sec. 62-1. Penalty for violation of chapter.

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to section 1-8 of this Code.

(Code 1987, § 8.10)

Sec. 62-2. Road names.

In accordance with Wis. Stats. § 81.01(11), which requires the assignment of names for each road under the town's jurisdiction, road names are assigned, and such names are on file in the office of the clerk.

(Code 1987, § 8.02)

Sec. 62-3. Deposit of refuse upon streets and sidewalks.

(a) No person shall cast, place, deposit or cause to be cast, placed or deposited upon any street, alley, sidewalk, gutter or public grounds within the town any timber, wood, lumber, ashes, rubbish, paper, vegetables, shavings, grass, earth or any substance whatever which may obstruct any street, alley, sidewalk, gutter or public grounds or impede travel thereon, or which shall or may injure or tend to injure or disfigure or render the same unclean or a nuisance, nor shall any person cause or permit any wagon, carriage, motor car or any other vehicle or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any street, alley, sidewalk, gutter or public grounds longer than may be actually necessary for temporary business purposes.

(b) If any substance or material whatever, mentioned in subsection (a) of this section, shall be found remaining on any street, alley, sidewalk, gutter or public grounds in the town in violation of subsection (a) of this section, the police officer shall immediately notify and require, by written notice, any person who may have placed, caused or permitted to be placed such substance or thing upon any such street, alley, sidewalk, gutter or public ground or who may be the owner or have control of any such articles or property, to immediately remove such thing or substance or cause the same to be removed. If such person shall neglect or fail to remove, or cause to have removed, such substance or thing, within a reasonable time after being notified, such officer shall remove or cause the substance or thing to be removed from such street, alley, sidewalk, gutter or public ground to some convenient or safe place within the town at the expense of such person. If such substance or thing is of such a nature that it is of an immediate risk to the public health or safety, it shall be burned or disposed of in such a manner so as to protect the safety or health of the public, and in all cases the expense of such removal may be recovered from any person whose duty it shall have been to remove the substance or thing.

(c) This section shall not apply to any person who places, hangs or sets out for sale any goods, wares or merchandise on or over the sidewalk in front of and within three feet of his store or building if such use does not unreasonably interfere with the use of such street, alley, sidewalk or public ground by the public in general.

(d) The chair may grant to any person a permit in writing for a limited time to place and keep building material upon any street, sidewalk or alley in front of or abutting any lot wherein such materials are to be used in the erection or repair of any building or improvements, but such permit shall not authorize the obstruction of more than one-third of the street in front of such lot, nor shall such material be placed to obstruct the free flow of water in the gutter, and any person who shall place or deposit any such material without a permit from the chair or contrary to the terms of such permit after it has been granted, shall be subject, upon conviction, to a penalty. The fee for such permit shall be as provided in section 2-301.

(Code 1987, § 8.03)

Cross reference—Solid waste, ch. 58.

Sec. 62-4. Obstructions of streets; excavations and closures.

All obstructions of streets, alleys, sidewalks or crosswalks, all closures, all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by this Code, 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 of such obstruction or excavation has been accomplished or which do not conform to the permit.

- (1) *Street closure application for permit—Town streets/roads—Non-DOT closure.* An application form, which shall become the permit if approved by the town board, and shall be submitted and include the following: permittee, address, telephone number, date, name, times, location and purpose of the event as well as a map identifying the streets or roads involved. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police or town clerk.
- (2) *DOT-street closure application for permit—Town streets/roads—DOT closure.* Two applications are required for this form, which shall become the permit if approved by the DOT and the town board, and shall be submitted and include the following: permittee, address, telephone number, date, name, times, location and purpose of the event as well as a map identifying the streets or roads involved. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police.

(Code 1987, § 10.05(11); Ord. of 10-7-2014)

Sec. 62-5. Snow—Plowing, clearing and removal.

Plowing, clearing and removal of snow and ice from all town roads, and from sidewalks in the sanitary district, during the snow season, shall be a joint responsibility of both the town and its residents, citizens, land owners and business owners.

- (1) *Resident, citizen, land owner and business owner—General responsibilities and duties.* No resident, citizen, land owner or business owner:
 - a. May place or cause to be placed upon any town road or highway, or sidewalk, snow in such amounts that is or may be injurious to a person or vehicle (Wis. Stats. § 346.94(5)). The penalty for each cited offense shall be \$50.00 (Wis. Stats. § 346.95(3)).

- b. May place or cause to be placed in any town road or highway ditch, snow in such amounts that does or could prevent drainage (Wis. Stats. § 86.022). The penalty for each cited offense shall be \$50.00 (Wis. Stats. § 346.95(3)).
- c. Cause damage to town roads or highways due to improper snow plowing and removal activities (Wis. Stats. § 86.02). Liability extends to the cost of repairing the damaged road or highway. Residents, citizens, land owners and business owners who are absent during part or all of the snow season must make provisions for compliance with snow plowing, clearing and removal responsibilities and duties.

(2) *Removal of snow and ice from sidewalks—Town responsibilities and duties.* After all town roads have been maintained, the town shall assist business owners by removing excess snow from sidewalks in the business district (Superior Street, from STH 32 to USH 45, and to USH 45 from Superior Street to Anderson Street) where there is insufficient open landscape for business owners to stockpile snow from the sidewalk area. Residents, citizens, land owners, and business owners are still responsible for snow and ice removal. The town shall attempt to remove snow from sidewalks along the W. School Street and E. School Street corridors, as well as Erie Street, School Drive and on Superior Street from USH 45&32 to Batogowski Drive in order to ensure safe passage of students to and from school, and of pedestrians accessing governmental buildings.

(Code 1987, § 8.04; Ord. of 3-16-2010; Ord. of 2-3-2015; Ord. of 5-17-2017)

Sec. 62-6. Opening, repairing and replacing of sidewalks.

(a) Any person owning any building in the town, having an area of open space between the building and the sidewalk or extending into the sidewalk, shall keep the open space covered by an iron grating or surrounded on the sides by a railing or barrier at least two and a half feet high, except in case of stairways leading from the sidewalk to the basement, they shall have a sufficient railing or barrier at least two and a half feet high on three sides.

(b) Whenever in the digging of cellars or basements, or the repairing and improving of cellars or basements relative to the construction or repair of any building in the town, or in the digging of any sewer or other excavation which shall go to or extend under any sidewalk or shall be near the sidewalk so that such sidewalk shall be dangerous for the passage of persons, the owner of such lot and any person who shall make improvements or do work on such lot shall erect and keep sufficient barriers between the excavation and the sidewalk and a red light in a conspicuous place on such barrier all night while the excavation is open.

(c) No person shall be allowed to take up or remove the whole or any part of any sidewalk, curb, gutter, parking lanes without the authorization of the town board.

(Code 1987, § 8.05; Ord. of 7-7-2015)

Chapters 63—65

RESERVED

Chapter 66

SUBDIVISIONS*

- Sec. 66-1. Definitions.
- Sec. 66-2. Applicability of chapter provisions.
- Sec. 66-3. Enforcement of chapter provisions.
- Sec. 66-4. Utility easements.
- Sec. 66-5. Subdivision costs.
- Sec. 66-6. General road standards.
- Sec. 66-7. Subdivision roads; conditions for plat approval.
- Sec. 66-8. Acceptance of unpaved roads.
- Sec. 66-9. Driveways.

***Cross references**—Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, § 1-5(16); buildings and building regulations, ch. 14; streets, sidewalks and other public places, ch. 62; zoning, ch. 74.

State law reference—Platting generally, Wis. Stats. § 236.01 et seq.

Sec. 66-1. Definitions.

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

Final approval of a subdivision means approval by the town board and by responsible county authorities.

Public road means a road open to travel by the general public and maintained and/or owned by the town, the county, the state, the federal government or any instrumentality of the federal government.

Road means any private or public right-of-way of any kind intended for use by automotive vehicles licensed to operate on public roads in the state. As used in this chapter, the term shall include highways, streets, alleys and all other such roads, but excluding driveways giving access only into one privately owned property.

Roadway means the area of a road on which vehicles may normally travel or temporarily park, to include the paved surface and maintained shoulders between ditches.

Subdivision means the act of division of a lot, parcel, or tract by the owner thereof or his/her agent where the act of division creates one or more new lots, parcels, or tracts smaller in area than herein provided.

(Code 1987, § 8.01(1); Ord. of 5-17-2017)

Cross reference—Definitions generally, § 1-2.

Sec. 66-2. Applicability of chapter provisions.

No subdivision shall be approved, nor shall any road be accepted for ownership or for any responsibility whatsoever, by the town except in accordance with this chapter.

(Code 1987, § 8.01(2))

Sec. 66-3. Enforcement of chapter provisions.

The town shall, by proper legal proceedings, including junctional relief, enforce this chapter.

(Code 1987, § 8.01(3))

Sec. 66-4. Utility easements.

All roads are subject to utility easements.

(Code 1987, § 8.01(4))

Sec. 66-5. Subdivision costs.

All costs of development and construction of a subdivision, including its roads, if any, shall be the responsibility of the developer.

(Code 1987, § 8.01(5))

Sec. 66-6. General road standards.

Except as provided in section 66-8, the town shall not construct nor accept ownership or responsibility of any kind for a road, nor approve any proposed subdivision including a road, except as provided in section 66-7(b), unless the road conforms to the following standards:

- (1) The road shall start from a public road and fully comply with entrance requirements in effect at the time.
- (2) The roadway shall be 30 feet between the near edges of the ditches. The roadway shall be centered on a right-of-way 66 feet wide.
- (3) Each dead-end road shall have a cul-de-sac roadway constructed at the end of the road.
 - a. Basic cul-de-sac criteria. The cul-de-sac shall be of semicircular design. See figure 6.6(3)(a).
 1. The basic cul-de-sac shall have a paved radius measuring 50 feet. The center of the radius shall be measured 50 feet from the end of the roadway and shall be positioned along the near edge (cul-de-sac side) of the pavement.
 2. Gravel shoulders shall extend to an additional three feet beyond the edge of the paved roadway.
 3. Clearing of trees, stumps, brush and other shall extend to a distance of 10 feet beyond the pavement edge.
 4. The right-of-way shall extend at a 75-foot radius from this same point.
 - b. Alternate cul-de-sac criteria. The alternate criteria allows for trees to remain within the cul-de-sac. The alternate cul-de-sac shall be of circular design (see figure 6.6(3)(b)).
 1. The radius of the right-of-way circle shall be a minimum of 75 feet in width.
 2. The center of the circle shall be marked with a standard surveyor's pipe and shall remain permanent.
 3. The roadway pavement shall increase to 26 feet in width within the alternate cul-de-sac and the centerline of the pavement shall have a minimum radius of 45 feet.
 4. Additionally, paved roadway shall extend to a distance of 24 feet from the intersection point of the main roadway and the circular roadway.
 5. Gravel shoulders shall extend to an additional three feet beyond the paved roadway inside and outside the paved roadway. Culvert installations may be necessary.
 6. Clearing of trees, stumps, brush and other shall extend to a distance of ten feet beyond the pavement edge on both sides of the circle and along roadway.

- (4) Culverts, ditches, erosion control structures and bridges shall be installed or constructed wherever the natural hydraulic flow or drainage would be obstructed or constricted by the road, and wherever required to preclude traffic obstruction or flood or erosion damage to the roadway, the right-of-way or the adjacent properties. Culverts shall be a minimum of 18 inches in diameter and 40 feet in length. The top of the culvert shall be not less than one foot below the roadway surface. Bridges and other structures shall conform to standard specifications and be certified by a licensed engineer to meet those specifications.
- (5) Stumps and brush shall be uprooted to a minimum width of 40 feet. All loose stumps, logs and brush shall be removed from the right-of-way. No logs, stumps or brush shall be buried within the roadway. Graded and other disturbed areas outside the roadway shall be suitably seeded, resodded or otherwise prepared to prevent erosion until natural vegetation recovers sufficiently to serve this purpose. Tree branches overhanging the right-of-way shall be removed to a height of 16 feet and a width of 40 feet.
- (6) Curves shall be constructed to a 150-foot or greater radius unless precluded by topography. The road surface on a curve shall be suitably sloped down on the inside to allow safe travel at 35 mph under normal dry road conditions. Where topography prevents meeting these requirements, traffic warning signs, such as "curve ahead," or "slow," shall be installed.
- (7) Swampy or boggy areas shall be excavated and refilled with breaker run and gravel or to a width of 30 feet and a depth sufficient to ensure that the roadway will not sag, heave or displace laterally.
- (8) A minimum six-inch gravel base 26 feet wide, equivalent to 1,271 cubic yards of gravel per mile, shall be applied before paving.
- (9) The road shall be paved with a hot-mix bituminous surface 20 feet wide to a minimum depth of two inches after final compaction.
- (10) The roadway shall be crowned with a minimum of a three-inch rise at the centerline (crown), except for slopes and curves if no crown is required for drainage.
- (11) Standard traffic safety signs shall be installed on four-inches × four-inches × ten-feet treated posts at intersections, curves with obstructed visibility and similar hazard points. Road name signs shall be installed conforming to current town road signs on two-inches × 10½-feet galvanized posts with anchor plates.
- (12) Work shall be done only after obtaining county, state department of transportation and state department of natural resources permits, if required.

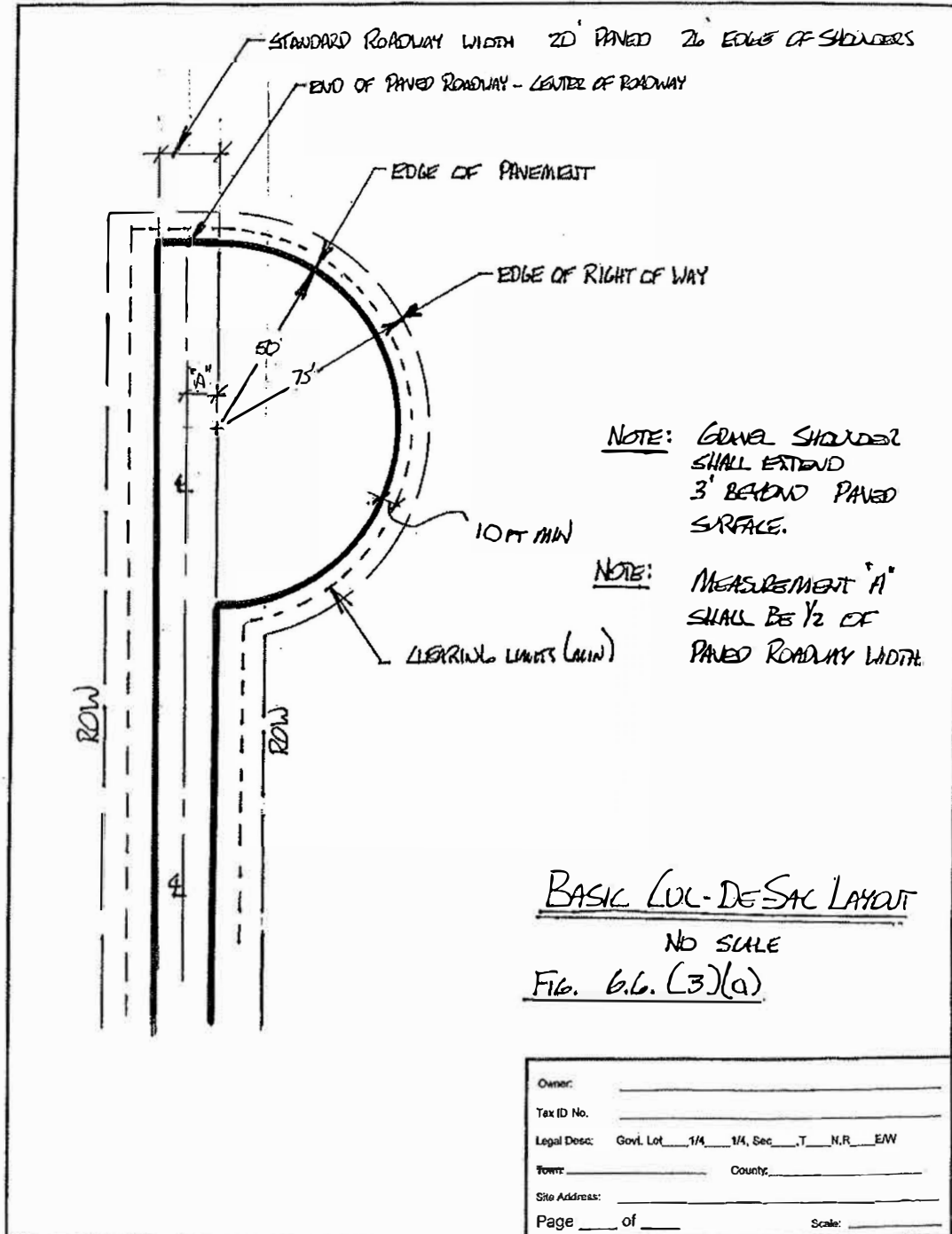


Figure 6.6(3)(a)

