

Part I: Administrative Legislation

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Construction and Penalties**[Adopted as Secs. 1-1-2, 1-1-3, 1-1-6 and 1-1-7 of the 1996 Code]****§ 1-1. Principles of construction.**

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances. The words "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Town of Koshkonong unless the context of the section clearly indicates otherwise.
- C. Computation of time. In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.
- D. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- E. Gender. Every word in these ordinances referring to gender shall be gender neutral.
- F. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- G. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- H. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- I. Singular and plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several

persons or things, and every word in these ordinances referring to the plural number shall also be construed to apply to one person or thing.

- J. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- K. Town. The term "Town" shall mean the Town of Koshkonong, Jefferson County, Wisconsin.
- L. Wisconsin statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time. **[Amended 3-13-2019 by Ord. No. 1]**
- M. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

§ 1-2. Conflict of provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

§ 1-3. General penalty.

- A. General penalty. Except where a penalty is provided elsewhere in this Code of Ordinances, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First offense — penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000, 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 — penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six 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. Other remedies. The Town of Koshkonong shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

§ 1-4. Clerk to maintain copies of documents incorporated by reference.

Whenever any standard code, rule, regulation, statute 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 Town Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

ARTICLE II
Adoption of Code
[Adopted 3-13-2019 by Ord. No. 1]

§ 1-5. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats, the ordinances of the Town of Koshkonong of a general and permanent nature adopted by the Town Board of the Town of Koshkonong, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 560, are hereby approved, adopted, ordained and enacted as the "Code of the Town of Koshkonong," hereinafter referred to as the "Code."

§ 1-6. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-7. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-8. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-9. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Koshkonong" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-10. Publication; filing.

The Clerk of the Town of Koshkonong, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes

§ 1-11. Code to be kept up-to-date.

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-12. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Koshkonong to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-3 of the Code.

§ 1-14. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-15. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-16. Repealer

- A. All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Koshkonong which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Town Board of the of the Town of Koshkonong has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Ch. 4, Offenses Involving Alcoholic Beverages.
 - (2) Ch. 9, Administrative Review.
 - (3) Sec. 6-3-5, Deposit of Rubbish and Stones on Highway Right-of-Way.
 - (4) Sec. 11-2-2, Sale and Discharge of Fireworks Restricted.
 - (5) Sec. 11-2-5, Obscenity.

§ 1-17. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-16 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 8, 2017.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a fee or fees.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.

§ 1-18. Changes in previously adopted ordinances; new ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Koshkonong, no changes in the meaning or intent of such ordinances have been made, except as provided for in this section. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:

- (1) References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are amended to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
 - (2) Throughout the Code:
 - (a) Chapter 207 is amended to change instances of "Department of Industry, Labor and Human Relations" to "Department of Safety and Professional Services."
 - (b) Chapter 367 is amended to change instances of "license" to "permit."
 - (c) "Comprehensive Development Plan" and "Master Plan" are changed to "Comprehensive Plan."
 - (d) Chapter 39 is amended to change instances of "Emergency Government" to "Emergency Management."
- C. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

Chapter 9

ADMINISTRATIVE REVIEW

Chapter 17

BOARDS, COMMISSIONS AND COMMITTEES

GENERAL REFERENCES

Administrative review — See Ch. 9.

Town Board — See Ch. 147.

Ethics Code — See Ch. 46.

Town meetings — See Ch. 154.

Officers and employees — See Ch. 102.

ARTICLE I

General Provisions

[Adopted as Secs. 2-5-2 and 2-5-3 of the 1996 Code]

§ 17-1. Meetings and public notice.

A. Regular meetings; public notice.

- (1) Every Board, Committee and Commission created by or existing under the ordinances of the Town shall:
 - (a) Schedule a date, time and place for its meetings;
 - (b) Post or, when necessary, publish notice in or notify the official Town newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - (c) Post and/or publish an agenda of the matters to be taken up at such meeting.
- (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than 24 hours prior to the commencement of such meeting unless otherwise authorized by law.
- (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

Notice of Meeting

Town of Koshkonong, Wisconsin

(commission)

Please take notice that a meeting of the (commission) of the Town of Koshkonong will be held on (date), 20 __, at (time) p.m., at the Koshkonong Town Hall to consider the following:

- 1. (Agenda items set forth).
- 2. Such other matters as authorized by law.

Dated: _____

_____(Commission)_____

By _____

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at phone, __ (address) by 2:00 p.m. the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

- B. Notice to members. Every member of any board, commission or committee of the Town of Koshkonong shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- C. Special meetings. Nothing in Subsection A shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- D. Minutes to be kept. Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Town Clerk within one week of the meeting date.

§ 17-2. Residency required for service.

No person not a legal resident of the Town of Koshkonong shall be appointed in a voting capacity to any Town board, committee or commission. Any voting board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.

ARTICLE II

Board of Review**[Adopted as Sec. 2-5-1 of the 1996 Code]****§ 17-3. Composition. [Amended 5-14-2014]**

The Board of Review shall consist of the Chairperson, Town Board Supervisors, Town Clerk, and any Town resident(s) appointed by the Town Board according to § 70.46, Wis. Stats.

§ 17-4. Duties.

The duties and functions of the Board of Review shall be as prescribed in §§ 70.46 and 70.47, Wis. Stats.

§ 17-5. Meetings.

The Board of Review shall meet annually on the second Monday of May, or any day within the next 30 days, at the Town Hall of the Town of Koshkonong, and notice of such meeting shall be published pursuant to the state statutes. The Board, through its Clerk, shall establish its meeting hours pursuant to § 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

§ 17-6. Compensation.

Compensation for Board of Review members shall be as established by the Town Board.

Chapter 26**CITATIONS****§ 26-1. Method of enforcement.**

The Town of Koshkonong hereby elects to use the citation method of enforcement of ordinances. All Town law enforcement officers and other Town personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to § 66.0113(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

§ 26-2. Information contained in citation.

The citation shall contain the following:

- A. The name and address of the alleged violator.
- B. Factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The section of the ordinance and/or state statute violated.
- E. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court.
- G. A statement which, in essence, informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled court appearance.
 - (2) That, if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.
 - (3) That, if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - (4) That, if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- H. A direction that, if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection G above has

been read. Such statement shall be sent or brought with the cash deposit.

I. Such other information as the Town deems necessary.

§ 26-3. Form of citation.

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

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense; **[Amended 3-13-2019 by Ord. No. 1]**
- D. The section of the ordinance violated;
- E. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- F. The time at which the alleged violator may appear in court;
- G. A statement which, in essence, informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That, if the alleged violator makes such a deposit, he/she need not appear in court unless subsequently summoned;
 - (3) That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest; **[Amended 3-13-2019 by Ord. No. 1]**
 - (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
 - (5) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or

physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats. **[Added 3-13-2019 by Ord. No. 1]**

- H. A direction that, if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection G and shall send the signed statement with the cash deposit;
- I. Such other information as may be deemed necessary.

§ 26-4. Schedule of deposits.

- A. The schedule of cash deposits shall be established by the Town Board for use with citations issued under this chapter according to the penalty provision of this Code, a copy of which is on file with the Town Clerk.
- B. Deposits shall be made in cash, money order or certified check to the Town Clerk who shall provide a receipt therefor. **[Amended 3-13-2019 by Ord. No. 1]**

§ 26-5. Issuance of citation.

- A. Law enforcement officer. Any law enforcement officer may issue citations authorized under this chapter.
- B. Town officials. The following Town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:
 - (1) Building Inspector.
 - (2) Such official(s) designated by the Town Board to be a Code Enforcement Officer.
- C. Delegated authority. The Town officials named in Subsection B above may delegate their authority to issue citations to their subordinates, provided such delegation is authorized by the Town Board.

§ 26-6. Procedure.

Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

§ 26-7. Nonexclusivity.

- A. Other ordinance. Adoption of this chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

- B. Other remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Chapter 39

EMERGENCY MANAGEMENT

§ 39-1. Purpose.

- A. Section 323.14, Wis. Stats., requires the governing body of each county, Town, and municipality to adopt an emergency management program consistent with the state plan of emergency government; and
- B. Section 66.0301, Wis. Stats., provides that counties, towns and municipalities may cooperate to furnish services, combine offices and finance emergency government services; and
- C. Jefferson County adopted Ordinance No. 5, effective February 1, 1979, creating the Office of Emergency Management, said ordinance containing a joint action provision.

§ 39-2. Program.

- A. Emergency Management Director. Pursuant to § 323.14, Wis. Stats., the Town of Koshkonong hereby appoints its Town Chairperson as Emergency Management Director to develop an emergency management program consistent with the state plan of emergency management, as expressed in § 323.14, Wis. Stats.
- B. Policy. In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the Town of Koshkonong shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with the Emergency Government Director and to provide such services and facilities as are needed.
- C. Succession to municipal offices. All municipal officers and department heads shall designate persons as emergency interim successors to their respective offices as provided by § 323.14, Wis. Stats. If a municipal officer or department head is absent or unable to exercise the powers and perform the duties of his office because of an emergency, such successor shall have all the powers and perform all the duties of the officer or department head.

§ 39-3. Joint action.

In consideration of the joint action provision of the Jefferson County Emergency Government Ordinance [§ 5.07(3)], the Town of Koshkonong

hereby enters into a joint action agreement with Jefferson County to provide for utilization of existing services of said municipality in conjunction with efforts by the Emergency Government of Jefferson County.

Chapter 46

ETHICS CODE

GENERAL REFERENCES

Boards, commissions and committees — See Ch. 17. Officers and employees — See Ch. 102.

Town Board — See Ch. 147.

Government and elections — See Ch. 73.

§ 46-1. Definitions.

The following definitions shall be applicable in this chapter:

ANYTHING OF VALUE — Any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

BUSINESS — Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

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

PERSONAL INTEREST — The following specific blood or marriage relationships:

- A. A person's spouse, mother, father, child, brother or sister; or
- B. A person's relative by blood or marriage who receives, directly or indirectly, more than 1/2 support from such person or from whom such person receives, directly or indirectly, more than 1/2 of his support.

PUBLIC EMPLOYEE — Any person excluded from the definition of a public official who is employed by the Town.

PUBLIC OFFICIAL — Those persons serving in statutory elected or appointed offices provided for in Ch. 60, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Chairperson and/or Town Board pursuant to this Code of Ordinances, whether paid or unpaid.

SIGNIFICANT INTEREST — Owning or controlling, directly or indirectly, at least 10% or \$5,000 of the outstanding stock of at least 10% or \$5,000 of any business.

§ 46-2. Statement of purpose.

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this chapter a Code of Ethics for all Town of Koshkonong officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.
- B. The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town of Koshkonong and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected and appointed Town official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Koshkonong.

§ 46-3. Statutory standards of conduct.

- A. The provisions of §§ 19.41 through 19.59, Wis. Stats., shall apply to public officials and employees whenever applicable. **[Amended 3-13-2019 by Ord. No. 1]**
- B. There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:
- (1) Section 946.10, Bribery of Public Officers and Employees.
 - (2) Section 946.11, Special Privileges from Public Utilities.
 - (3) Section 946.12, Misconduct in Public Office.
 - (4) Section 946.13, Private Interest in Public Contract Prohibited.