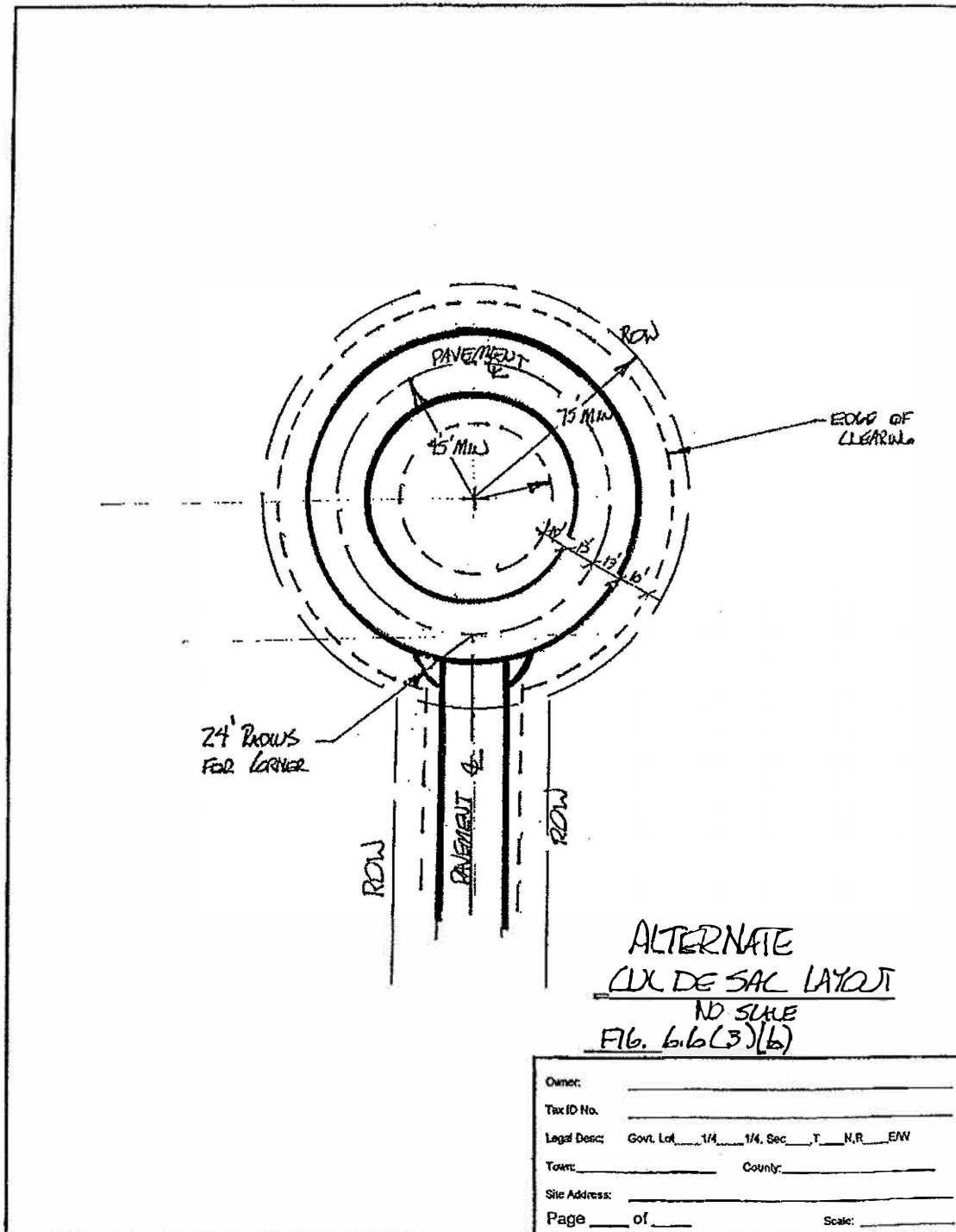


Figure 6.6(3)(b)

(Code 1987, § 8.01(6); Ord. of 6-21-2005)

Sec. 66-7. Subdivision roads; conditions for plat approval.

(a) Any road designated in a plat as being dedicated to the town as a public road shall conform to the standards prescribed in section 66-6.

(b) Roads in subdivisions of five or more lots, or 500 or more feet of road, shall conform to the standards prescribed in section 66-6.

(c) Roads in subdivisions with less than five lots and less than 500 feet of road may have 20-foot wide roadways and 50-foot rights-of-way. Such roads may be surfaced with not less than five inches of gravel in lieu of the specified six-inches gravel base and two-inches bituminous surface. Curves may be constructed to 100-foot radii and 25 mph safe travel speeds. All other standards prescribed in section 66-6 shall be met. Any road in a plat not conforming to the standards provided in section 66-6 shall be designated on such plat as a private easement for the use in common of all lot owners within such subdivision, and such plat shall further provide an inscription that the town's acceptance of any road within the subdivision as a public road is conditional upon meeting the standards prescribed in section 66-6. Such plat shall state "The town is not responsible for the maintenance of the easement road nor intends to in the future." Furthermore, a separate document setting forth the beneficiary, scope, terms and conditions of such private easement shall be recorded prior to the recording of the plat and shall be submitted to the town for approval, along with the plat itself.

(d) All property documents for subdivision properties on a road not accepted for maintenance by the town shall be recorded with a provision showing that the town has no responsibility whatsoever for that road. A proposed subdivision containing such a private road shall not be approved by the town board until the developer presents a copy of the proposed document provision meeting the requirement of this subsection. The developer shall, within 90 days of final approval of the subdivision, submit to the town a copy of the survey, plat or deed as recorded for each affected parcel in the subdivision showing the required provisions.

(e) To ensure initial and continued compliance with prescribed standards, roads in a subdivision shall be subject to inspection by the town at any time. Should an existing road fail to meet requirements, the owner shall be given formal written notice by the town board of the corrective action required. If not completed within a prescribed deadline, which shall not exceed six months, the town may deny access onto that road from a town road or may complete the corrective action and add the cost to the tax roll for properties on which the road is located.

(f) The town board shall not approve a proposed subdivision including a road, unless that road has been completed to prescribed standards or the developer has furnished a cash deposit, performance bond or equivalent surety with a value equal to the cost of the road construction required, plus ten percent, deposited with or payable to the town. Roads in the subdivision shall be completed to prescribed standards within 18 months of final approval of a subdivision unless the town board shall have extended that deadline for good cause. No extension in excess of 36 months shall be allowed.

(g) The town shall conduct a final acceptance inspection for new or reconstructed subdivision roads.

- (1) The road crew foreman and the appointed member of the board of supervisors shall conduct a final inspection and shall submit an inspection report to the town board.
- (2) This inspection shall include a review of the pertinent road requirements including but not limited to asphalt road width and crowning requirements, shoulder road width, right-of-way clearing requirements, and cul-de-sac issues.
- (3) The report shall include a listing of each of the review items. Any deficiencies shall be noted.
- (4) The report shall also list recommendations by the road crew foreman and by the appointed member of the board of supervisors.

(h) Where a subdivision road is to be constructed or brought up to required standards, should the completion deadline be missed or the road not meet prescribed standards at the deadline, the developer shall be given formal written notice citing the specific corrective action required. If, within 90 days of that notice, corrective action is not completed or the developer and town have not reached an agreement under which the deficiencies are to be met, the town shall complete the road or correct the deficiencies and retain a sufficient amount of the bond or deposit, including interest, to cover all costs, including legal and inspection costs.

(i) Subdivision roads which exist prior to the effective date of adoption of this section shall be exempt from its provisions. However, the town shall not subsequently accept any responsibility for such roads except in accordance with section 66-8.

(Code 1987, § 8.01(7); Ord. of 6-21-2005)

Sec. 66-8. Acceptance of unpaved roads.

The town shall not accept ownership and/or maintenance responsibility for any road constructed after adoption of this section and which does not meet the standards prescribed in section 66-6. The town may, in its absolute discretion, accept ownership and/or maintenance responsibility for a prior road not paved with a bituminous surface if constructed prior to April 6, 1993, subject to the conditions stated in this section; however, adoption of this section shall not have any retroactive effect upon any valid preexisting agreements of developers with the town regarding the construction of roads.

- (1) The road must meet all requirements of section 66-6 except it may have five-inches or greater gravel surface in lieu of the specified six-inches gravel base and two-inches bituminous surface.
- (2) The road must be in good condition and free of any need for immediate repair or maintenance work. The town chair or a town board member appointed by the town chair and the town foreman shall conduct an inspection to ascertain this fact and compliance with requirements. Any deficiencies must be corrected at no cost to the town prior to acceptance.

- (3) The road must be normally used only by residents of, and occasional visitors to, properties having direct access to the road and by service and deliveries to private residences. No resort, camp or other public or commercial establishment or activity may be located on that road.
- (4) The road must be at least 500 feet, but no more than two miles in length.
- (5) There must be a minimum of four platted home sites and two occupied existing private residences per mile, but not less than two occupied private residences, on the road.
- (6) The road must either be a dead-end or connect two existing publicly maintained roads. No other private road, excepting driveways, may connect to it.
- (7) The owners of all properties fronting on the road, and all other persons, if any, entitled by recorded easement to use the road, must petition the town board for acceptance of the road and acknowledge that the town is not required to pave the road with a bituminous surface. The petition must provide, or be accompanied by, reliable cost figures showing the expected maintenance cost to the town over the next 15 years compared to the expected cost of maintenance if paved with a bituminous surface.
- (8) The survey, plat, deed or other recorded documents for all properties fronting on, and/or entitled by recorded easement to use the road, must contain a provision showing that the town has no responsibility to upgrade the road to a bituminous surface.
- (9) The town board shall deny any petition which does not meet all the requirements of this section except subsection (8) of this section. The town board may conditionally accept a petition upon a determination that acceptance of the road is in the best interest of the town, subject to evidence of completion of the requirements of subsection (8) of this section.
- (10) All owners having any interest in land proposed for dedication as a town road must join in the conveyance of such land to the town. The petitioners shall provide suitable evidence of legal title prior to acceptance.

(Code 1987, § 8.01(8); Ord. of 6-21-2005)

Sec. 66-9. Driveways.

(a) *Purpose.* The purpose of this section is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway, or field road that connects to a town road, and that changes the existing topography of the land to assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community, preserve agricultural land and productivity, and enforce the goals and policies set forth in the town of three lakes comprehensive plan.

(b) *Jurisdiction.* Jurisdiction of these regulations shall include all driveways, and field roads that connect to a town road, on land within the town.

(c) *Authority.* These regulations are adopted under the general police powers authority granted pursuant to Wis. Stats. §§ 60.10(2)(c), 60.22(3), and 61.34(1).

(d) *Definitions:*

(1) *Driveway.* A private road or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, but shall not include any field road.

(2) *Field road.* A road used only for agricultural and logging purposes.

(e) *Shared driveways.* For shared driveways a legal agreement acceptable to the town board shall be in place establishing access provisions and major responsibilities including maintenance, plowing, vegetation control, and cost sharing. This requirement applies to all driveway sharing agreements or arrangements established or changed after adoption of the ordinance from which this section derives.

(f) *Application requirements and procedures for obtaining a driveway application permit.*

(1) *Who must apply.* No person or entity shall establish, construct, improve, modify, or rework a driveway that materially changes the existing topography of the land without first obtaining a driveway permit application from the town office.

(2) *Application for driveway permit.* Driveway application is available at the town office located at 6965 W. School Street or on the town website at www.townofthreelakes.com. submit a completed driveway application with the appropriate fee to the town office.

(3) *Application review.* Upon receipt of the driveway permit application and application fee, the town office will contact the town foreman and provide a copy for his/her review and approval.

(4) *Application denial.* If a driveway application is denied the town foreman will contact applicant to review and discuss how application may be amended to satisfy concerns in order to satisfy permit requirements

(5) *Driveway permit period.* The driveway permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.

(6) *Renewal.* The driveway permit may be renewed for one additional period of 12 months. If driveway has not been constructed by the end of this period, a new application must be submitted with appropriate fees and approved by the town foreman.

(7) *Driveway inspection.* The applicant shall notify the town clerk within 30 days of completion of the driveway. Within 30 days of notification, the town foreman will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this section.

(8) *Application fee.* An application fee of \$35.00 will be charged.

(g) *Driveway specifications.*

- (1) The slope of the driveway shall be less than 12 percent whenever practical. Plans for driveways with slopes between 12 percent and 20 percent must have a hard surface. Driveway slopes shall not exceed 20 percent.
- (2) The driveway shall be constructed with a minimum width of 12 feet that also includes a minimum clearance from brush and trees of 24 feet. There shall be a clear zone and no obstructions within three feet of the edge of the driveway. The side slope shall be a maximum of one foot of vertical drop or rise for each three feet of horizontal distance for a minimum of three feet from each edge of the driveway.
- (3) Ditches along the right-of-way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- (4) A length of driveway of a minimum of 12 feet shall have a maximum of five percent slope at the point where the driveway enters onto a public road. A slight dip across the drive will be placed at the entrance to a public road to prevent debris from washing onto the public road.
- (5) The width of a driveway at the juncture with a public road shall be sufficient to allow access by emergency vehicles.
- (6) A driveway entering a town road shall provide an adequately unobstructed view of the road.

(h) *Penalties.*

- (1) *Forfeitures.* Should a driveway be constructed or modified in violation of the provisions of this chapter, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of \$500.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be enjoined.
- (2) *Corrections.* In addition, the landowner shall make the corrections ordered by the town board within 30 days or a period of time determined by the town board.

(Ord. of 12-1-2015)

Chapter 67

RESERVED

Chapter 68

TELECOMMUNICATIONS

Article I. In General

Secs. 68-1—68-30. Reserved.

Article II. Cable Television

- Sec. 68-31. Short title.
- Sec. 68-32. Definitions.
- Sec. 68-33. Rights and privileges of grantee.
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- Sec. 68-36. Duration and acceptance of franchise.
- Sec. 68-37. Franchise renewal.
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- Sec. 68-39. Cable television franchise required.
- Sec. 68-40. Use of grantee facilities.
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- Sec. 68-56. Complaint procedure.
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- Sec. 68-60. Availability of books and records.
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- Sec. 68-64. Required services and facilities.
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- Sec. 68-71. Receivership.
- Sec. 68-72. Compliance with state and federal laws.
- Sec. 68-73. Landlord/tenant.
- Sec. 68-74. Applicants' bids for initial franchise.
- Sec. 68-75. Financial, contractual, shareholder and system disclosure for initial franchises.
- Sec. 68-76. Damages.
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- Sec. 68-78. Force majeure.

ARTICLE I. IN GENERAL

Secs. 68-1—68-30. Reserved.

ARTICLE II. CABLE TELEVISION

Sec. 68-31. Short title.

This article shall be known and may be cited as the "Town of Three Lakes Cable Television Franchise Ordinance," hereinafter "franchise" or "ordinance."
(Ord. of 7-2-2002, § 1)

Sec. 68-32. Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

Basic service means all subscriber services provided by the grantee in one or more service tiers, which includes the delivery of local broadcast stations, and public, educational and government access channels. Basic service does not include optional program and satellite service tiers, a la carte services, per-channel, per-program, or auxiliary services for which a separate charge is made. However, grantee may include other satellite signals on the basic service tier.

Cable service means:

- (1) The transmission to subscribers of (1) video programming, or (2) other programming services; and
- (2) Subscriber interaction, if any, that is required for the selection or use of such video programming or other programming services.

Cable system or system or cable television system means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves subscribers without using any public right-of-way, (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II (common carriers) of Chapter V of Title 47 in the United States Code, except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. § 541(c) to the extent such facility is used in transmission of video programming directly to subscribers; or (4) any facilities of any electric utility used solely for operating its electric utility system.

Class IV channel means a signaling path provided by a cable communications system to transmit signals of any type from a subscriber terminal to another point in the cable communications system.

Control or controlling interest shall mean actual working control or ownership of a system in whatever manner exercised. A rebuttable presumption of the existence of control or a controlling interest shall arise from the ownership, directly or indirectly, by any person or legal entity (except underwriters during the period in which they are offering securities to the public) of 40 percent or more of a cable system or the franchise under which the system is operated. A change in the control or controlling interest of a legal entity which has control or a controlling interest in a grantee shall constitute a change in the control or controlling interest of the system under the same criteria. Control or controlling interest as used herein may be held simultaneously by more than one person or legal entity.