§ 46-4. Responsibility of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and Town, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

§ 46-5. Dedicated service.

- A. Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- B. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- C. Members of the Town staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Town Clerk. The Town Clerk may notify the appropriate professional ethics board of any ethics violations involving Town employees covered by such professional standards.

§ 46-6. Fair and equal treatment.

- A. Use of public property. No official or employee shall use or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.
- B. Use of Town stationery. Copies of any correspondence written on Town stationery shall be filed with the Town Clerk, or their designee.
- C. Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Town to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- D. Political contributions. No official shall personally solicit from any Town employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this chapter is a candidate or treasurer.

- E. Failure to follow board directive. No Town official or employee, whether elected or appointed, shall deliberately, by individual action, direct a member of the public or a party under contract with the Town to take an action or perform an act that is contrary to an official Town policy adopted by the Town Board.

§ 46-7. Conflict of interest.

- A. Financial and personal interest prohibited.

- (1) No official or employee of the Town, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Town Board who has a financial interest or personal interest in any proposed legislation before the Town Board shall disclose on the records of the Town Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any nonelected official, other than a Town employee, who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Town employee who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission or committee the nature and extent of such interest.

- B. Disclosure of confidential information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- C. Gifts and favors.
- (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - (2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his/her duties any improper favor, service or thing of value.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
 - (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Town Board within 10 days of receipt for recommended disposition. Any person subject to this chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this subsection, shall, within 10 days, disclose the details surrounding said offer to the Town Board. Failure to comply with this reporting requirement shall constitute an offense under this chapter.
- D. Representing private interests before Town agencies.
- (1) Nonelected Town officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Town agency, board, commission or the Town Board if the official or employee or any board, commission or committee of which the official or employee is a

member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

- (2) Elected Town officials may appear before Town agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection A above shall be applicable to such appearances.
- E. Ad hoc committee exceptions. No violation of the conflict of interest restrictions of this section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Town Board that such interest exists.
- F. Contracts with the Town. No Town official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the Town unless, within the confines of § 946.13, Wis. Stats.:
- (1) The contract is awarded through a process of public notice and competitive bidding or the Town Board waives the requirement of this section after determining that it is in the best interest of the Town to do so.
 - (2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

§ 46-8. Advisory opinions.

Any questions as to the interpretation of any provisions of this Ethics Code chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

§ 46-9. Sanctions.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this chapter may, in the case of an employee, constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts with the individual,

may officially reprimand the official or remove such official from certain committee assignments or responsibilities.

§ 46-10. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to a minimum forfeiture not exceeding \$100 and a maximum forfeiture not exceeding \$1,000 for each offense.

Chapter 57

FINANCE AND TAXATION

§ 57-1. Fiscal management. [Amended 3-13-2019 by Ord. No. 1]

The Town Board of the Town of Koshkonong has the specific authority, powers and duties pursuant to §§ 60.10, 60.20, 60.22, 60.23, 60.40, 60.41, 60.42, 60.44, 60.45, 60.46, 60.47, 65.90, 66.0601, 66.0703, 74.12, Ch. 67 and Ch. 70, Wis. Stats., to manage, supervise and direct the fiscal operations of the Town of Koshkonong and to develop, maintain and implement a fiscal management system for the Town.

§ 57-2. Preparation and adoption of budget.

- A. Fiscal year; annual budget. The Town of Koshkonong fiscal year is the calendar year. The Town budget shall be adopted annually.
- B. Preparation. The Town Board is responsible for preparation of the proposed budget required under § 65.90, Wis. Stats. In preparing the budget, the Town Board may provide for assistance by any person.
- C. Estimates of budget. Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the Town of Koshkonong shall file with the Town Clerk, by a date established by the Town Clerk of the Town of Koshkonong, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the Town.
 - (1) Prior year's receipts, revenues, disbursements and expenditures.
 - (2) Current year's receipts, revenues, disbursements and expenditures.
 - (3) Estimated receipts, revenues, disbursements and expenditures for next year.
- D. Elements of budget. Each budget prepared by and approved by the Town Board shall include the following:
 - (1) All existing indebtedness.

- (2) All anticipated revenue from all sources for ensuing year.
 - (3) All proposed appropriations for departments, committees, commissions and boards, active or reserve accounts for next year.
 - (4) All actual revenues and expenditures for preceding year.
 - (5) All actual revenue and expenditures for not less than six months of current year.
 - (6) All estimated revenues and expenditures for the balance of the year.
 - (7) All anticipated unexpended or unappropriated balances and surpluses.
 - (8) Such other information as may be required by the Town Board and state law.
- E. Elements in budget summary. Each budget summary prepared by and approved by the Town Board shall include the following:
- (1) All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.
 - (2) All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year.
 - (3) Any financial source and use not identified in Subsection E(1) and (2) above.
 - (4) All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year.
- F. Copies of budget. The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- G. Hearing. The Town Board shall conduct the budget hearing required under § 65.90, Wis. Stats.
- H. Adoption. The Town Board shall adopt the Town budget. The Town meeting may either retain authority to approve any tax levy needed to support spending approved by the Town Board or may delegate the authority to approve a tax levy to the Board.
- I. Amendment. The Town budget may be amended by the Town Board under § 65.90(5), Wis. Stats.

§ 57-3. Changes in budget. [Amended 3-13-2019 by Ord. No. 1]

The adopted budget shall not be changed after approval of the budget except upon a roll call 2/3 vote of the entire membership of the Town Board. Notice of such change shall be given by publication or posted within eight days thereafter in the official Town newspaper.