Converter means an electronic device which converts signals to a frequency not susceptible to interference within the television receiver of a subscriber, and by an appropriate channel selector also permits a subscriber to view more than 12 channels delivered by the system at designated converter dial locations.

Dwelling unit means any building or part of a building that is used as a home or residence.

FCC means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Franchise means an initial authorization, or renewal thereof, issued by the town, as the franchising authority, to a grantee to construct or operate a cable system.

Franchise agreement means a contractual agreement entered into between the town and any grantee hereunder that is enforceable by the town and by the grantee, and which sets forth the rights and obligations between the town and the grantee in connection with the franchise.

Grantee means a person or legal entity to whom or to which a franchise under this article is granted by the town, along with the lawful successors or assigns of such person or entity.

Gross revenues means all revenue collected by the grantee, arising from or attributable to the provision of cable service by the grantee within the town including, but not limited to: periodic fees charged subscribers for any basic, optional, premium, per-channel or per-program service; franchise fees; installation and reconnection fees; leased channel fees; converter rentals and/or sales; program guide revenues; late or administrative fees; upgrade, downgrade or other change-in-service fees; local advertising revenues; revenues from home shopping; revenues from the sale, exchange, use or cable cast of any programming developed on the system for community or institutional use; provided, however, that this shall not include any taxes on services furnished by the grantee herein imposed directly upon any subscriber or user by the state, local or other governmental unit and collected by the grantee on behalf of the governmental unit.

Installation means the connection of the system from feeder cable to a subscriber's terminal.

Local advertising revenues means local and regional advertising revenues derived from the sale of locally and regionally inserted advertising, except such advertising sold by or through grantee's national representative firm.

May is permissive.

Monitoring means observing a communications signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means, for any purpose whatsoever; provided monitoring shall not include system-wide, non-individually addressed sweeps of the system for purposes of verifying system integrity, controlling return paths transmissions, or verification of billing for premium or other services.

Normal business hours as applied to the grantee shall mean those hours during which similar businesses in the town are open to serve customers. In all cases, normal business hours must include some evening hours at least one night per week, and/or some weekend hours.

Normal operating conditions shall mean those service conditions that are within the control of the grantee. Those conditions that are not within the control of the grantee include, but are not limited to: natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

Person means any natural person or any association, firm, partnership, joint stock company, limited liability company, joint venture, corporation, or other legally recognized entity, private or public, whether for-profit or not-for-profit.

Service area means all areas in the town.

Service interruption is the loss of either picture or sound or both for a single or multiple subscriber(s).

Shall and will or agrees to is mandatory.

Street means the surface of and all right-of-ways and the space above and below any public street, road, highway, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway, drive or easement now or hereafter held by the town for the purpose of public travel and shall include other easements or right-of-ways as shall be now held or hereafter held by the town which shall, within their proper use and meaning entitle the grantee to the use thereof for the purposes of installing poles, wires, cable, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

Subscriber shall mean any person(s), firm, corporation or other legal entity, or association lawfully receiving any service provided by a grantee pursuant to this article.

Town means the Town of Three Lakes, Wisconsin.

User means a party utilizing a cable television system channel for purposes of production or transmission of material to subscribers, as contrasted with receipt thereof in a subscriber capacity.

(Ord. of 7-2-2002, § 2)

Sec. 68-33. Rights and privileges of grantee.

Any franchise granted by the town pursuant to Wis. Stats. § 66.0419 shall grant to the grantee the right and privilege to erect, construct, operate and maintain in, upon, along, across, above, over and under the streets now in existence and as may be created or established during the term of the franchise any poles, wires, cable, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a cable system.

(Ord. of 7-2-2002, § 3)

Sec. 68-34. Agreement and incorporation of application by reference.

Upon adoption of any franchise agreement and execution thereof by the grantee, the grantee agrees to be bound by all the terms and conditions contained herein.

(Ord. of 7-2-2002, § 4)

Sec. 68-35. Franchise territory.

Any franchise is for the legally territorial limits of the town and for any area henceforth added thereto during the term of the franchise.

(Ord. of 7-2-2002, § 5)

Sec. 68-36. Duration and acceptance of franchise.

Any franchise and the rights, privileges and authority granted under this article shall take effect and be in force from and after final town approval thereof, as provided by law, and shall continue in force and effect for a term of no longer than 15 years, provided that within 45 days after the date of final town approval of the franchise the grantee shall file with the town its unconditional acceptance of the franchise and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed. such franchise shall be non-exclusive and revocable.

(Ord. of 7-2-2002, § 6)

Sec. 68-37. Franchise renewal.

(a) Current federal procedures and standards pursuant to 47 U.S.C. § 546 (2000) shall govern the renewal of any franchise awarded under this article.

(b) In the event that any or all of the applicable provisions of federal law are repealed or otherwise modified, the following relevant section(s) shall apply:

- (1) At least 24 months prior to the expiration of the franchise, the grantee shall inform the town in writing of its intent to seek renewal of the franchise.
- (2) The grantee shall submit a proposal for renewal that demonstrates:
 - a. That it has been and continues to be in substantial compliance with the terms, conditions, and limitations of this article and its franchise;

- b. That its system has been installed, constructed, maintained and operated in accordance with the FCC and this article and its franchise;
 - c. That it has the legal, technical and financial qualifications to continue to maintain and operate its system; and
 - d. That it has made a good faith effort to provide services and facilities which accommodate the demonstrated needs of the community, taking into account the cost of meeting such needs.
- (3) After giving public notice, the town shall proceed to determine whether the grantee has satisfactorily performed its obligations under the franchise. To determine satisfactory performance, the town shall consider technical developments and performance of the system, cost of services, and any other particular requirements set forth in this article. The town shall also consider the grantee's reports made to the town and to the FCC, and the town may require the grantee to make available specified records, documents, and information for this purpose, and may inquire specifically whether the grantee will supply services sufficient to meet future community needs and interest, taking into account the cost of meeting such needs.
- Industry performance on a national basis shall also be considered. Provisions shall be made for public comment with adequate prior notice of at least ten days.
- (4) Grantee shall be entitled to the same due process rights included in 47 U.S.C. § 546 (2000).
- (5) The town shall then prepare any amendments to this article that it believes necessary.
- (6) If the town finds the grantee's performance satisfactory, and finds the grantee's technical, legal, and financial abilities acceptable, and finds the grantee's renewal proposal meets the future cable-related needs of the town, taking into account the cost of meeting such needs, a new franchise shall be granted pursuant to this article as amended for a period to be determined.
- (7) If the grantee is determined by the town to have performed unsatisfactorily, new applicants may be sought and evaluated and a franchise award shall be made by the town according to franchising procedures adopted by the town.
- (Ord. of 7-2-2002, § 7)

Sec. 68-38. Police powers.

(a) In accepting a franchise, the grantee acknowledges that its rights thereunder are subject to the police power of the town to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the town pursuant to such power.

(b) Any conflict between the provisions of a franchise and any other current or future lawful exercise of the town's police powers shall be resolved in favor of the latter, except that any such exercise that is not of general application in the jurisdiction or applies exclusively to the

grantee or cable television systems which contains provisions inconsistent with this article, shall prevail only if upon such exercise the town finds a danger to health, safety, property or general welfare or if such exercise is mandated by law.

(Ord. of 7-2-2002, § 8)

Sec. 68-39. Cable television franchise required.

No cable television system shall be allowed to operate or to occupy or use the streets for system installation and maintenance purposes without a franchise.

(Ord. of 7-2-2002, § 9)

Sec. 68-40. Use of grantee facilities.

The town shall have the right to install and maintain upon the poles of the grantee at a charge equal to grantee's costs any wire or pole fixtures that do not unreasonably interfere with the cable television system operations, including future plans, of the grantee. The town shall indemnify and hold harmless the grantee from any claim that might arise due to or as a result of the town's use.

(Ord. of 7-2-2002, § 10)

Sec. 68-41. Initial franchise costs.

Costs to be borne by a grantee shall include any requirements or charges incidental to the awarding or enforcing of its initial franchise, but shall not be limited to: all costs of publications of notices prior to any public meeting provided for pursuant to this article, and any costs not covered by application fees, incurred by the town in its study, preparation of proposal documents, evaluation of all applications, and examinations of the applicant's qualifications.

(Ord. of 7-2-2002, § 11)

Sec. 68-42. Notices.

All notices from the grantee to the city pursuant to any franchise shall be to the town administrator/clerk. the grantee shall maintain with the town, throughout the term of the franchise, an address for service of notices by mail. the grantee shall maintain a central office to address any issues relating to operating under this cable television ordinance.

(Ord. of 7-2-2002, § 12)

Sec. 68-43. Bond.

(a) Within 60 days after the award of an initial or renewal franchise, the Grantee shall deposit with the town a bond in the amount of \$5,000.00 with the form to be established by the town. The form and content of such bond shall be approved by the town attorney. This instrument shall be used to ensure the faithful performance of the grantee of all provisions of this article, and to ensure compliance with all orders, permits and directions of any agency, commission, board, department, division, or office of the town having jurisdiction over its acts

or defaults under this article, and to ensure the payment by the grantee of any claims, liens, and taxes due the town which arise by reason of the construction, operation or maintenance of the system.

(b) The bond shall be maintained at the amount established in subsection (a) for the entire term of the franchise, even if amounts have to be withdrawn pursuant to this article.

(c) If the grantee fails to pay to the town any amounts owed under the franchise agreement, that is not on appeal to the court of proper jurisdiction, within the time fixed herein; or fails after 15 days notice to pay to the Town any taxes due and unpaid; or fails to repay the town within 15 days, any damages, costs or expenses which the town is compelled to pay by reason of any act or default of the grantee in connection with the franchise, or fails, after three days notice of such failure by the town to comply with any provision of the franchise which the town reasonably determines can be remedied by demand on the bond, the town may immediately demand payment of the amount thereof, with interest and any penalties, from the bond. Upon such demand for payment, the town shall notify the grantee of the amount and date thereof.

(d) The rights reserved to the town with respect to the bond are in addition to all other rights of the town, whether reserved by the franchise or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall effect any other right the town may have.

(e) The bond shall contain an endorsement agreeing that the bond may not be canceled by the surety nor the intention not to renew be stated by the surety until 30 days after receipt by the town, by registered mail, of a written notice of such intention to cancel or not to renew.

(f) In the event the town receives a 30-day notice from a surety, it shall have the right to demand payment from the bond unless grantee provides appropriate assurance that a replacement bond will be presented before the expiration of the 30-day period. Assurance shall be determined by the town at its sole discretion. This section shall not apply if the town and grantee agree that a bond is no longer required or if the bond is, by agreement between the town and grantee, in the process of being reduced.

(g) The town may, at any time during the term of this article, waive the grantee's requirement to maintain a bond. The waiver of the requirement may be initiated by the town or may be requested by the grantee.

(Ord. of 7-2-2002, § 13)

Sec. 68-44. Construction performance bond.

The following shall apply if grantee engages in construction including, without limitation, cable system upgrades:

- (1) Within 60 days after the award of an initial or renewal franchise, the grantee shall file with the town a performance bond in the amount of not less than \$50,000.00 in favor of the town. This bond shall be maintained throughout the construction period and until such time as determined by the town, unless otherwise specified in the franchise agreement.

- (2) If the grantee fails to comply with any law, ordinance or resolution governing the franchise, or fails to observe, fulfill and perform each term and condition of the franchise, as it relates to the conditions relative to the construction of the system, including the franchise agreement that is incorporated herein by reference, there shall be recoverable jointly and severally, from the principal and surety of the bond, any damages or losses suffered by the town, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee, plus a reasonable allowance for attorney's fees, including the town's staff, and costs, up to the full amount of the bond. This section shall be an additional remedy for any and all violations outlined in section 68-43.
- (3) The town shall, upon completion of construction of the service area, waive the requirement of the grantee to maintain the bond. However, the town may require a performance bond to be posted by the grantee for any construction subsequent to the completion of the initial service areas, in a reasonable amount not to exceed \$50,000.00 and upon such terms as determined by the town.
- (4) The bond shall contain an endorsement stating that the bond may not be canceled by the surety nor the intention not to renew be stated by the surety until 30 days after receipt by the town, by registered mail, a written notice of such intent to cancel and not to renew.
- (5) Upon receipt of a 30-day notice, and following a 30-day period to cure, this shall be construed as default granting the town the right to demand payment on the bond.
- (6) The town, at any time during the term of this article, may waive grantee's requirement to maintain a performance bond. The waiver of the requirement can be initiated by the town or the grantee.

(Ord. of 7-2-2002, § 14)

Sec. 68-45. Liability and insurance.

(a) The grantee shall maintain and by its acceptance of the franchise specifically agrees that it will maintain throughout the term of the franchise, liability insurance insuring the town and the grantee in the minimum amount of:

- (1) One million dollars for property damage to any one person;
- (2) One million dollars for property damage from any one occurrence;
- (3) One million dollars for personal injury to any one person; and
- (4) One million dollars for personal injury from any one occurrence.

(b) The certificate of insurance obtained by the grantee in compliance with this section shall be filed and maintained with the town during the term of the franchise. The grantee shall immediately advise the town attorney of any litigation that may develop that would affect this insurance.

(c) Neither the provisions of this section nor any damages recovered by the town thereunder, shall be construed to or limit the liability of the grantee under any franchise issued hereunder.

(Ord. of 7-2-2002, § 15)

Sec. 68-46. Indemnification.

(a) *Disclaimer of liability.* The town shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of the construction, maintenance, repair, use, operation, condition or dismantling of the grantee's cable television system or due to the act or omission of any person or legal entity other than the town or those persons or legal entities for which the city is legally liable as a matter of law.

(b) *Indemnification.* The grantee shall, at its sole cost and expense, indemnify and hold harmless the town, its respective officers, boards, departments, commissions and employees (hereinafter referred to as indemnitees) from and against:

- (1) Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or asserted against the indemnitees by reason of any act or omission of the grantee, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, corporation or other legal entity, which may arise out of or be in any way connected with the construction, installation, operation, maintenance or condition of the cable television system caused by grantee, its subcontractors or agents or the grantee's failure to comply with any federal, state or local law.
- (2) Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants) imposed upon indemnitees by reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to grantee, its contractors or subcontractors, for the installation, construction, operation or maintenance of the cable television system. Upon written request by the town, such claim or lien shall be discharged or bonded within 15 days following such request.
- (3) Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or asserted against the indemnitees by reason of any financing or securities offering by grantee or its affiliates for violations of the common law or any laws, statutes or regulations of the State of Wisconsin or of the United States, including those of the Federal Securities and Exchange Commission, whether by the grantee or otherwise;

excluding therefrom, however, claims which are based upon and arise out of information supplied by the town to the grantee in writing and included in the offering materials with the express written approval of the town prior to the offering.

(c) *Assumption of risk.*

- (1) The grantee undertakes and assumes for its officers, directors, agents, contractors and subcontractors and employees all risk of dangerous conditions, if any, on or about any town-owned or controlled property, including public right-of-ways, and the grantee hereby agrees to indemnify and hold harmless the indemnitees against and from any claim asserted or liability imposed upon the indemnitees for personal injury or property damage to any person arising out of the installation, operation, maintenance or condition of the cable television system or the grantee's failure to comply with any federal, state or local law.
- (2) The town shall hold grantee harmless for any damages resulting from the sole negligence or misconduct of the grantor or its officials, boards, departments, commissions or employees.

(d) *Defense of indemnitees.* In the event any action or proceeding shall be brought against any or all of the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, the grantee shall, upon notice from any of the indemnitees, at the grantee's sole cost and expense, defend the same; provided further, however, that the grantee shall not admit liability in any such matter on behalf of the indemnitees without the written consent of the town attorney or the town attorney's designee.

(e) *Notice, cooperation and expense.* The town shall give the grantee reasonably prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this section. Nothing herein shall be deemed to prevent the town from cooperating with the grantee and participating in the defense of any litigation by the town's own counsel at the town's own expense. No recovery by the town of any sum under the bond shall be any limitation upon the liability of the grantee to the town under the terms of this section, except that any sum so received by the town shall be deducted from any recovery which the town might have against the grantee under the terms of this section.

(f) *Nonwaiver of statutory limits.* Nothing in this article is intended to express or imply a waiver by the city of statutory provisions, privileges or immunities of any kind or nature as set forth in Wis. Stats. § 893.80 et seq., including the limits of liability of the town.
(Ord. of 7-2-2002, § 16)

Sec. 68-47. Rights of individuals.

(a) The grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, income, sex, marital status, sexual preference or age. The grantee shall comply at all

times with all other applicable federal, state and local laws and regulations and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this article by reference.

(b) The grantee shall strictly adhere to the equal employment opportunity requirements of the Federal Communications Commission and of state and local governments, and as amended from time to time.

(c) The grantee shall, at all times, comply with the privacy requirements of state and federal law.

(d) The grantee is required to make all services available to all residential dwellings throughout the service area located in areas having a density of at least 40 dwelling units per street mile.

(Ord. of 7-2-2002, § 17)

Sec. 68-48. Public notice.

Minimum public notice of any public meeting in relation to the franchise shall be governed by the provisions of the State Open Meetings Law.

(Ord. of 7-2-2002, § 18)

Sec. 68-49. Service availability and record request.

The grantee shall provide cable television service throughout the entire service area pursuant to the provisions of the franchise and shall keep a record for at least three years of all requests for service received by the grantee. This record shall be available for public inspection at the local office of the grantee during regular office hours.

(Ord. of 7-2-2002, § 19)

Sec. 68-50. System construction.

(a) Special agreements. Nothing herein shall be construed to prevent the grantee from serving areas within the legally incorporated boundaries of the town not covered under this section upon agreement with developers, property owners, residents, or businesses, provided that five percent of the gross revenues from those areas are paid to the town as franchise fees under section 68-57.

(b) A grantee may propose a line extension policy that will result in serving more residents of the town than as required above, in which case the grantee's policy will be incorporated into the franchise agreement and will be binding on the grantee.

(c) The violation of this section following a 30-day period to cure shall be considered a breach of the terms of this article, for which the provisions of either sections 68-68 or 68-76 shall apply, as determined by the town.

(Ord. of 7-2-2002, § 20)

Sec. 68-51. Construction and technical standards.

(a) *Compliance with construction and technical standards.* The grantee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements, and FCC technical standards. In addition, the grantee shall provide the town, upon request, a written report of the results of the grantee's annual proof of performance tests conducted pursuant to Federal Communications Commission standards and requirements. Further, the grantee will provide the town 15 days notice before undertaking any and all construction.

(b) *Additional specifications.*

- (1) Construction, installation and maintenance of the cable television system shall be performed in an orderly and workmanlike manner. All cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.
- (2) The grantee shall at all times comply with the applicable:
 - a. National Electrical Safety Code (National Bureau of Standards);
 - b. National Electrical Code (National Bureau of Fire Underwriters);
 - c. Applicable FCC or other federal, state and local regulations.
- (3) In any event, the system shall not endanger or interfere with the safety of persons or property in the franchise area or other areas where the grantee may have equipment located.
- (4) Any antenna structure used in the system shall comply with construction, marking, and lighting of antenna structure, required by the United States Department of Transportation.
- (5) All working facilities and conditions used during construction, installation and maintenance of the cable television system shall comply with the standards of the Occupational Safety and Health Administration.
- (6) Radio frequency (RF) leakage shall be checked at reception locations for emergency radio services to prove no interference signal combinations are possible. Stray radiation shall be measured adjacent to any proposed aeronautical navigation radio sites to prove no interference to airborne navigational reception in the normal flight patterns. FCC rules and regulations shall govern.
- (7) The grantee shall maintain equipment capable of providing standby power for headend, transportation and trunk amplifiers for a minimum of two hours.
- (8) In all areas of the town where all cables, wires and other like facilities of public utilities are placed underground, the grantee shall place its cables, wires and other like

facilities underground. When all public utilities relocate their facilities from pole to underground, the cable operator must concurrently do so. Further, the grantee shall place its cables, wires and other like facilities at least three feet underground.
(Ord. of 7-2-2002, § 21)

Sec. 68-52. Use of streets and town roads.

(a) *Interference with persons and improvements.* The grantee's system, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons or interfere with the rights or reasonable health, safety or welfare of property owners who adjoin any of the streets and public ways, or interfere with any improvements the town may make, or hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.

(b) *Restoration to prior condition.* In case of any disturbance of pavement, sidewalk, landscaping, driveway or other surfacing, the grantee shall, at its own cost and expense and in a manner approved by the town, replace and restore all paving, sidewalk, driveway, landscaping, or surface of any street or alley disturbed, in as good condition as before the work was commenced and in accordance with standards for such work set by the town. After 30 days, if restoration measures are not performed to the reasonable satisfaction of the town, the town may undertake remedial restoration activities, such activities to be performed at the grantee's cost.

(c) *Erection, removal and common uses of poles.*

- (1) No poles or other wire-holding structures shall be erected by the grantee without prior approval of the town with regard to location, height, types, and any other pertinent aspect. However, no location of any pole or wire-holding structure of the grantee shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the town determines that the public health, safety or welfare would be enhanced thereby.
- (2) Where poles or other wire-holding structures already existing for use in serving the town are available for use by the grantee, but it does not make arrangements for such use, the town may require the grantee to use such poles and structures if it determines that the public health, safety or welfare would be enhanced thereby and the terms of the use available to the grantee are just and reasonable.
- (3) Where the town desires to make use of the poles or other wire-holding structures of the grantee and the use will not unduly interfere with the grantee's operations, the town may require the grantee to permit such use for reasonable consideration and terms.

(d) *Relocation of facilities.* If at any time during the period of the franchise the town shall lawfully elect to alter, or change the grade of any street, alley or other public ways, the grantee, upon reasonable notice by the town, shall remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(e) *Cooperation with building movers.* The grantee shall, at the request of any person holding a building moving permit issued by the town, temporarily raise or lower its wires to permit the moving of buildings. Expenses of such temporary removal, raising or lowering of wires shall be paid by the person making the request, and the grantee shall have the authority to require such payment in advance. The grantee shall be given at least ten days advance notice to arrange for such temporary wire changes.

(f) *Tree trimming.* The grantee shall not remove any tree or trim any portion of any tree within any public street as defined herein without the prior consent of the town, except in an emergency situation. The grantee shall provide notice to any affected residents at the same time that the grantee applies to the town for consent to perform tree trimming. The town shall have the right to do the trimming requested by the grantee at the cost of the grantee. Regardless of who performs the work requested by the grantee, the grantee shall be responsible, shall defend and hold town harmless from any and all damages to any tree as a result of grantee's trimming, or to the property surrounding any tree, whether such tree is trimmed or removed.

(g) *Road cuts.* The grantee shall not use road cuts for the laying of cable or wires without the prior approval of the town. In the absence of such approval, the grantee shall utilize auguring.

(Ord. of 7-2-2002, § 22)

Sec. 68-53. Operational standards.

(a) The grantee shall maintain all parts of the system in good condition throughout the entire franchise period.

(b) Upon the reasonable request for service by any person located within the franchise territory, the grantee shall, within 30 days, furnish the requested service to such person within terms of the line extension policy. A request for service shall be unreasonable for the purpose of this subsection if no distribution line capable of servicing that person's block has been installed.

(c) Temporary service drops.

(1) The grantee shall put forth every effort to bury temporary drops within 15 days after placement. Any delays for any other reason than listed will be communicated to the town. The following delays will be found understandable and within the course of doing business: weather, ground conditions, street bores, system redesign requirements and any other unusual obstacle, such as obstructive landscaping that is created by the customer.

(2) The grantee shall provide reports to the town, upon request, on the number of drops pending.

(d) The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum system use.

(e) The grantee shall not allow its cable or other operations to interfere with television reception of subscribers or persons not served by the grantee, nor shall the system interfere with, obstruct or hinder in any manner the operation of the various utilities serving the customers within the confines of the town, nor shall other utilities interfere with the grantee's system.

(Ord. of 7-2-2002, § 23)

Sec. 68-54. Customer service standards.

(a) Nothing in this article shall be construed to prohibit the enforcement of any federal, state or local law or regulation concerning customer service or consumer protection that imposes customer service standards or consumer protection requirements that exceed the customer service standards set out in this article or that address matters not addressed in this article.

(b) The grantee shall maintain a local or toll-free telephone access line which is available to its subscribers and shall have knowledgeable, qualified representatives available to respond to customer telephone inquiries regarding repairs 24 hours per day, seven days per week.

(c) Under normal operating conditions, telephone answer, time including wait time and the time required to transfer the call, shall not exceed 30 seconds. This standard shall be met no less than 90 percent of the time as measured on a quarterly basis.

(d) Under normal operating conditions, the customer will receive a busy signal less than three percent of the total time that the office is open for business.

(e) A centrally-located customer service center will be open for walk-in customer transactions a minimum of eight hours per day Monday through Friday, unless there is a need to modify those hours because of the location or customers served. The grantee and town by mutual consent shall establish supplemental hours on weekdays and weekends as fits the needs of the community.

(f) Under normal operating conditions, each of the following standards will be met no less than 95 percent of the time as measured on an annual basis.

- (1) Standard installations will be performed within seven business days after an order has been placed. A standard installation is one that is within 150 feet of the existing system.
- (2) Excluding those situations that are beyond its control, the grantee will respond to any service interruption promptly and in no event later than 24 hours from the time of initial notification. All other regular service requests will be responded to within 36 hours during the normal workweek for that system. The appointment window alternatives for installations, service calls and other installation activities will be: "morning" or "afternoon"; not to exceed a four-hour "window" during normal business hours for the system, or at a time that is mutually acceptable. The grantee shall schedule supplemental hours during which appointments can be scheduled based on

the needs of the community. If at any time an installer or technician is running late, an attempt to contact the customer will be made and the appointment rescheduled as necessary at a time that is convenient to the customer.

(g) Subscriber credit for outages. Upon service interruption of a subscriber's cable service, the following shall apply:

- (1) For service interruptions of more than four hours and up to four days, the grantee shall provide, at the subscriber's request, a credit of one-thirtieth of one month's fees for affected services for each 24-hour period service is interrupted for four or more hours for any subscriber, with the exception of subscribers disconnected because of non-payment or excessive signal leakage.
- (2) For interruptions of seven days or more in one month, the grantee shall provide, at the subscriber's request, a full month's credit for affected services for all affected subscribers.

(h) The grantee shall provide written information for each of the following areas at the time of installation and at any future time upon the request of the customer:

- (1) Product and services offered.
- (2) Prices and service options.
- (3) Installation and service policies.
- (4) How to use the cable television services.

(i) Bills will be clear, concise and understandable, with all charges for cable services itemized.

(j) Credits will be issued promptly, but no later than the customer's next billing cycle following the resolution of the request and the return of the equipment by the grantee if service has been terminated.

(k) The grantee shall notify customers a minimum of 30 days in advance of any rate or channel change.

(l) The grantee shall maintain and operate its network in accordance with the rules and regulations incorporated herein or as may be promulgated by Federal Communications Commission, the United States Congress, or the State of Wisconsin.

(m) The grantee shall continue, through the term of the franchise, to maintain the technical standards and quality of service set forth in this article. Should the town find, by resolution, that the grantee has failed to maintain these technical standards and quality of service, and should it, by resolution, specifically enumerate improvements to be made, the grantee shall make such improvements. Failure to make such improvements within three months of such resolution will constitute a breach of a condition for which penalties contained in section 68-76 of this article are applicable.

(n) The grantee shall keep a monthly service log that indicates the nature of each service complaint received in the last 24 months, the date and time each complaint was received, the disposition of each complaint, and the time and date thereof. This log shall be made available for periodic inspection by the town.

(Ord. of 7-2-2002, § 24)

Sec. 68-55. Continuity of service mandatory.

(a) It shall be the right of all subscribers to continue receiving service as long as their financial and other obligations to the grantee are honored. If the grantee elects to over build, rebuild, modify or sell the system, or the town gives notice of intent to terminate or fails to renew the franchise, the grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances.

(b) If there is a change of franchise, or if a new operator acquires the system, the grantee shall cooperate with the city, new franchisee or new operator to maintain continuity of service to all subscribers.

(c) If the grantee fails to operate the system for seven consecutive days without prior approval of the town or without just cause, the town may, at its option, operate the system or designate an operator until such time as the grantee restores service under conditions acceptable to the town or a permanent operator is selected. If the town is required to fulfill this obligation for the grantee, the grantee shall reimburse the town for all reasonable costs or damages in excess of revenues from the system received by the town that are the result of the grantee's failure to perform.

(Ord. of 7-2-2002, § 25)

Sec. 68-56. Complaint procedure.

(a) The town board or its designee has primary responsibility for the continuing administration of the franchise and implementation of complaint procedures.

(b) During the terms of the franchise and any renewal thereof, the grantee shall maintain a central office, designated by the grantee, for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The office must be reachable by a local and/or toll-free telephone call to receive complaints regarding quality of service, equipment functions and similar matters. The grantee will make good faith efforts to arrange for one or more payment locations in a central location where customers may pay bills or drop off equipment.

(c) As subscribers are connected or reconnected to the system, the grantee shall, by appropriate means, such as a card or brochure, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the employee or employees or agent to whom such inquiries or complaints are to be addressed.

(d) When there have been similar complaints made, or where there exists other evidence, which, in the judgment of the town, casts doubt on the reliability or quality of cable service, the town shall have the right and authority to require the grantee to test, analyze and report on the performance of the system. The grantee shall fully cooperate with the town in performing such testing and shall prepare results and a report, if requested, within 30 days after notice. such report shall include the following information:

- (1) The nature of the complaint or problem that precipitated the special tests;
- (2) The system component(s) tested;
- (3) The equipment used and procedures employed in testing;
- (4) The method, if any, in which such complaint or problem was resolved;
- (5) Any other information pertinent to the tests and analysis which may be required.

(e) The town may require that tests be supervised, at the grantee's expense unless results are found to be in compliance by an independent professional engineer or equivalent of the town's choice. The engineer shall sign all records of special tests and forward to the town such records with a report interpreting the results of the tests and recommending actions to be taken.

(f) The town's rights under this section shall be limited to requiring tests, analysis and reports covering specific subjects and characteristics based on complaints or other evidence when and under such circumstances as the town has reasonable grounds to believe that the complaints or other evidence require that tests be performed to protect the public against substandard cable service.

(Ord. of 7-2-2002, § 26)

Sec. 68-57. Grantee rules and regulations.

The grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under the franchise, and to assure uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable state and federal laws, rules and regulations.

(Ord. of 7-2-2002, § 27)

Sec. 68-58. Franchise fee.

(a) A grantee shall pay to the town a franchise fee in the amount designated in the franchise agreement. Unless otherwise specified in the franchise agreement, such franchise fee shall be five percent of the grantee's gross revenues.

(b) The franchise fee payment shall be in addition to any other tax or payment owed to the town by the grantee and shall not be construed as payment in lieu of municipal property taxes or other state, county or local taxes.

(c) The franchise fee and any other costs or penalties assessed shall be payable quarterly on a calendar year basis to the town within 45 days of the end of each quarter. The grantee shall also file a complete and accurate verified statement of all gross revenues as previously defined within 45 days of the end of each quarter.

(d) The town shall have the right to inspect the grantee's income records and to audit and recompute any amounts determined to be payable under this article; provided, however, that such audit shall take place within 60 months following the close of each of the grantee's fiscal years that is the subject of the audit. Any additional amount due the town as a result of an audit shall be paid within 30 days following written notice to the grantee by the town, which shall include a copy of the audit report.

(e) If any franchise fee payment or recomputed amount, cost or penalty, is not made on or before the applicable dates heretofore specified, interest shall be charged from such date at an annual rate of 12 percent. The grantee shall reimburse the town for any additional expenses and costs incurred by the town by reason of the delinquent payment(s), including, but not limited to, attorney's fees, consultant fees and audit fees.

(Ord. of 7-2-2002, § 28)

Sec. 68-59. Transfer of ownership or control.

(a) A franchise shall not be assigned or transferred, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior written consent of the town. The grantee may, however, transfer or assign the franchise to a wholly owned subsidiary of the grantee and such subsidiary may transfer or assign the franchise back to the grantee without such consent, providing that such assignment is without any release of liability of the grantee. Any proposed assignee must show legal, technical and financial responsibility as determined by the town and must agree to comply with all provisions of the franchise. The town shall have 120 days to act upon any request for approval of a sale or transfer submitted in writing that contains or is accompanied by all such information as is required in accordance with FCC regulations and by the town. The town shall be deemed to have consented to a proposed transfer or assignment if its refusal to consent (including the reasons therefore) is not communicated in writing to the grantee within 120 days following receipt of written notice together with all necessary information as to the effect of the proposed transfer or assignment upon the public, unless the requesting party and the town agree to an extension of time. The town shall not unreasonably withhold consent to a proposed transfer.