§ 57-4. Town funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the Town, 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 § 57-3 of this chapter. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 57-5. Annual financial statement.

The Town Board annually shall prepare a statement of the financial condition of the Town and present the statement to the annual Town meeting. In preparing the statement, the Town Board may provide for assistance by any person. The statement shall include the previous year's revenues and expenditures and the current indebtedness of the Town.

§ 57-6. Finance book.

The Town Treasurer shall maintain a finance book under § 60.33(3), Wis. Stats.

§ 57-7. Financial audits.

The Town Board shall provide for financial audits under § 66.0605, Wis. Stats.

§ 57-8. Claims against Town.

- A. The Town Board shall develop and maintain a policy and plan, pursuant to §§ 60.44 and 893.80, Wis. Stats., to manage and control any legal claims against the Town of Koshkonong, its officers, its employees and its agents. Claims for money against the Town or against officers, officials, agents or employees of the Town arising out of acts done in their official capacity shall be filed with the Town Clerk as provided under § 893.80(1d), Wis. Stats. The Town Clerk shall immediately contact the Town Chairperson regarding the claims. The Town Chairperson shall arrange any appropriate and necessary meeting of the Town Board for actions pursuant to §§ 60.44 and 893.80, Wis. Stats., to allow or disallow any claim. The Town Chairperson shall, at his or her discretion, contact the Town Attorney regarding the claim prior to the meeting of the Town Board.
- B. The Town Board shall allow or disallow the claim. Notice of disallowance shall be made as provided under § 893.80(1d), Wis. Stats.

§ 57-9. Disbursements from Town treasury.

Disbursements from the Town treasury shall be made under § 66.0607, Wis. Stats. No claim, account or demand for payment against the Town shall be paid until a voucher has been filed with or prepared by the Town Clerk. Each check representing a disbursement or transfer of Town funds must be signed by the Town Clerk and Town Treasurer. Each check must also be signed by the Town Chairperson.

§ 57-10. Digital signatures. [Amended 3-13-2019 by Ord. No. 1]

In lieu of the personal signatures of the Town Clerk, Town Treasurer and Chairperson, there may be affixed on order checks the digital signatures of such persons adopted by them and approved by the Town Board, but the use of the digital signature shall not relieve such official from any liability to which he/she is otherwise subject, including the unauthorized use thereof.

§ 57-11. Public depository.

The Town Board shall designate one or more public depositories for depositing funds of the Town. These public depositories shall be approved financial institutions as noted in § 66.0603, Wis. Stats. The Treasurer and the Treasurer's surety are not liable for loss, as defined under § 34.01(2), Wis. Stats., or money deposited in the name of the Town in a designated public depository. Interest accruing from Town money in a public depository shall be credited to the Town.

§ 57-12. Temporary investment of funds not immediately needed.

- A. The Town Treasurer, in cooperation with the Town Board, may invest any Town long-term funds and temporary funds not immediately needed, pursuant to §§ 66.0603(2) and 219.05, Wis. Stats.
- B. The Town Board and the Town Treasurer shall use the following criteria in determining the financial options available for investing the financial assets of the Town:
 - (1) The safety of the investment.
 - (2) The maturity of the investment.
 - (3) The liquidity of the investment.
 - (4) The yield of the investment.
 - (5) The other services available to the Town with the investment.

§ 57-13. Public contracts and competitive bidding.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

PUBLIC CONTRACT — A contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost pursuant to § 60.47, Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**

RESPONSIBLE BIDDER — A person who, in the judgment of the Town Board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

- B. Advertisement for bids. Except as provided in Subsections D and E, the Town may not enter into a public contract unless the Town Board, or a Town official or employee designated by the Town Board, advertises for proposals to perform the terms of the public contract by publishing a Class 2 notice under Ch. 985, Wis. Stats. The Town Board may provide for additional means of advertising for bids. Pursuant to the definition of "public contract" in Subsection A above, this advertising requirement does not apply to the purchase of equipment; it applies only to the purchase of materials or supplies expected to cost an amount pursuant to § 60.47, Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Contracts to lowest responsible bidder. The Town Board shall let a public contract for which advertising for proposals is required under Subsection B to the lowest responsible bidder. § 66.0901, Wis. Stats., applies to public contracts let under this section.
- D. Contracts with governmental entities. This section does not apply to public contracts entered into by a Town with a municipality, as defined under § 66.0301(1), Wis. Stats. "Municipality," for this section is defined as the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission.
- E. Exception for emergencies. Section 60.47(5), Wis. Stats., and this section are optional with respect to public contracts for the repair and construction of public facilities when damage or threatened damage to the facility creates an emergency, as declared by resolution of the Town Board, that endangers the public health or welfare of the Town. This subsection does not apply if the Town Board declares that the emergency no longer exists.
- F. Application to work by Town. This section does not apply to any public work performed directly by the Town.

§ 57-14. Receiving money; receipt for same.

- A. The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the

fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Town Board.

- B. Upon the payment of any money (except for taxes as herein provided), the Treasurer shall make out a receipt for the money so received. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Treasurer shall be safeguarded in such manner as the Town Board shall direct. **[Amended 3-13-2019 by Ord. No. 1]**

§ 57-15. Duplicate Treasurer's bond eliminated.

The Town of Koshkonong elects not to give the bond on the Town Treasurer provided for by § 70.67(1), Wis. Stats.

§ 57-16. Statement of real property status. [Amended 3-13-2019 by Ord. No. 1]

The Town Clerk and Town Treasurer are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk or Town Treasurer shall collect a fee as provided in the Fee Schedule¹ payable at the time a request for compiling such information on said form. The Town Clerk and Town Treasurer shall have a minimum of three business days during the regular work week to satisfy such requests. Neither the Town nor its officials assume any liability when providing this service.

§ 57-17. Liability of Town for acts of agents.

No agent of the Town having authority to employ, labor or to purchase materials, supplies or any other commodities, may bind the Town or incur any indebtedness for which the Town may become liable without approval of the Town Board. Each such employment of purchase order shall be drawn against a specific appropriation, the money for which shall be available in the Town treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The Town Clerk shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

§ 57-18. Accounts receivable billing procedures.

Billings by the Town may be paid within 30 days after billing without interest. Thereafter, interest may be charged at the rate of 1 1/2% per

1. Editor's Note: Said Fee Schedule is on file in the Town office.

month or any fraction thereof, until the following fifteenth day of November. Bills not paid on or before the first day of November may have added to the total amount due 1 1/2% of said charges and may be entered on the tax roll as a special charge and become a lien upon real estate.

§ 57-19. Annual audits.

A firm of certified public accountants may be employed each year by the Town, subject to the confirmation of the Town Board to conduct a detailed audit of the Town's financial transactions and its books, and to assist the Town Treasurer in the management of the Town's financial affairs. These auditors may be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Treasurer, and only include books of any other boards, commission, officers or employees of the Town handling Town monies.

Chapter 64

FIRE PROTECTION AND AMBULANCE SERVICES

§ 64-1. Fire protection.

A. General authority.

- (1) The Town Board shall provide for fire protection for the Town of Koshkonong. Fire protection for the Town, or any portion of the Town, may be provided in any manner, including:
 - (a) Establishing a Town fire department.
 - (b) Joining with another Town, village, or city to establish a joint fire department. If the Town Board establishes a joint fire department with a village under § 61.65(2)(a)3, Wis. Stats., the Town Board shall create a joint board of fire Commissioners with the village under § 61.65(2)(b)2, Wis. Stats.
 - (c) Contracting with any person.
 - (d) Utilizing a fire company organized under Ch. 213, Wis. Stats.
- (2) The Town Board may provide for the equipping, staffing, housing, and maintenance of fire protection services. The Town of Koshkonong has entered into intergovernmental agreements with area units of government to provide fire protection services. Under such agreements, the Town of Koshkonong provides 60% of the financial support per the current contract as written with the remaining four governmental units each providing 10%.
[Amended 3-13-2019 by Ord. No. 1]

B. Funding. The Town Board may:

- (1) Appropriate money to pay for fire protection in the Town.

- (2) Charge property owners a fee for the cost of fire calls made to their property.
- (3) Levy taxes on the entire Town to pay for fire protection.
- (4) Levy taxes on property served by a particular source of fire protection, to support the source of protection.

§ 64-2. Ambulance service. [Amended 3-13-2019 by Ord. No. 1]

The Town Board may contract for or operate and maintain ambulance services unless such services are provided by another person. The Town Board may purchase equipment for medical and other emergency calls.

Chapter 73

GOVERNMENT AND ELECTIONS

GENERAL REFERENCES

Ethics Code – See Ch. 46.

Town Board – See Ch. 147.

§ 73-1. Legal status; general Town powers.

- A. The Town of Koshkonong, Jefferson County, Wisconsin, is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name as the Town of Koshkonong.
- B. The Town may:
 - (1) Sue and be sued.
 - (2) Acquire and hold real and personal property for public use and convey and dispose of the property.
 - (3) Enter into contracts necessary for the exercise of its corporate powers.

§ 73-2. Village powers.

The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on Village Boards by Ch. 61, Wis. Stats., the Town of Koshkonong shall have said powers through its Board. This is a continuing grant of powers.

§ 73-3. Voter registration.

- A. Pursuant to the provisions of § 6.27, Wis. Stats., the Town of Koshkonong elects that registration shall be required for all primaries and elections in the Town of Koshkonong.

- B. The Town Clerk of the Town of Koshkonong shall forthwith certify this action to the County Clerk and to the Secretary of State.

§ 73-4. Polling place. [Amended 3-13-2019 by Ord. No. 1]

The polling place serving all wards in the Town of Koshkonong shall be the Koshkonong Town Hall, W5609 Star School Road, Fort Atkinson, Wisconsin 53538 or the Town shop at W5615 Star School Road.

§ 73-5. Election poll hours; workers.

- A. Poll hours. The voting polls in the Town of Koshkonong, Jefferson County, Wisconsin, shall be open from 7:00 a.m. to 8:00 p.m. for all elections.
- B. Number of election officials.
- (1) The Town Clerk shall be authorized to employ election officials (poll workers and tabulators) for each election sufficient to conduct said election effectively, the minimum number of election officials necessary at any one time for any one election being three. It is further authorized that two sets of election officials may be used at different times at any one election with the total number of election officials working at one time to be an odd number.
 - (2) The Town Clerk shall have the power to limit or reduce the number of election officials. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk shall further redistribute duties among the remaining officials. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Tabulators. The Town Clerk may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Town Clerk shall select and employ tabulators, if needed, for any election.
- D. Wards.
- (1) Wards have been established in the Town of Koshkonong for election purposes. However, there are various elections where Town electors from more than one ward vote for offices that are identical to those in other wards, and the Town Board has determined that tabulating vote totals by ward requires more time by election officials and occasionally require more inspectors to work at elections. Thus, the Town Board has determined that there is no administrative advantage to having vote totals by ward when voting for common offices.

- (2) For the reasons stated above, the Town Board has determined that wards will be combined for vote reporting purposes for those wards voting for common office(s).