(b) The grantee shall promptly notify the town of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the grantee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of 40 percent of the voting shares of the grantee. Every change, transfer or acquisition of control of the grantee shall make the franchise subject to cancellation unless and until the town shall

have consented thereto, which consent shall not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, the town may inquire into the legal, technical, financial and other qualifications of the prospective controlling party, and the grantee shall assist the town in such inquiry.

(c) The consent or approval of the town to any transfer of the grantee shall not constitute a waiver or release of the rights of the town in and to the streets, and any transfer shall by its terms, be expressly subordinate to the terms and conditions of the franchise.

(d) In the absence of extraordinary circumstances, the town shall not be required to approve any transfer or assignment of a new franchise prior to substantial completion of construction of the proposed system.

(e) In no event shall a transfer of ownership or control be approved without the successor(s) in interest agreeing in writing to abide by the terms and conditions of the franchise agreement. (Ord. of 7-2-2002, § 29)

Sec. 68-60. Availability of books and records.

(a) The grantee shall fully cooperate in making available at reasonable times, and the town shall have the right to inspect at the grantee's office, upon reasonable notice and where reasonably necessary for the enforcement of the franchise, books, records, maps, plans and other like materials of the grantee applicable to the cable television system, at any time during normal business hours.

(b) Unless prohibited by law, rule or regulation, the following records and/or reports are to be made available to the town upon request, but no more frequently than on an annual basis if so mutually agreed upon by the grantee and the town:

- (1) A yearly review and resolution or progress report submitted by the grantee to the town;
- (2) Periodic preventive maintenance reports;
- (3) Copies of FCC Form 395-A (or successor form) or any supplemental forms related to equal opportunity or fair contracting policies;
- (4) Subscriber inquiry/complaint resolution data (but not including names or addresses) and the right to review documentation concerning these inquiries and/or complaints periodically;
- (5) Periodic construction update reports including, where appropriate, the submission of strand maps.

(Ord. of 7-2-2002, § 30)

Sec. 68-61. Other petitions and applications.

Copies of all petitions, applications, communications and reports submitted by the grantee to the Federal Communications Commission, to the Securities and Exchange Commission, or

to any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting cable television operations authorized pursuant to the franchise or received from such agencies shall be provided to the town upon request.

(Ord. of 7-2-2002, § 31)

Sec. 68-62. Fiscal reports.

The grantee shall file annually with the town no later than 120 days after the end of the grantee's fiscal year, a copy of a gross revenues statement certified by an officer of the grantee.

(Ord. of 7-2-2002, § 32)

Sec. 68-63. Removal of cable television system.

At the expiration of the term for which the franchise is granted or when any renewal is denied, or upon its termination as provided herein, the grantee shall forthwith, upon written notice by the town, remove at its own expense all aerial portions of the cable television system from all streets and public property within the town within six months. If the grantee fails to do so within six months, the town may perform the work at the grantee's expense. Upon such notice of removal, a bond shall be furnished by the grantee in an amount sufficient to cover this expense.

(Ord. of 7-2-2002, § 33)

Sec. 68-64. Required services and facilities.

(a) The cable television system shall have a minimum channel capacity of 77 channels.

(b) Such system shall maintain a plant having the technical capacity for "two-way" communications.

(c) The grantee shall provide the following:

- (1) At least one specially designated channel for local governmental uses;
- (2) If required by the franchise agreement, an institutional network (I-Net) of cable, optical, electrical or electronic equipment, including cable television systems, used for the purpose of transmitting two-way video signals interconnecting designated entities to be determined by the town. The cost of such network will be borne by the town as negotiated between the grantee and the town. Such network may be provided as needed by utilizing capacity on the system.
- (3) Provided, however, these uses may be combined on one or more channels until such time as additional channels become necessary in the opinion of the town. Studios and associated production equipment will be located in a mutually agreed upon site to meet the need for educational and local governmental access as noted in subsections (1), (2) and (3). Financial and technical support and replacement and maintenance of equipment of this facility shall be separately incorporated into the franchise by agreement.

(d) The grantee shall incorporate into its cable television system the capacity to permit the town, in times of emergency, to override by remote control the audio, video and/or text of all channels simultaneously, which the grantee may lawfully override. The grantee shall provide emergency broadcast capacity pursuant to FCC rules. The grantee shall cooperate with the town in the use and operation of the emergency alert override system.

(Ord. of 7-2-2002, § 34)

Sec. 68-65. Rules and regulations.

(a) In addition to the inherent powers of the town to regulate and control any cable television franchise, and those powers expressly reserved by the town, or agreed to and provided for herein, the right and power is hereby reserved by the town to promulgate such additional regulations as it shall find necessary in the exercise of its lawful powers and furtherance of the terms and conditions of the franchise; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable state and federal laws, rules and regulations and do not appreciably increase the burdens or appreciably impair the rights of the grantee under the franchise agreement.

(b) The town may also adopt such regulations at the request of grantee upon application.
(Ord. of 7-2-2002, § 35)

Sec. 68-66. Performance evaluation sessions.

(a) The town and the grantee may hold scheduled performance evaluation sessions within 30 days of the third and sixth anniversary dates of the grantee's award or renewal of the franchise and as may be required by federal and state law. All such evaluation sessions shall be open to the public.

(b) Special evaluation sessions may be held at any time during the term of the franchise at the request of the town or the grantee.

(c) All evaluation sessions shall be open to the public and announced in a newspaper of general circulation in accordance with legal notice. The grantee shall notify its subscribers of all evaluation sessions by announcements on at least one channel of its system between the hours of 7:00 p.m. and 9:00 p.m., for five consecutive days preceding each session.

(d) Topics which may be discussed at any scheduled or special evaluation session may include, but are not limited to: service rate structure; franchise fee, penalties, free or discounted services; application of new technologies; system performance; services provided; programming offered; customer complaints; privacy; amendments to this article; judicial and FCC rulings; line extension policies; and grantee or town rules. The town acknowledges that, pursuant to federal law, it does not have jurisdiction nor enforcement rights over all the standards and services mentioned above, including programming and the application of all new technologies under a cable television franchise. Nothing in this subsection shall be construed as requiring the renegotiation of the cable franchise agreement.

(e) Members of the general public may add topics either by working through the negotiating parties or by presenting a petition. If such a petition bears the valid signatures of 50 or more residents of the town, the proposed topic or topics shall be added to the list of topics to be discussed at the evaluation session.

(Ord. of 7-2-2002, § 36)

Sec. 68-67. Rate change procedures.

Pursuant to the Cable Television Consumer Protection and Competition Act of 1992, if the town is currently certified to regulate the basic service rates charged by grantee, it may, under these rules, require the grantee to obtain approval from the town for a rate increase for any change to the rates for basic service. Should federal or state law permit further rate regulation beyond basic service the town may, if certified, assume such rate regulation and adopt appropriate procedures for such regulation. Grantee must provide 30 days' notice to town of any increase proposed in the price to be charged for the basic service tier.

(Ord. of 7-2-2002, § 37)

Sec. 68-68. Forfeiture and termination.

(a) Pursuant to Title 47 of the United States Code, in addition to all other rights and powers retained by the town under this article or otherwise, the town reserves the right to forfeit and terminate the franchise and all rights and privileges of the grantee hereunder in the event of a substantial breach of its terms and conditions following the required 30-day period to cure. A substantial breach by the grantee shall include, but shall not be limited to the following:

- (1) Violation of any material provision of the franchise or any material rule, order, regulation or determination of the town made pursuant to the franchise;
- (2) Attempt to evade any material provision of the franchise or to practice any fraud or deceit upon the town or its subscribers or customers;
- (3) Failure to begin or complete system construction or system extension as provided under section 68-50;
- (4) Failure to provide the services promised in the grantee's initial application as incorporated herein by section 68-34;
- (5) Failure to restore service to the system after 96 consecutive hours of interrupted service, except when approval of such interruption is obtained from the town; or
- (6) Material misrepresentation of fact in the application for or negotiation of the franchise.

(b) The foregoing shall not constitute a major breach if the violation occurs but is without fault of the grantee or occurs as a result of circumstances beyond its control. The grantee shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.

(c) The town may make a written demand that the grantee comply with any such provision, rule, order or determination under or pursuant to the franchise. If the violation by the grantee continues for a period of 30 days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the town may place the issue of termination of the franchise before the town board. The town shall cause to be served upon the grantee, at least 20 days prior to the date of such meeting, a written notice of intent to request such termination and the time and place of the meeting. Public notice shall be given of the meeting and the issue(s) which the board is to consider.

(d) The town board shall hear and consider the issue(s) and shall hear any person interested therein and shall determine in its discretion whether or not any violation by the grantee has occurred.

(e) If the town board determines that the violation by the grantee was the fault of the grantee and within its control, the board may, by resolution declare that the franchise of the grantee shall be forfeited and terminated unless there is compliance within such period as the board may fix, such period to not be less than 30 days; provided, however, that no opportunity for compliance need be granted for fraud or material misrepresentation.

(f) The issue of forfeiture and termination shall automatically be placed upon the town board agenda at the expiration of the time set by it for compliance. The board may then terminate the franchise forthwith upon finding that the grantee has failed to achieve compliance or it may further extend the period, at its discretion.

(Ord. of 7-2-2002, § 38)

Sec. 68-69. Foreclosure.

Upon the foreclosure or other judicial sale of all or a substantial part of the system, or upon the termination of any lease covering all or a substantial part of the system, the grantee shall notify the town of such fact, and such notification shall be treated as a notification that a change in control of the grantee has taken place, and the provisions of the franchise governing the consent of the city to such change in control of the grantee shall apply.

(Ord. of 7-2-2002, § 39)

Sec. 68-70. Approval of transfer and right of acquisition by the town.

Federal regulations as per 47 U.S.C. §§ 537 and 547 shall apply to approval of transfer issues and the right of acquisition by the town.

(Ord. of 7-2-2002, § 40)

Sec. 68-71. Receivership.

The town shall have the right to cancel a franchise 120 days after the appointment of a receiver or trustee to take over and conduct the business of the grantee, unless such receivership or trusteeship shall have been vacated prior to the expiration of 120 days, or unless:

- (1) Within 120 days after his/her election or appointment, such receiver or trustee shall have fully complied with all the provisions of this article and remedied all defaults thereunder; and

- (2) Such receiver or trustee, within the 120 days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this article and the franchise granted to the grantee.

(Ord. of 7-2-2002, § 41)

Sec. 68-72. Compliance with state and federal laws.

(a) Notwithstanding any other provisions of the franchise to the contrary, the grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof; provided, however, if any such state or federal law or regulation shall require the grantee to perform any service, or shall permit the grantee to perform any service, or shall prohibit the grantee from performing any service, in conflict with the terms of the franchise or of any law or regulation of the town, then as soon as possible following knowledge thereof, the grantee shall notify the town of the point of conflict believed to exist between such regulation or law and the laws or regulations of the town or the franchise.

(b) If the town determines that a material provision of this article is affected by any subsequent action of the state or federal government, the town and the grantee shall negotiate to modify any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this article.

(c) If any section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the franchise, or any renewal or renewals thereof.

(Ord. of 7-2-2002, § 42)

Sec. 68-73. Landlord/tenant.

(a) *Interference with cable service prohibited.* Neither the owner of any multiple unit residential dwelling nor his agent or representative shall interfere with the right of any tenant or lawful resident thereof to receive cable television service, cable installation or maintenance from a cable television grantee regulated by and lawfully operating under a valid and existing franchise issued by the town.

(b) *Penalties and charges to tenants for service prohibited.* Neither the owner or any multiple unit residential dwelling nor his agent or representative shall penalize, charge or surcharge a tenant or resident or forfeit or threaten to forfeit any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable television service from a grantee operating under a valid and existing cable television franchise issued by the town.

(c) *Reselling service prohibited.* No person shall resell, without the expressed, written consent of the grantee, any cable service, program or signal transmitted by a cable television grantee under a franchise issued by the town.

(d) *Protection of property permitted.* Nothing in this article shall prohibit a person from requiring that cable television system facilities conform to laws and regulations and reasonable conditions necessary to protect safety, functioning, appearance and value of premises or the convenience and safety of persons or property.

(Ord. of 7-2-2002, § 43)

Sec. 68-74. Applicants' bids for initial franchise.

(a) All bids received by the town from the applicants for an initial franchise will become the sole property of the town.

(b) The town reserves the right to reject any and all bids and waive informalities and/or technicalities where the best interest of the town may be served.

(c) All questions regarding the meaning or intent of this article or application documents shall be submitted to the town in writing. Replies will be issued by addenda mailed or delivered to all parties recorded by the town as having received the application documents. The town reserves the right to make extensions of time for receiving bids as it deems necessary. Questions received less than 14 days prior to the date for the opening of bids will not be answered. Only replies to questions by written addenda will be binding. All bids must contain an acknowledgment of receipt of all addenda.

(d) Bids must be sealed, and submitted at the time and place indicated in the application documents for the public opening. Bids may be modified at any time prior to the opening of the bids, provided that any modifications must be duly executed in the manner that the applicant's bid must be executed. No bid shall be opened or inspected before the public opening.

(e) Before submitting a bid, each applicant must:

- (1) Examine this article and the application documents thoroughly;
- (2) Familiarize himself/herself with local conditions that may in any manner affect performance under the franchise;
- (3) Familiarize himself/herself with federal, state and local laws, ordinances, rules and regulations affecting performance under the franchise; and
- (4) Carefully correlate the bid with the requirements of this article and the application documents.

(f) The town may make such investigations as it deems necessary to determine the ability of an applicant to perform under the franchise, and the applicant shall furnish to the town all such information and data for this purpose as the town may request. The town reserves the right to reject any bid if the evidence submitted by, or investigation of, such applicant fails to

satisfy the town that such applicant is properly qualified to carry out the obligations of the franchise and to complete the work contemplated therein. Conditional bids will not be accepted.

(g) All bids received shall be placed in a secure depository approved by the town and shall not be opened nor inspected prior to the public opening.

(Ord. of 7-2-2002, § 44)

Sec. 68-75. Financial, contractual, shareholder and system disclosure for initial franchises.

(a) No initial Franchise will be granted to any applicant unless all requirements and demands of the town regarding financial, contractual, shareholder and system disclosure have been met.

(b) Applicants, including all shareholders and parties with any interest in the applicant, shall fully disclose all agreements and undertakings, whether written or oral, or implied with any person, firm, group, association or corporation with respect to the franchise and the proposed cable television system. The grantee of a franchise shall disclose all other contracts to the town as the contracts are made. This section shall include, but not be limited to, any agreements between local applicants and national companies.

(c) Applicants, including all shareholders and parties with any interest in the applicant, shall submit all requested information as provided by the terms of this article or the application documents, which are incorporated herein by reference. The requested information must be complete and verified as true by the applicant.

(d) Applicants, including all shareholders and parties with any interest in the applicant, shall disclose the numbers of shares of stock, and the holders thereof, and shall include the amount of consideration for each share of stock and the nature of the consideration.

(e) Applicants, including all shareholders and parties with any interest in the applicant, shall disclose any information required by the application documents regarding other cable systems in which they hold an interest of any nature, including, but not limited to, the following:

- (1) Locations of all other franchises and the dates of award for each location;
- (2) Estimated construction costs and estimated completion dates for each system;
- (3) Estimated number of miles of construction and number of miles completed in each system as of the date of this application; and
- (4) Date for completion of construction as promised in the application for each system.

(f) Applicants, including all shareholders and parties with any interest in the applicant, shall disclose any information required by the application documents regarding pending applications for other cable systems, including, but not limited to, the following:

- (1) Location of other franchise applications and date of application for each system;

- (2) Estimated dates of franchise awards;
 - (3) Estimated number of miles of construction; and
 - (4) Estimated construction costs.
- (Ord. of 7-2-2002, § 45)

Sec. 68-76. Damages.

For the violation of any of the following provisions of this article, damages shall be chargeable to the letter of credit or corporate guarantee in lieu of bond as follows, and the town may determine the amount of the forfeiture for other violations that are not specified in a sum not to exceed \$250.00 for each violation, with each day constituting a separate violation:

- (1) Failure to furnish, maintain, or offer all cable services to any potential subscriber within the town pursuant to section 68-50 herein upon order of the town: \$250.00 per day, per violation, for each day that such failure occurs or continues up to a maximum of \$2,000.00;
 - (2) Failure to obtain or file evidence of required insurance, construction bond, performance bond, or other required financial security: \$250.00 per day, per violation, for each day such failure occurs or continues up to a maximum of \$2,000.00;
 - (3) Failure to provide access to data, documents, records, or reports to the town as required by sections 68-49, 68-59, 68-60, 68-61 and 68-67: \$250.00 per day, per violation, for each day such failure occurs or continues up to a maximum of \$2,000.00;
 - (4) Failure to comply with applicable construction, operation, or maintenance standards: \$250.00 per day, per violation up to a maximum of \$2,000.00;
 - (5) Failure to comply with a rate decision or refund order: \$500.00 per day, per violation, for each day such a violation occurs or continues up to a maximum of \$2,000.00;
 - (6) Any violations for noncompliance with the customer service standards of sections 68-53 through 68-55, the grantee shall pay \$250.00 per day for each day, or part thereof, that such noncompliance continues up to a maximum of \$2,000.00;
 - (7) Any other violations of a franchise agreement to be determined by the grantor in a public hearing but not specifically noted in this section shall not exceed \$250.00 per day, per violation up to a maximum of \$2,000.00.
- (Ord. of 7-2-2002, § 46)

Sec. 68-77. Procedures.

(a) Whenever the town believes that the grantee has violated one or more terms, conditions or provisions of the franchise, and wishes to impose penalties, a written notice shall be given to the grantee informing it of such alleged violation or liability. The written notice shall describe in reasonable detail the specific violation so as to afford the grantee an opportunity to remedy the violation. The grantee shall have 30 days subsequent to receipt of the notice in which to correct the violation before the town may impose penalties unless the violation is of

such a nature so as to require more than 30 days and the grantee proceeds diligently within the 30 days to correct the violation. In any case where the violation is not cured within 30 days of notice from the town, or such other time as the grantee and the town may mutually agree to, the town may proceed to impose liquidated damages.

(b) The grantee may, within ten days of receipt of notice, notify the town that there is a dispute as to whether a violation or failure has, in fact, occurred. Such notice by the grantee to the town shall specify with particularity the matters disputed by the grantee and shall stay the running of the 30-day cure period pending town board decision as required below. The town board shall hear the grantee's dispute. Grantee must be given at least five days notice of the hearing. At the hearing, the grantee shall be entitled to the right to present evidence and the right to be represented by counsel. After the hearing, the town shall provide grantee a copy of its action, along with supporting documents. In the event the town upholds the finding of a violation, the grantee shall have 15 days subsequent, or such other time period as the grantee and the town mutually agree, to correct the violation.

(c) The rights reserved to the town under this section are in addition to all other rights of the town whether reserved by this article or authorized by law or equity, and no action, proceeding or exercise of a right with respect to penalties shall affect any other right the town may have.

(Ord. of 7-2-2002, § 47)

Sec. 68-78. Force majeure.

The grantee shall not be held in default under, or in noncompliance with, the provisions of the franchise, nor suffer any enforcement or penalty relating to noncompliance or default including termination, cancellation or revocation of the franchise, where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, severe weather conditions or other catastrophic act of nature, labor disputes, inability to obtain necessary contract labor or materials, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the grantee's ability to anticipate and control and that makes performance impossible.

(Ord. of 7-2-2002, § 48)

Chapter 69

RESERVED

Chapter 70

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 70-1. State traffic laws adopted.
- Sec. 70-2. Traffic devices ratified.
- Sec. 70-3. Accident reports.
- Sec. 70-4. Official traffic signs and signals.
- Sec. 70-5. Penalties for violation of chapter.
- Sec. 70-6. Enforcement of chapter provisions.
- Sec. 70-7. Parking prohibitions.
- Sec. 70-8. Use of compression brakes.
- Sec. 70-9. Golf carts.
- Sec. 70-10. Airport vehicle.
- Secs. 70-11—70-40. Reserved.

Article II. Bicycles

- Sec. 70-41. Lamps and other equipment on bicycles and motor bicycles.
- Secs. 70-42—70-70. Reserved.

Article III. Snowmobiles

- Sec. 70-71. Routes, trails and definitions.
- Secs. 70-72—70-100. Reserved.

Article IV. Traffic Schedules

Division 1. Generally

- Secs. 70-101—70-120. Reserved.

Division 2. Speed

- Sec. 70-121. Limits established.
- Secs. 70-122—70-140. Reserved.

Division 3. Weight Limits

- Sec. 70-141. Established.
- Sec. 70-142. Posting and notice.
- Sec. 70-143. Limits.
- Sec. 70-144. Exceptions.
- Secs. 70-145—70-160. Reserved.

***Cross references**—Law enforcement, ch. 38; accumulation of used motor vehicles, § 46-9; offenses and miscellaneous provisions, ch. 50; disorderly conduct with a motor vehicle, § 50-14; streets, sidewalks and other public places, ch. 62.

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Article V. ATV, UTV and Equestrian Routes

- Sec. 70-161. Title and purpose.
- Sec. 70-162. Authority.
- Sec. 70-163. Adoption of article.
- Sec. 70-164. Operation of all-terrain vehicles.
- Sec. 70-165. Designation of all-terrain vehicle routes.
- Sec. 70-166. Conditions applicable to all-terrain vehicle routes.
- Sec. 70-167. Enforcement.
- Sec. 70-168. Penalties.

ARTICLE I. IN GENERAL**Sec. 70-1. State traffic laws adopted.**

(a) Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. chs. 340 to 348 and chs. 349 to 350 describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference made a part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made a part of this chapter.

(b) There is also adopted by reference Wis. Stats. § 941.01(1), negligent operation of vehicle off-highway, but the prosecution of such offense under this chapter shall be provided in Wis. Stats. chs. 340 to 350, and the penalty for violation of such chapters shall be limited to a forfeiture as provided in subsection (a) of this section.

(Code 1987, § 7.01; Ord. of 10-21-2014)

Sec. 70-2. Traffic devices ratified.

All traffic control signs, signals, devices and markings in place on the date of the adoption of this chapter are ratified and confirmed by the town board.

Sec. 70-3. Accident reports.

The operator of any vehicle involved in an accident shall, within 24 hours after such accident, file with the town police department a copy of the report required by Wis. Stats. § 346.70. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in Wis. Stats. §§ 346.70(4)(f) and 346.73.

(Code 1987, § 7.02)

Sec. 70-4. Official traffic signs and signals.

(a) *Chief of police responsible.* The town foreman with the approval of the chief of police shall procure, erect and maintain 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 as required by law. Signs shall be erected in such locations and in such manner as the town board determines will best effect the purposes of this chapter and give adequate warning to users of the streets and highways.

(b) *Removal of unofficial signs and signals.* The chief of police shall have the authority granted by Wis. Stats. § 349.09 and shall order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or Wis. Stats. § 346.41. Any charge imposed on any premises for removal of an illegal sign, signal or device shall be reported to the town board at its next regular meeting for review and certification.
(Code 1987, § 7.05)

Sec. 70-5. Penalties for violation of chapter.

(a) *Generally.* The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stats. §§ 814.63(1) and (2) or 814.65(1), the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. §§ 346.655 and 757.05, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who fails to pay the amount of the forfeiture, court costs, penalty assessment, driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessments are paid, but not exceeding 90 days.

(b) *Other sanctions.* Nothing in this section shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the statute to suspend or revoke the operating privileges of the defendant, or of the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of the monetary penalty or in lieu of imprisonment.

(c) *Forfeitures for violation of moving traffic regulations.* Forfeitures for violation of any moving traffic regulation set forth in the statutes adopted by reference in section 70-1 shall conform to the forfeiture penalty permitted to be imposed for violation of the comparable statute, including any variations or increases for subsequent offenses. This subsection (c) shall not be construed to permit prosecution under this chapter for any offense described in Wis. Stats. chs. 341—348, for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) *Forfeitures for nonmoving traffic and parking violations.*

(1) *Forfeitures for uniform statewide parking, stopping and standing offenses.* Minimum and maximum forfeitures for violation of nonmoving traffic violations adopted by reference in section 70-1, as described in Wis. Stats. chs. 341—348, shall be as provided for the comparable state nonmoving traffic violation.

(2) *Penalty for parking violations.* The penalty for all parking violations as provided in this chapter shall be a forfeiture of not less than \$5.00 nor more than \$20.00.

- (3) *Reduced forfeiture for prompt payment.* Parking forfeitures paid to the police department within two days of the issuance of the parking citation shall be charged 50 percent of the minimum provided in this section.

(e) *Other violations.* Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00.

(Code 1987, § 7.10)

Sec. 70-6. Enforcement of chapter provisions.

This chapter shall be enforced in accordance with the applicable provisions of state statute and this section.

- (1) *Applicable court procedures.* The traffic regulations in this chapter shall be enforced in the county circuit court in accordance with the provisions of Wis. Stats. chs. 345 and 799.

- (2) *Citations.*

- a. *Uniform citation and complaint.* The state uniform traffic citation and complaint described and defined in state statute shall be used for enforcement of all provisions of this chapter, except those provisions which describe or define nonmoving traffic violations and violations of Wis. Stats. § 346.67. Violations of Wis. Stats. § 346.67 shall be reported to the district attorney and the state traffic citation shall not be used in such cases except upon written request of the district attorney.
- b. *Parking citations.* The chief of police shall recommend a citation for use in enforcing nonmoving traffic offenses in this chapter. When approved by the town board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the statutes adopted by reference in section 70-1 and all provisions of section 70-41. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty by complying with subsection (3)b of this section. Nonmoving citations shall be issued by the police department.

- (3) *Deposits and stipulations.*

- a. *Moving traffic offenses.*

1. *Schedule of deposits.* The schedule of cash deposits shall be as required in subsection (3)a.5 of this section. Also in the cash deposit will be a current penalty assessment fee and court costs, if applicable. If a deposit schedule has not been established for a specific violation, the arresting officer shall require the alleged defender to deposit not less than the maximum forfeiture permitted under this chapter.

2. *Depository.* Deposits shall be made in cash, money order or certified check to the clerk of the county circuit court who shall issue a receipt therefor as required by statute. If the deposit is mailed, the signed statement required by statute shall be mailed with the deposit.
 3. *Who may make.* Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or be released by the arresting officer in accordance with the applicable provisions of statute.
 4. *Delivery or mailing of deposit and stipulation.* The deposit and stipulation shall be delivered personally by the person cited or mailed to the chief of police or the clerk of court.
 5. *Receipt required.* The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within five days to the clerk of court. The amount of such deposit shall be the amount provided in the uniform deposit and misdemeanor bail schedule for the state judicial conference, including any variations or increases for subsequent offenses, which schedule is in effect in the county circuit court.
- b. *Nonmoving traffic offenses.*
1. *Direct payment of penalty permitted.* Persons cited for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty and avoid court proceedings by forwarding to the clerk of court within the time period specified on the citation, the minimum penalty specified for the violation.
 2. *Court prosecution.* If the alleged violator does not deliver or mail a deposit, as provided in this section, the chief of police shall forward a copy of the citation to the clerk of court with a copy of the citation to the town attorney for prosecution.
 3. *Deposits returned to treasurer.* Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the clerk of court within seven days after receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

(Code 1987, § 7.11)

Sec. 70-7. Parking prohibitions.

(a) *No parking of any motor vehicles in the sanitary district is permitted.*

(1) Exceptions to prohibited parking within the sanitary district:

Gogebic St.—from Huron St. to Superior St. (Hwy45/32)—parking east side.

Gogebic St.—from Superior St. to Anderson St.—Parking east side.

W. School St.—from Anderson St. to Superior St.—Parking east/west side.

W. School St.—from Hwy 45 to Huron St.—Parking east/west side.

E. School St.—from Superior St. to Erie St.—Parking east/west side.

E. School St.—from Erie St. to School Dr.—Parking east side.

E. School St.—from School Dr. to School—Parking west side.

Erie St.—from Gogebic St. to W. School St.—Parking north side.

Erie St.—from W. School St. to E. School St.—Parking north/south side.

School Dr.—from E. School St. to W. School St.—Parking north/south side.

Superior St. from Gogebic St. to East St.—Parking north/south side.

(b) *Parking prohibited during certain hours.* No person shall park, stop or leave standing any vehicle except temporarily for the purpose of and while engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a license operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic upon the following locations or highways, at the time indicated, when official traffic signs restricting and limiting such parking are posted on the portion of those locations or highways, or at the corporate limits of the town as specifically provided by law:

- (1) *Generally.* For a period of time between the hours of 2:00 a.m. and 6:00 a.m., except physicians on emergency calls, on any street or highway in town.

(c) *Temporary parking in restricted areas.* If temporary parking is needed notify the town office or police department with the following information:

- (1) The location of the vehicle;
- (2) License plate; and
- (3) Vehicle description.

(d) *Parking during snow emergency.*

- (1) *Declaration of snow emergency.* The town board hereby declares that an emergency may exist in the town and such emergency shall be declared during the period of a snowstorm or immediately thereafter, whenever there exists a serious public hazarded impairing transportation and public health, safety and welfare as determined by the town chairman or his/her designee.

- a. *Notice of emergency.* The town chairman, or his/her designee, may proclaim the state of emergency through the press; radio or other public means of communication and may designate and authorize law enforcement officials and snow removal personnel to inform the citizenry of the existence of the emergency.

- b. *Duration of emergency.* Snow emergency parking regulations shall commence two hours after the original broadcast for a period of 24 hours or until such earlier time as snow-removal operations have been declared completed by the town chairman, or his/her designee.
- c. *Parking prohibited during emergency.* No person shall park any vehicle on a street, road, highway, public way, or public parking lot during the period of a snow emergency.
- d. *Authorization of erection of no parking signs.* Pursuant to the provisions of Wis. Stats. § 349.13, the director of public works is authorized to erect permanent official traffic signs at or reasonably near the corporate limits of the town on all state and county trunk highways and connecting highways, informing motorists that parking is prohibited upon any street in the town during the existence of a snow emergency.
- e. *Removal of vehicles.* The director of public works, his/her designee, or any traffic officer is hereby authorized to cause the removal of vehicles parked in violation of this section. The removal may be by or under the direction of the director of public works, his/her designee, or any traffic officer, or may be contracted for removal by a private service. In addition to other penalties provided in this section, any charges related to moving, towing, or storage of the vehicle shall be the responsibility of the owner or operator of the vehicle.

(2) No parking on designated area for snowplow turn around, as signed.

(e) *[Parking exception of motor vehicles on roads to boat landings.]* No parking of any motor vehicles on roads to boat landings except as follows:

(1) Panfish Landing (*Thunder Lake*)—Parking east/west side.

Sawmill Landing (*Seven Mile Lake*)—Parking north/south side.

VanBussum Lane (*Long Lake*)—Parking north/south side.

E. Big Lake Loop Rd. (*Magoons*)(*Thoroughfare-Big Lake*)—Parking south side.

Hwy X Rd. (*Medicine Lake*)—Parking North/south side.

Lake Dr. (*Maple Lake*)—Parking west side.

Chicken in the Woods (*Big Stone*)—Parking north/side.

Halversoti Rd. (*Rangeline*)—Parking east/west.

(f) *Enforcement.* A constable of the town or any other traffic officer may issue a citation for a forfeiture penalty in violation of this section. A constable of the town or any other traffic officer is authorized and empowered to remove or have such vehicle removed to a position where parking is permitted.

(Ord. 3-10-2009; Ord. of 1-19-2016; Ord. of 5-2-2017; Ord. of 6-20-2017)

Sec. 70-8. Use of compression brakes.

(a) No person shall use motor vehicle brakes within the limits of the town which are in any way activated or operated by the compression of the engine of a motor vehicle or any unit or part thereof except in an emergency situation.

(b) Any person who shall violate this section shall pay a forfeiture as follows:

- (1) First offense within one year, \$20.00 plus applicable court costs;
- (2) Second offense within one year, \$50.00 plus applicable court costs;
- (3) Third offense within one year, \$150.00 plus applicable court costs.

Any change in the forfeiture as set forth in this section may be amended by resolution adopted by a majority vote of the town board of supervisors.

Sec. 70-9. Golf carts.

(a) *State law adopted.* Except as otherwise specifically provided in this chapter, the statutory provisions of Wis. Stats. §§ 341.05(24), 347.02(1)(h) are hereby adopted and by reference made a part of this section as if fully set forth herein. Wis. Stats. subsections 349.18(1)(b) and (c) are set forth below.

349.18(1) Any City, Village, or Town by ordinance may:

- (1) Establish a golf cart crossing point upon a highway within its limits. An ordinance enacted under the paragraph shall require that a golf cart shall stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway. The ordinance may require that a golf cart be equipped with reflective devices as specified in the ordinance. The city, village or town shall place a sign of a type approved by the department of transportation to mark the crossing point of both sides of the highway.
- (2) Regulate the operation of a golf cart to and from a golf course, for a distance not to exceed one mile, upon a highway under its exclusive jurisdiction. The city, village or town shall place a sign of a type approved by the department of transportation to mark any golf cart travel route and to mark approved crossings designated by the ordinance.