§ 73-6. Official newspaper. [Amended 3-13-2019 by Ord. No. 1]

The Town of Koshkonong shall use posting pursuant to the Wisconsin Statutes as its means of giving notice. When publication is required by the Wisconsin Statutes or when directed by the Town Board as a substitute to posting, the official newspaper of the Town of Koshkonong shall be determined by the Town Board by resolution at an annual meeting, currently Jefferson County Daily Union (Nov. 2018).

Chapter 102

OFFICERS AND EMPLOYEES

ARTICLE I

General Provisions

[Adopted as Secs. 2-4-1 through 2-4-6 and 2-4-16 through 2-4-19 of the 1996 Code]

§ 102-1. Election of Town officers; general provisions.

- A. Elected Town officers. At the annual spring election, the Town shall, in odd-numbered years, elect a Chairperson and two Supervisors. In even-numbered years, two Supervisors shall be elected at the annual spring election. The following officers of the Town of Koshkonong shall be chosen at the annual Town election in odd-numbered years for terms of two years commencing on the third Tuesday of April in the year of their election: **[Amended 3-14-2012]**
- (1) A Town Clerk.
 - (2) A Town Treasurer.
- B. Restrictions.
- (1) Only an elector of the Town may hold a Town office, other than an Assessor appointed under § 60.307, Wis. Stats., if the Town elects to change the office of Assessor to an appointed position.
 - (2) No person may hold the offices of Town Treasurer and Town Assessor at the same time. No person may assume the office of Town Assessor unless certified by the Department of Revenue, under § 73.09, as qualified to perform the functions of the office of Town Assessor. If the Town reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Town Board shall fill the vacancy from a list of persons certified by the Department of Revenue.
- C. Notice of election. Within five days after completion of the canvass under § 7.53, Wis. Stats., the Town Clerk shall transmit a notice of election to each person elected to a Town office.
- D. Term of office.
- (1) Every elected Town officer shall hold the office for two years.
 - (2) The regular term of elected Town officers, other than the Town Assessor, if elected, commenced on the third Tuesday of April in the year of their election. **[Amended 3-14-2012]**

§ 102-2. Temporary vacancies.

- A. If any elected Town officer, other than a Supervisor, is absent or temporarily incapacitated for any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge

the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under § 60.31, Wis. Stats.

- B. Vacancies on the Town Board shall be filled by appointment by the remaining Supervisors and the Town Clerk, except when the vacancy is caused by removal by the Circuit Judge as provided by law, which latter vacancy shall be filled by appointment by the said Judge. Persons appointed under this subsection to fill vacancies shall hold office for the residue of the unexpired term.
- C. If any elected Town officer, other than a Supervisor, refuses to perform any official duty, the Town Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under § 60.31, Wis. Stats. This subsection does not preclude a finding that refusal to perform official duties constitutes cause under § 17.13(3), Wis. Stats.

§ 102-3. Official oath and bond requirements.

- A. Official oath. Except as provided in Subsection C, every elected or appointed Town officer shall take and file the oath under § 19.01, Wis. Stats., within five days after notification of election or appointment.
- B. Official bond. The Town Clerk, Town Treasurer and elected Assessor, if applicable, shall execute and file an official bond provided by the Town. No natural person may be a surety on a bond under this subsection. The bond may be furnished by a surety company under § 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days in an amount fixed by the Board. If the Town Board establishes Deputy Clerk or Treasurer positions, such persons shall be bonded.
- C. Exceptions. If the Town reverts to a system of electing an Assessor and/or creates a Municipal Court:
 - (1) An elected Assessor shall take and file the official oath and bond at any time between May 27 to May 31.
 - (2) The Municipal Judges shall take and file the official oath and bond under § 755.03, Wis. Stats.
- D. Failure to file oath or bond. If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

§ 102-4. Compensation of elective Town offices.

- A. Established by Town Meeting or Board.

- (1) Except as provided under Subsection A(2) below, the Town meeting shall establish the compensation of elective Town offices.
 - (2) If authorized by the Town meeting under § 60.10(2)(k), Wis. Stats., the Town board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.
- B. Nature of compensation. Compensation under this section may be:
- (1) An annual salary.
 - (2) A per diem compensation for each meeting necessarily devoted to the service of the Town and the discharge of duties. Board members or Town officials shall be the Town's authorized representative at a meeting or be attending an authorized convention/training session to be eligible for per diem compensation.
 - (3) A combination of the above.
- C. Changes during term. Subject to Subsection D, the Town meeting or, if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.
- D. When established. Compensation under this section shall be established prior to the latest date and time for filing nomination papers for the office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office.

§ 102-5. Reimbursement of expenses.

- A. Generally. The Town Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this section include, but are not limited to:
- (1) Traveling expenses, including mileage, lodging and meal expenses.
 - (2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- B. Manuals. The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

§ 102-6. Compensation when acting in more than one official capacity.

Except for offices combined under § 60.305, Wis. Stats., the Town may not compensate a Town officer for acting in more than one official capacity or office of the Town at the same time.

§ 102-7. Town employees; special office positions.

- A. Town employees. The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment. The Board may delegate the authority to hire Town employees to any Town official or employee. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Residency. The following special office positions need not be Town of Koshkonong residents to hold these positions per § 66.052, Wis. Stats. (other Town officials described in this chapter shall be Town of Koshkonong residents): **[Amended 3-13-2019 by Ord. No. 1]**
- (1) Town Attorney.
 - (2) Town Engineer.
 - (3) Town Auditor/Accountant.
 - (4) Town Assessor.
 - (5) Building Inspector.
 - (6) Other consultants.
 - (7) Clerk.
 - (8) Treasurer.
 - (9) Deputy Clerk.
 - (10) Public Works staff.
 - (11) Dog Service Provider.
- C. Meeting attendance. Special office holders listed in Subsection B shall attend or make all good faith efforts to attend all properly called meetings of the Town Board if their attendance is requested at least three days prior to the meeting, or as established by professional services agreement.