(b) *Travel by golf carts.* Travel by golf carts shall be permitted only on the town roads as defined herein and only under the following conditions:

- (1) Travel shall be for no purpose other than the following:
 - a. For the purpose of playing the game of golf: transportation from the operator's residence on Golf Course Loop to the Three Lakes golf course and/or clubhouse, using the shortest possible designated route along Golf Course Loop, and by the same route from the golf course to the operator's residence or from the golf course cart storage barn to and from the clubhouse, by the owner of the golf course or his designee;
 - b. For the purpose of playing the game of golf: transportation from the operator's residence on Bengs Road across State Trunk Highway No. 32 to the Three Lakes golf course and/or clubhouse, using the shortest possible route from the designated crossing, and by the same route from the golf course to the operator's residence;

- c. For the purpose of transportation from the operator's residence in the Harbor Campground to the designated area opposite the campground on Big Stone Lake, using the shortest possible route from the designated crossings across Connors Road and State Trunk Highway No. 32, and by the same route back to the operator's residence;
- (2) Golf carts may be operated only by a properly licensed driver, as provided under chapter 343 of the Wisconsin Motor Vehicle Laws.
- (3) Golf carts may be operated only on the town roads and other public property as defined herein, as provided under chapter 343 of the Wisconsin Motor Vehicle Laws.
- (4) No person shall under any circumstances allow a minor or unauthorized person to operate a golf cart on the town roads and other public property as defined herein, as provided under chapters 343.45(1) and 343.45(2) of the Wisconsin Motor Vehicle Laws.
- (5) When operating a golf cart on a town road, the operator shall use the far right-hand side of the roadway whenever possible, yield to all other motor vehicle traffic, and obey all other motor vehicle laws, as provided in the Wisconsin Motor Vehicle Laws, Statutes, Chapter 346, Rules of the Road.
- (6) Travel by golf carts shall not be permitted during the hours of darkness, as defined in section 340.01(23).
- (c) *Crossing of highways.* Crossing of highways shall be permitted at the following locations, but only within the area specially designated or at the place specifically defined herein for such crossing:
 - (1) Across State Trunk Highway No. 32 directly from the base of Connors Road to the designated area on Big Stone Lake directly opposite;
 - (2) Across State Trunk Highway No. 32 directly from Bengs Road to the golf course property;
- (d) *Operation on sidewalks.* No person shall operate a golf cart within the town on any sidewalk, or on any pedestrian way other than a designated multi-use "trail" crossing.
- (e) *Operation on private premises restricted.* No person as defined herein as the operator of a golf cart shall operate a golf cart within the town on private property not owned or controlled by him without the expressed consent or permission of the property owner.
- (f) *Operation while under the influence prohibited.* Wis. Stats. § 346.63 shall apply to the operation of a golf cart anywhere within the town.
- (g) *Penalty for violation.* Any person who violates any provision of this section shall be subject to the penalties as defined in section 1-8, penalties of the Town of Three Lakes Code. (Ord. of 2-15-2011, §§ 1—7)

Sec. 70-10 Airport vehicle.*(a) Definitions.*

- (1) *Pedestrian*: Any person afoot.
- (2) *Vehicle*: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.
- (3) *Emergency equipment*: Crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.
- (4) *Service, maintenance and construction equipment*: Approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the town.

(b) Operation of vehicles on runways, taxiways and ramps. No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie down area, or any area posted by signs prohibiting the entrance thereon.

The provisions of this section shall not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.

Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tie down area. Aircraft owners desiring to operate a vehicle for this purpose shall request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway, or ramp and shall proceed through the tie down area at a speed not to exceed ten miles per hour. They shall not at any time park a vehicle in any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of part 139 or part 107, Federal Aviation Regulations (applicable only to airline airports).

(c) Speed of vehicles. No vehicle shall be driven upon any road within the perimeter of the airport or upon other airport areas, in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the airport.

(d) Pedestrian traffic on airport. No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian

traffic is prohibited on taxiway, runways, and outlying areas of the airport except for those employees of the city, county, state or federal government, or contractors engaged in airport construction or maintenance work.

(e) *Vehicle parking.* All vehicles parked on the airport shall be parked in designated areas and in accordance with posted signs or other markings. The airport manager may move, or order the removal of any vehicle improperly parking, at the owner's expense. Fines or forfeitures may be levied in accordance with section (g).

(f) *Enforcement.* It shall be the duty of the police department to enforce the provisions of this section.

(g) *Violation.* Any person who shall violate any of the provisions of this section shall upon conviction thereof forfeit not less than \$10.00 nor more than \$200.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.

(Ord. of 10-6-2015)

Secs. 70-11—70-40. Reserved.

ARTICLE II. BICYCLES

Sec. 70-41. Lamps and other equipment on bicycles and motor bicycles.

(a) Pursuant to Wis. Stats. § 347.489, no person may operate a bicycle or motor bicycle on a highway, sidewalk, bicycle lane or bicycle way during hours of darkness, unless the bicycle or motor bicycle is equipped with, or the operator is wearing, a lamp emitting a white light visible from a distance of at least 500 feet to the front of the bicycle or motor bicycle. A bicycle or motor bicycle shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear, so mounted and maintained as to be visible from all distances from 50 feet to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red or flashing amber light from a distance of 500 feet to the rear may be used in addition to, but not in lieu of, the red reflector.

(b) No person may operate a bicycle or motor bicycle upon a highway, bicycle lane or bicycle way unless it is equipped with a brake in good working condition adequate to control the movement of and to stop the bicycle or motor bicycle whenever necessary.

(c) No bicycle or motor bicycle may be equipped with, nor may any person riding upon a bicycle or motor bicycle use, any siren or compression whistle.

(Code 1987, § 7.06)

Secs. 70-42—70-70. Reserved.

ARTICLE III. SNOWMOBILES***Sec. 70-71. Routes, trails and definitions.**

A "trail" is defined as the path that can be legally used by snowmobiles for recreation. A "route" is defined as a connecting segment between trails. An "access route" is defined as the path between a residence or of lodging and a trail or route.

- (1) Upon being properly signed, the following streets are designated as snowmobile routes:

Anderson Street: from its west junction with U.S. Highway 45 to its east junction with U.S. Highway 45 to Superior Street. Between the hours of 10:30 p.m. to 7:00 a.m. snowmobile operation must not be at a rate exceeding ten miles per hour.

Bengs Road: all of.

Big Lake Loop Road: west of.

Big Lake Road: all of.

Birchwood Drive: all of.

Branham Road: all of.

Braeger Road: all of.

Bundo Road: all of.

Chicken in the Woods: part of Big Stone Landing going 0.10 miles north.

Chicken in the Woods Road: intersection being a distance of one-half mile in either direction.

Col. Himes Road: between Safar Road and Bundo Road.

Connor's Road: all of.

Crystal Lake Road: one-half mile north from STH 45 crossing trail.

CTH "X": 0.4 of a mile west of the public boat landing.

C.W. Smith Road: all of.

Cy Williams Road: all of.

Gensler Road: all of.

Halverson Road: all of.

Hildebrand Road: to Wesley Road, all of.

Javen Road: all of.

Lake Drive: all of.

Lake Julia Road: all of.

Lonestone Plat: all roads and streets within.

***State law reference**—Snowmobiles generally, Wis. Stats. ch. 350.

Maple Lake: south on Huffman Street to U.S. Highways 45 and 32.

Maple Lake Dam Road: east three-quarters of.

Military Road: south and east on Shelter Valley 500 feet to the trails.

North Big Lake Loop Road: a distance of one-half mile on each side of the bridge between Dog and Big Lakes.

Old Military Road: from the beginning north to Military Road.

Pine Isle Road: all of.

Rice Lake Road: all of.

Safar Road: all of.

Sam Campbell Road: all of.

Sheltered Valley Road: a distance of one-half mile east from Military Road.

Stella Lake Road: all of.

Steven Javenkowski Road: all of.

Timbershore Drive: from Timbershore Lane east to the end of the road.

West School Street: from Anderson Street to Erie Street.

Wheeler Island Road: from Route X north a distance of three-quarters of a mile.

Winkler Road: from Javen Road east to U.S. Highway 45.

Wykowski Road: 0.3 of one mile west from STH 45 to the power line.

- (2) All snowmobile routes shall be appropriately marked with signs designating such routes.
- (3) The speed limit on the roads listed in subsection (1) of this section shall be the same as that established for other motor vehicles operating on such roads, unless marked by specific snowmobile speed limit signs.
- (4) The shoulder of all town roads not listed in subsection (1) of this section may be used as an access route as defined herein to travel the shortest distance necessary to/from a place of residence or lodging and the nearest snowmobile trail or route. Snowmobiles may legally cross but are otherwise prohibited from operation on U.S. Highway 45, State Highway 32, and County Road A.
- (5) Violation of the provisions of this section shall be punished by a forfeiture consistent with current state standards.
- (6) Nothing contained in this section shall be deemed inconsistent with the provisions of Wis. Stats. ch. 350.

(Code 1987, § 7.04; Ord. of 2-21-2012; Ord. of 12-4-2012; Ord. of 12-16-2014)

Secs. 70-72—70-100. Reserved.

ARTICLE IV. TRAFFIC SCHEDULES**DIVISION 1. GENERALLY**

Secs. 70-101—70-120. Reserved.

DIVISION 2. SPEED

Sec. 70-121. Limits established.

Upon being properly posted, no person shall operate a vehicle on the following town roads in excess of the speed indicated:

(1) 25 mph.

Anderson Street: from its west junction with U.S. Highway 45 to its east junction with U.S. Highway 45 (Superior Street).

Batagowski Drive: from its junction with C.T.H. "A" (Superior Street) northerly to its junction with North Street.

Bonack Loop: entire length of.

East School Street: entire length of.

East Street: entire length of.

Erie Street: entire length of.

Forest Street: entire length of.

Gogebic Street: entire length of.

Hoffman Street: entire length of.

Huron Street: entire length of.

Kotarski Street: entire length of.

Lake Drive: entire length of.

Michigan Street: from its junction with Railroad Street northeasterly to its junction with North Street.

Nelson Street: entire length of.

North Street: entire length of.

Olkowski Street: entire length of.

Park Street: entire length of.

School Street: entire length of.

Stanzil Street: entire length of.

STH 32-STH 70, Military Road: from 300 feet south of Four Mile Lake Road to the intersection of Four Mile Creek Road.

Superior Street (C.T.H. "A"): beginning from a point 0.29 mile southwest of its junction with U.S. Highway 45 northeasterly to such junction.

West School Street: entire length of.

Winkler Drive: from its junction with U.S. Highway 45 (Anderson Street) southerly to its junction with Huron Street.

(2) *35 mph.*

S.T.H. 32: from its junction with U.S. Highway 45 southeasterly for a distance of 6.3 miles.

(3) *40 mph.*

STH 32-STH 70, Military Road: from the Oneida/Vilas County line to the intersection of STH 32

(Code 1987, § 7.03; Ord. of 11-4-2008)

Secs. 70-122—70-140. Reserved.

DIVISION 3. WEIGHT LIMITS

Sec. 70-141. Established.

The town board ordains that road weight limitations and restrictions be placed on all town roads during the period of the annual spring thaw, with the starting and ending dates each year to be coordinated with county and state DOT officials, and at other times as the town board may so designate for reasons related to the public safety and welfare.

- (1) The town board may set the maximum weight limit amounts for bridges and or roadways that fall within its jurisdiction to protect from heavy loads pursuant to Wis. Stats. § 349.17 as needed.

(Code 1987, § 7.07(1); Ord. of 3-15-2011; Ord. of 10-21-2014)

Sec. 70-142. Posting and notice.

All roads, bridges and culverts so posted shall have appropriate signs to indicate such road weights limitations. The weight limit in either pounds or tons shall appear on each sign to give reasonable notice to anyone entering such road as to the weight specifications allowed on that road.

(Code 1987, § 7.07(2); Ord. of 3-15-2011; Ord. of 10-21-2014; Ord. of 6-20-2017)

Sec. 70-143. Limits.

The town board shall specify the maximum weight limits to be used for each application of the imposed restriction, either by individual road(s) or for all roads in the town, at the discretion of the board. By resolution of the board with reference to this section, limits may be amended as circumstances, needs or other factors arise and/or may dictate.

(Code 1987, § 7.07(3); Ord. of 3-15-2011; Ord. of 10-21-2014)

Sec. 70-144. Exceptions.

Pursuant to Wis. Stats. § 349.16, certain vehicles may be exempted from the limitations and restrictions of this division on an as needed basis at the discretion of the town shop with respect to any issues that may affect the public health, safety and welfare.

(Code 1987, § 7.07(4); Ord. of 3-15-2011; Ord. of 10-21-2014)

Secs. 70-145—70-160. Reserved.**ARTICLE V. ATV, UTV AND EQUESTRIAN ROUTES****Sec. 70-161. Title and purpose.**

The title of this article is the "Town of Three Lakes All-Terrain Vehicle/UTV/Equestrian Route Ordinance." The purpose of this article is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town.

(Ord. of 5-28-2014, § I; Ord. of 2-2-2016, § I)

Sec. 70-162. Authority.

The town board has the specific authority to adopt this all-terrain vehicle route article under Wis. Stats. §§ 23.33(8)(b) and (11).

(Ord. of 5-28-2014, § II; Ord. of 2-2-2016, § II)

Sec. 70-163. Adoption of article.

The town board, by this article, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

(Ord. of 5-28-2014, § III; Ord. of 2-2-2016, § III)

Sec. 70-164. Operation of all-terrain vehicles.

Pursuant to Wis. Stats. § 23.33(4)(d)4., except as otherwise provided in Wis. Stats. § 23.33(4), no person may operate an all-terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this article. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized at the extreme right side of the roadway except that left turns

may be made from any part of the roadway that is safe given prevailing conditions. All ATV/UTV trails are open from May 1—November 15 (or as weather/conditions permit) ATV/UTV/equestrian routes are open year round.
(Ord. of 5-28-2014, § IV; Ord. of 2-2-2016, § IV)

Sec. 70-165. Designation of all-terrain vehicle routes.

All town roads are to be designated as ATV/UTV and equestrian routes.
(Ord. of 5-28-2014, § V; Ord. of 2-2-2016, § V)

Sec. 70-166. Conditions applicable to all-terrain vehicle routes.

Pursuant to Wis. Stats. § 23.33(8)(d), the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this resolution:

- (1) Routes shall be marked with uniform all-terrain vehicle route signs in accordance with § NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:
 - a. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - b. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a reputable presumption of illegal possession.
- (2) Operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as a part of this article by reference, pursuant to Wis. Stats. § 23.33(11), to include Wis. Stats. 23.33 (11)(am)3 allowing the town to authorize the operation of ATVs/UTVs on a highway bridge that is 1,000 feet in length or less as well as State Highway 45 right-of-way as an ATV trail 800 feet north of North Big Lake Road to Crystal Lake Road.
- (3) A copy of this article shall be sent by the town clerk to all law enforcement agencies affected.
- (4) All ATV operators shall observe the posted ATV speed limits of 35 mph. All ATV traffic within the town sanitary district will be 25 miles per hour. All ATV operators must follow Wisconsin all-terrain vehicle laws.
- (5) All ATV operators shall follow designated routes as approved by the town board as well as any restrictions placed on the route by the town board.

- (6) All equestrian riders are responsible for their animal's manure. It must be moved into the woods or off the side of the trail. In the sanitary, the manure must be removed.

(Ord. of 5-28-2014, § VI; Ord. of 2-2-2016, § VI)

Sec. 70-167. Enforcement.

This article shall be enforced by any law enforcement officer authorized to enforce the laws of the state.

(Ord. of 5-28-2014, § VII; Ord. of 2-2-2016, § VII)

Sec. 70-168. Penalties.

The penalties under Wis. Stats. § 23.33(13)(a) are adopted by reference.

(Ord. of 5-28-2014, § VIII; Ord. of 2-2-2016, § VIII)

Chapters 71, 72

RESERVED

Chapter 73

TOWN PLAN COMMISSION

- Sec. 73-1. Purpose.
- Sec. 73-2. Authority and establishment.
- Sec. 73-3. Membership.
- Sec. 73-4. Appointments.
- Sec. 73-5. Terms of office.
- Sec. 73-6. Vacancies.
- Sec. 73-7. Compensation and expenses.
- Sec. 73-8. Experts and staff.
- Sec. 73-9. Rules and records.
- Sec. 73-10. Chairperson and officers.
- Sec. 73-11. Commission members as local public officials.
- Sec. 73-12. General and miscellaneous powers.
- Sec. 73-13. Town comprehensive planning: general authority and requirements.
- Sec. 73-14. Procedure for plan commission adoption and recommendation of a town comprehensive plan or amendment.
- Sec. 73-15. Plan implementation and administration.
- Sec. 73-16. Referrals to the plan commission.