§ 102-8. Custody of official property.

Town officers must observe the standards of care imposed by § 19.21, Wis. Stats., with respect to the care and custody of official property.

§ 102-9. Eligibility for office/incompatibility of office.

- A. Any person who is a qualified elector in the Town of Koshkonong may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position if he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.
- B. Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Koshkonong, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

§ 102-10. Official oath and bond.

- A. Authority. The Town Board has the specific statutory authority, powers and duties, pursuant to §§ 60.20, 60.22 and 60.31, Wis. Stats., and under § 102-3 of the Code of the Town of Koshkonong, to require that certain elected officials take an official oath and to require that they file the appropriate bond.
- B. Oath.
- (1) General provision. All elected officers and appointed officers of the Town of Koshkonong, except elected Assessors and municipal judges, (if such position is established), shall take and file the below noted oath within five days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to § 19.01, Wis. Stats., shall be substantially in the following form:

- (a) Written oath.

STATE OF WISCONSIN,

County of Jefferson

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

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

 Signature

(b) Oral oath.

I, _____ swear (or affirm) that I will support the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

- (2) Filing locations. The official oath of all elected officers and appointed officers of the Town shall be filed with the Town Clerk except that the Town Clerk shall file his or her oath with the Town Treasurer and except that the Municipal Judge shall his or her oath with the Clerk of the Circuit Court.
- (3) Failure to file oath. If any elected officer or appointed officer of the Town of Koshkonong fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Koshkonong shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

C. Bonds.

- (1) General provision. The bond costs shall be provided by the Town of Koshkonong. No natural person may be a surety on a bond. The bond may be furnished by a surety company under § 632.17(2), Wis. Stats. The Town Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within 10 days, in an amount fixed by the Town Board.
- (2) Filing location. The official bond shall be filed with the Town Clerk except that the Town Clerk shall file his or her bond with the Town Treasurer and except that the municipal justice shall file his or her bond with the Clerk of Circuit Court.
- (3) Failure to file bond. The elected officers and appointed officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Town fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

ARTICLE II

Town Clerk**[Adopted as Sec. 2-4-7 of the 1996 Code]****§ 102-11. Clerk of Town meeting.**

The Town Clerk shall: serve as Clerk of the Town meeting under § 60.15, Wis. Stats.

§ 102-12. Clerk of Town Board.

- A. Serve as Clerk of the Town Board, attend meetings of the Board and keep a full record of its proceedings.
- B. File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.
- C. File with the Town Board claims approved by the Clerk, as required under § 60.44(2)(c), Wis. Stats.

§ 102-13. Finance book.

Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board. The financial records a Town Clerk is expected to maintain are in addition to, not in lieu of, those a Town Treasurer is expected to maintain.

§ 102-14. Elections and appointments.

- A. Perform the duties required by Chs. 5 to 12, Wis. Stats., relating to elections.
- B. Transmit to the County Clerk, within 10 days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.
- C. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Town, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Clerk shall include in the notice the name of the incumbent who vacated the office.

§ 102-15. Sale of real property.

Execute the conveyance of real property of the Town. However, prior to the sale of any property by the Town Board, the electors attending a Town meeting must have given the Town Board authorization to do so.

§ 102-16. Notices.

- A. Publish or post ordinances and resolutions as required under § 60.80, Wis. Stats.
- B. Give notice of annual and special Town meetings as required under §§ 60.11(5) and 60.12(3), Wis. Stats.

§ 102-17. Records.

- A. Comply with Subch. II of Ch. 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.
- B. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk shall dispose of the books and papers as required by law.

§ 102-18. Licenses.

Issue any license or permit granted by the Town Board when any required fee has been paid.

§ 102-19. Schools.

- A. Perform the Clerk's duties under Chs. 115 to 121, Wis. Stats., relating to public instruction.
- B. Within 10 days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk shall report to the administrator the name and post office address of each school district Clerk within 10 days after the name and address is filed in the Clerk's office.
- C. Make and keep in the Clerk's office a map of the Town, showing the exact boundaries of school districts within the Town.
- D. Apportion, as provided by law, tax revenues collected by the Town for schools.

§ 102-20. Highways and bridges. [Amended 3-13-2019 by Ord. No. 1]

Perform the duties specified in Chs. 80 to 89, Wis. Stats., relating to highways, bridges and drains.²

§ 102-21. Statement of indebtedness to Secretary of State.

Furnish, pursuant to § 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.

§ 102-22. Managed Forest Act.

Receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to § 77.82(5), Wis. Stats. The Town Clerk shall receive copies of notice of hearings established pursuant to § 77.82(6), Wis. Stats., and copies of any orders issued pursuant to § 77.82(8), Wis. Stats.

§ 102-23. Notice of cessation of operations.

Receive the appropriate notice, pursuant to § 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town; the Town Clerk shall then immediately inform the Town Board of receipt of such information.

§ 102-24. Release and publication of tax roll.

Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Ch. 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

§ 102-25. Rabies control program.

Promptly post notice in at least three public places in the Town pursuant to § 95.21(3), Wis. Stats., with the notices of quarantine to be furnished by the Department of Health Services.

§ 102-26. Prepare general statistics and annual statement of taxes.

Make out and transmit to the County Clerk by years end a statement pursuant to § 69.60, Wis. Stats., showing the assessed value of all property within the Town all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk shall file a statement of taxes levied to the Department of Revenue.

2. Editor's Note: Original Sec. 2-4-7(k), Recording orders and certificates, which immediately followed this section, was repealed 3-31-2019 by Ord. No. 1.