Sec. 73-1. Purpose.

The purpose of this chapter is to establish a town plan commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(Ord. of 3-18-2014, art. I)

Sec. 73-2. Authority and establishment.

The town board, having been authorized by the town meeting under Wis. Stats. § 60.10(2)(c), to exercise village powers, hereby exercises village powers under Wis. Stats. § 60.22(3), and establishes a seven-member plan commission under Wis. Stats. §§ 61.35 and 62.23. The plan commission shall be considered the "town planning agency" under Wis. Stats. §§ 236.02(13) and 236.45, which authorize, but do not require, town adoption of a subdivision or other land division ordinance.

(Ord. of 3-18-2014, art. I)

Sec. 73-3. Membership.

The plan commission consists of seven members, appointed as follows:

- (1) A maximum of two but at least one elected town board member(s), which may be the town chairperson and/or a town supervisor;
- (2) A member of the park commission; and
- (3) A maximum of five but at least four citizen members, who are not otherwise town officials, and who shall be persons of recognized experience and qualifications.

(Ord. of 3-18-2014, art. I)

Sec. 73-4. Appointments.

The town board chairperson shall appoint the members of the plan commission and designate a plan commission chairperson during the month of April to fill any expiring term. The town board chairperson may designate himself or herself (if seated on the commission), the town board supervisor member, or a citizen member as chairperson of the plan commission. Appointments are subject to the approval of the town board. In a year in which the town board chairperson member and/or town board supervisor member is elected at the spring election, any appointment or designation by the town board chairperson shall be made after the election and qualification of the town board supervisors and/or town board chairperson elected. Any citizen appointed to the plan commission shall take and file the oath of office within five days of notice of appointment, as provided under Wis. Stats. §§ 19.01 and 60.31.

(Ord. of 3-18-2014, art. I)

Sec. 73-5. Terms of office.

(a) The term of office for the plan commission chairperson and each commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except as follows: The first citizens appointed to the plan commission shall be appointed for staggered terms as follows: one person for a term that expires in one year from April 30, 2010; a minimum of one and maximum of two person(s) for a term that expires in two years from April 30, 2010; and two persons for a term that expires in three years from April 30, 2010.

(b) Town board supervisor member or town board chairperson member. The plan commission member who is the town board supervisor or the town board chairperson, including either if designated as the plan commission chairperson, shall serve for a period of two years, as allowed under Wis. Stats. § 66.0501(2), concurrent with his or her term on the town board, except for the initial appointment which shall expire two years from April 30, 2009.

(Ord. of 3-18-2014, art. I)

Sec. 73-6. Vacancies.

A person who is appointed to fill a vacancy on the plan commission shall serve for the remainder of the term.

(Ord. of 3-18-2014, art. I)

Sec. 73-7. Compensation and expenses.

The town board hereby sets a per diem allowance of \$0.00 per meeting for citizen and town board members of the plan commission, as allowed under Wis. Stats. § 66.0501(2). In addition, the town board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. § 60.321.

(Ord. of 3-18-2014, art. I)

Sec. 73-8. Experts and staff.

The plan commission may, under Wis. Stats. § 62.23(1), recommend to the town board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(Ord. of 3-18-2014, art. I)

Sec. 73-9. Rules and records.

The plan commission, under Wis. Stats. § 62.23(2), may adopt rules for the transaction of its business, subject to town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Wis. Stats. §§ 19.21—19.39.

(Ord. of 3-18-2014, art. I)

Sec. 73-10. Chairperson and officers.

(a) *Chairperson.* The plan commission chairperson shall be appointed and serve a term as provided in sections 73-5 and 73-6 of this chapter. The chairperson shall, subject to town ordinances and commission rules:

- (1) Provide leadership to the commission;
- (2) Set commission meeting and hearing dates;
- (3) Provide notice of commission meetings and hearings and set their agendas, personally or by his or her designee;
- (4) Preside at commission meetings and hearings; and
- (5) Ensure that the laws are followed.

(b) *Vice chairperson.* The plan commission may elect, by open vote or secret ballot under Wis. Stats. § 19.88(1), a vice chairperson to act in the place of the chairperson when the chairperson is absent or incapacitated for any cause.

(c) *Secretary.* The plan commission shall elect, by open vote or secret ballot under Wis. Stats. § 19.88(1), one of its members to serve as secretary, or, with the approval of the town board, designate the town clerk or other town officer or employee as secretary.
(Ord. of 3-18-2014, art. I)

Sec. 73-11. Commission members as local public officials.

All members of the plan commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. § 19.01, in accordance with, but not limited to, the provisions of the state statutes on: public records, Wis. Stats. §§ 19.21—19.39; code of ethics for local government officials, Wis. Stats. §§ 19.42, 19.58 and 19.59; open meetings, Wis. Stats. §§ 19.81—19.89; misconduct in office, § 916.12; and private interests in public contracts, § 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
(Ord. of 3-18-2014, art. I)

Sec. 73-12. General and miscellaneous powers.

The plan commission, under Wis. Stats. § 62.23(4), shall have the power:

- (1) Necessary to enable it to perform its functions and promote town planning.
- (2) To make reports and recommendations relating to the plan and development of the town to the town board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the town board proposals for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the commission to do its work.

- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Wis. Stats. § 66.0119, or other court-issued warrant.

(Ord. of 3-18-2014, art. I)

Sec. 73-13. Town comprehensive planning: general authority and requirements.

(a) The plan commission shall make and adopt a comprehensive plan under Wis. Stats. §§ 62.23 and 66.1001, which contains the elements specified in Wis. Stats. § 66.1001(2), and follows the procedures in Wis. Stats. § 66.1001(4).

(b) The plan commission shall make and adopt the comprehensive plan within the time period directed by the town board, but not later than a time sufficient to allow the town board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the town comprehensive plan is in effect by the date on which any town program or action affecting land use must be consistent with the town comprehensive plan under Wis. Stats. § 66.1001(3).

(c) In this section the requirement to "make" the plan means that the plan commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the town by the plan commission, town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(Ord. of 3-18-2014, art. I)

Sec. 73-14. Procedure for plan commission adoption and recommendation of a town comprehensive plan or amendment.

(a) The plan commission, in order to ensure that the requirements of Wis. Stats. § 66.1001(4), are met, shall proceed as follows.

- (1) *Public participation verification.* Prior to beginning work on a comprehensive plan, the plan commission shall verify that the town board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the town board and for the town board to respond to such written comments.
- (2) *Resolution.* The plan commission, under Wis. Stats. § 65.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the town board by adopting

a resolution by a majority vote of the entire plan commission. The vote shall be recorded in the minutes of the plan commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Wis. Stats. § 66.1001, namely that:

- a. The town board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- b. The plan contains the nine specified elements and meets the requirements of those elements;
- c. The (specified) maps and (specified) other descriptive materials relate to the plan;
- d. The plan has been adopted by a majority vote of the entire plan commission, which the clerk or secretary is directed to record in the minutes;
- e. The plan commission secretary is directed to send a copy of the comprehensive plan adopted by the commission to the governmental units specified in Wis. Stats. § 66.1001(4), and subsection (b) of this section.

(b) Transmittal. One copy of the comprehensive plan or amendment adopted by the plan commission for recommendation to the town board shall be sent to:

- (1) Every governmental body that is located in whole or in part within the boundaries of the town, including any school district, town sanitary district, public inland lake protection and rehabilitation district or other special district.
 - (2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the town.
 - (3) The Wisconsin Land Council.
 - (4) After September 1, 2003, the Department of Administration.
 - (5) The regional planning commission in which the town is located.
 - (6) The public library that serves the area in which the town is located.
- (Ord. of 3-18-2014, art. I)

Sec. 73-15. Plan implementation and administration.

(a) *Ordinance development.* If directed by resolution or motion of the town board, the plan commission shall prepare the following:

(b) *Zoning.* A proposed town zoning ordinance under village powers, Wis. Stats. §§ 60.22(3), 61.35 and 62.23(7), a town construction site erosion control and storm water management zoning ordinance under Wis. Stats. § 60.627(6), a town exclusive agricultural zoning ordinance under Wis. Stats subchapter V of ch. 91 and any other zoning ordinance within the town's authority.

- (c) *Official map.* A proposed official map ordinance under Wis. Stats. § 62.23 (6).
 - (d) *Subdivisions.* A proposed town subdivision or other land division ordinance under Wis. Stats. § 236.45.
 - (e) *Other.* Any other ordinance specified by the town board including but not limited to historic preservation, design review, site plan review.
 - (f) *Ordinance amendment.* The plan commission, on its own motion, or at the direction of the town board by its resolution or motion, may prepare proposed amendments to the town's ordinances relating to comprehensive planning and land use.
 - (g) *Non-regulatory programs.* The plan commission, on its own motion, or at the direction of the town board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
 - (h) *Program administration.* The plan commission shall, pursuant to town ordinances, have the following powers:
 - (1) *Zoning conditional use permits.* The zoning administrator shall refer applications for (conditional use) (administrative review) permits under town zoning to the plan commission for review and recommendation to the town board as provided under the town zoning ordinances.
 - (2) *Subdivision review.* Proposed plats under Wis. Stats. Ch. 236, and proposed subdivisions or other land divisions under the town subdivision ordinance under Wis. Stats. § 236.45, and the town ordinances shall be referred to the plan commission for review and recommendation to the town board.
 - (i) *Consistency.* Any ordinance, amendment or program proposed by the plan commission, and any plan commission approval, recommendation for approval or other action under town ordinances or programs that implement the town's comprehensive plan under Wis. Stats. §§ 62.23 and 66.1001, shall be consistent with the current plan. If any such plan commission action would not be consistent with the comprehensive plan, the plan commission shall use this as information to consider in updating the comprehensive plan.
- (Ord. of 3-18-2014, art. I)

Sec. 73-16. Referrals to the plan commission.

- (a) *Required referrals under Wis. Stats. § 62.23(5).* The following shall be referred to the plan commission for report:
 - (1) The location and architectural design of any public building.
 - (2) The location of any statue or other memorial.

- (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - a. Street, alley or other public way;
 - b. Park or playground;
 - c. Airport;
 - d. Area for parking vehicles; or
 - e. Other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (5) All plats under the town's jurisdiction under Wis. Stats. ch. 236, including divisions under a town subdivision or other land division ordinance adopted under Wis. Stats. § 236.45.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for:
 - a. Public or semi-public housing;
 - b. Slum clearance;
 - c. Relief of congestion; or
 - d. Vacation camps for children.
 - (7) The amendment or repeal of any ordinance adopted under Wis. Stats. § 62.23, including ordinances relating to: the town plan commission or the town comprehensive plan under Wis. Stats. § 66.1001; a town official map; and town zoning under village powers.
- (b) *Required referrals under sections of the Wisconsin Statutes other than Wis. Stats. § 62.23(5).* The following shall be referred to the plan commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under Wis. Stats. § 46.68(3).
 - (2) An application for initial licensure of a community-based residential facility under Wis. Stats. § 50.03(4).
 - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the town, as a pedestrian mall under Wis. Stats. § 66.0905.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. § 66.1007.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. § 66.1107.
 - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. § 66.1109.
 - (7) A proposed housing project under Wis. Stats. § 66.1211(3).

- (8) Matters relating to urban redevelopment and renewal in the town required to be referred under Wis. Stats. subch. XIII of ch. 66.
- (9) The adoption or amendment of a town subdivision or other land division ordinance under Wis. Stats. § 236.45(4).
- (10) Any other matter required by the Wisconsin Statutes to be referred to the plan commission.

(c) *Required referrals under this article.* In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the plan commission for report:

- (1) Any proposal, under Wis. Stats. § 59.69, for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
- (2) Proposed regulations or amendments relating to historic preservation under Wis. Stats. § 60.64.
- (3) A proposed driveway access ordinance or amendment.
- (4) A proposed town official map ordinance under Wis. Stats. § 62.23(6), or any other proposed town ordinance under Wis. Stats. § 62.23, not specifically required by the Wisconsin Statutes to be referred to the commission.
- (5) A proposed town zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. § 62.23, including a town construction site erosion control and storm water management zoning ordinance under Wis. Stats. § 60.627(6), and a town farmland preservation zoning ordinance under Wis. Stats. subch. V of ch. 91.
- (6) An application for a (conditional use) (administrative review) permit under the town zoning ordinance. The town board, rather than the plan commission, grants these permits under Wis. Stats. § 62.23(7)(e)1 and the town's ordinances.
- (7) A proposed site plan if such review is not already covered by town zoning or subdivision ordinances. The town board has final authority for approval.
- (8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. § 62.23(7a).
- (9) A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. § 66.0307, or a proposed boundary agreement under Wis. Stats. § 66.0225, or other authority.
- (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. § 66.0307(7m).
- (11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the town for review or adoption.

- (12) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the town and the regional planning commission, under Wis. Stats. § 66.0309, another unit of government, a consultant or any other person or organization.
- (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Wis. Stats. § 66.0435.
- (14) A proposed agreement or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. § 66.1009.
- (15) A proposed town airport zoning ordinance under Wis. Stats. § 114.136(2).
- (16) A proposal to create environmental remediation tax incremental financing in the town under Wis. Stats. § 66.1106.
- (17) An amendment, under Wis. Stats. subch. IV of ch. 91, referred by the county to the town, or a proposed town agricultural preservation plan or amendment.
- (18) Any other matter required by any town ordinance or town board resolution or motion to be referred to the plan commission.

(d) *Discretionary referrals.* The town board, or other town officer or body with final approval authority or referral authorization under the town ordinances, may refer any of the following to the plan commission for report:

- (1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (2) A proposed county zoning ordinance or amendment.
- (3) A proposed county subdivision or other land division ordinance under Wis. Stats. § 236.45, or amendment.
- (4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
- (5) A proposed intergovernmental cooperation agreement, under Wis. Stats. § 66.0301, or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stats. § 66.0305.
- (6) A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. § 236.45.
- (7) A proposed county plan, under Wis. Stats. § 236.46, or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (8) Any other matter deemed advisable for referral to the plan commission for report.

(e) *Referral period.* No final action may be taken by the town board or any other officer or body with final authority on a matter referred to the plan commission until the commission has made its report, or 30 days, or such longer period as stipulated by the town board, has

passed since referral. The 30-day period for referrals required by the state statutes may be shortened only if so authorized by statute. The 30-day referral period, for matters subject to required or discretionary referral under the town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the town board to a referral period shorter or longer than the 30-day referral period if deemed advisable.

(f) *Advisory committees.* The town board may create advisory committees on a limited-term or ongoing basis to provide advice to the town on specific issues or subjects. These advisory committees shall be limited to making a study of the subjects committed to them, and reporting on these subjects as directed or from time to time. No zoning petition, plat, conditional use permit, certified survey map, planned unit development or other formal action of the town need be referred to an advisory committee for a recommendation, nor need the plan commission or town board await a recommendation from an advisory committee before acting on any matter. The advisory committees which are in existence as of the adoption of this article, March 18, 2014, shall continue to exist until modified or abolished by the town board.

(Ord. of 3-18-2014, art. I)

Chapter 74

ZONING*

- Sec. 74-1. County zoning code adopted.
- Sec. 74-2. Setbacks in business district.
- Sec. 74-3. Enforcement of chapter provisions and penalty for violation.

***Cross references**—Buildings and building regulations, ch. 14; streets, sidewalks and other public places, ch. 62; subdivisions, ch. 66.

Sec. 74-1. County zoning code adopted.

The county zoning code has been adopted by the town board as the zoning ordinance for the town, except as otherwise provided in this chapter.

(Code 1987, § 17.01)

Sec. 74-2. Setbacks in business district.

(a) The setback for any structure facing upon a street or town road shall be two feet from the property line.

(b) The setback for rear or side yards shall be one foot from the property line.

(Code 1987, § 17.02)

Sec. 74-3. Enforcement of chapter provisions and penalty for violation.

The provisions of this chapter shall be enforced by the county zoning administrator. Any person found to be in violation of this chapter shall be subject to a forfeiture as provided in the county zoning code.

(Code 1987, § 17.03)

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1987 Code, as updated through June 20, 2000, which are included herein. Ordinances adopted prior to such date were incorporated into the 1987 Code, as supplemented. This table contains some ordinances which precede June 20, 2000, but which were never included in the 1987 Code, as supplemented, for various reasons. Ordinances adopted since June 20, 2000, and not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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