§ 102-27. Make tax roll.

Make out the complete list of all taxable real property to be called the Tax Roll as required in § 70.65, Wis. Stats.

§ 102-28. Correct tax roll.

Before delivering the Tax Roll to the Town Treasurer and after delivering the Tax Roll to the Town Treasurer, shall correct the errors in the Tax Roll required in § 70.73, Wis. Stats.

§ 102-29. Receive assessment roll.

Receive from the Assessor on or before the first Monday in May the completed Assessment Roll as required by § 70.50, Wis. Stats.

§ 102-30. Drainage district.

Insert in the Tax Roll, in a separate column, amounts certified by the Drainage Board secretary as assessments and interest due as required under § 88.42, Wis. Stats.

§ 102-31. In general.

Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.

§ 102-32. Deputy Clerk.

The Town Clerk may, pursuant to § 60.331, Wis. Stats., appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as required by § 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid the Deputy Clerk.

ARTICLE III
Town Treasurer
[Adopted as Sec. 2-4-8 of the 1996 Code]

§ 102-33. Receive and disburse Town money.

The Town Treasurer, shall:

- A. Receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under § 66.0607, Wis. Stats.
- B. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.

§ 102-34. Deposit of Town money.

- A. Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
- B. When money is deposited under Subsection A, the Town Clerk and the Treasurer's sureties are not liable for any loss as defined in § 34.01(2), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

§ 102-35. Records.

Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

§ 102-36. Taxes.

Perform all of the duties relating to taxation required of the Town Treasurer under Chs. 70 to 79, Wis. Stats.

§ 102-37. In general.

Perform all other duties required by law, ordinance or lawful order of the Town Board.

ARTICLE IV
Assessor
[Adopted as Sec. 2-4-9 of the 1996 Code]

§ 102-38. Qualification.

- A. The Assessor, or assessment firm, shall be certified by the Department of Revenue under § 73.09, Wis. Stats., as qualified to perform the functions of an Assessor. Pursuant to § 60.307(2), Wis. Stats., the Assessor shall be appointed by majority vote of the Town Board for a term as determined by contract, but not less than one year.
- B. The Town Assessor so appointed need not be a resident of the Town of Koshkonong and may hold the office of Assessor for another Town or municipality with the consent of the Town Board.

§ 102-39. Duties.

The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chs. 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under § 70.10, Wis. Stats., to make an assessment of all of the property in the Town liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Town Clerk at the same time and in the same manner in which Town Assessors are required to do as required by Ch. 70, Wis. Stats.

ARTICLE V

Building Inspector**[Adopted as Sec. 2-4-10 of the 1996 Code]****§ 102-40. Appointment.**

There is hereby created the position of Building Inspector(s) who shall be appointed by the Chairperson, subject to confirmation by the Town Board. He/she shall have an indefinite term of office or as prescribed by professional services agreement. The Building Inspector shall review plans, collect building code-related fees and arrange for Assistant Inspectors to conduct on-site inspections. The Building Inspector shall have proper certification in areas of responsibility from the State of Wisconsin. If an independent contractor is serving as Town Building Inspector, the Town Board may require that such Building Inspector provide evidence of liability insurance.

§ 102-41. Powers and duties.

- A. The Building Inspector, and/or in cooperation with county zoning, shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and state which relate to building construction, alteration, and repair. With the authorization of the Town Board, he may appoint one or more Deputy Building Inspectors and may delegate to them the above-mentioned powers and duties. **[Amended 3-13-2019 by Ord. No. 1]**
- B. The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code. The Building Inspector shall supply the Town Assessor with a set of building plans for major projects for which a building permit is issued.
- C. The Inspectors shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the appropriate Inspector.
- D. Inspectors shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. Inspectors shall process all applications, make all inspections, and have the authority to issue or cause to be issued a certificate of completion.
- E. The Building Inspector shall semiannually report to the Town Board.

§ 102-42. Right of entry.

Inspectors shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, including plumbing and electrical work.

ARTICLE VI

Weed Commissioner**[Adopted as Sec. 2-4-11 of the 1996 Code]****§ 102-43. Appointments; terms of office; oath; duties.**

The Weed Commissioner shall be appointed by the Chairperson, subject to Town Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Town Clerk, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

ARTICLE VII
Town Attorney
[Adopted as Sec. 2-4-12 of the 1996 Code]

§ 102-44. Election.

The Office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the Attorney and the Town Board.

§ 102-45. Duties.

The Town Attorney shall have the following duties:

- A. The Attorney shall conduct all of the law business in which the Town is interested.
- B. He/she shall, when requested by Town officers, given written legal opinions, which shall be filed with the Town.
- C. He/she shall draft ordinances, bonds and other instruments as may be required by Town officers.
- D. He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously authorized by the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
- E. The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.
- F. The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

ARTICLE VIII
Town Engineer
[Adopted as Sec. 2-4-13 of the 1996 Code]

§ 102-46. Appointments; costs of services.

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve at the pleasure of the Board. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town. The cost of engineering services provided to the Town may be billed back to private parties whom created the need for such expenditures.

ARTICLE IX
Town Constable
[Adopted as Sec. 2-4-14 of the 1996 Code]

§ 102-47. Statutory authority; powers and duties.

The Town Constable shall be selected pursuant to Ch. 60, Wis. Stats. The Town Board does have the authority to establish the powers and duties of the Town Constable, which are as follows:

- A. The Town Constable may impound dogs, cattle, horses, sheep, swine and other animals at large in violation of any duly published order or ordinance adopted by the Town Board.

ARTICLE X
Town Auditor/Accountant
[Adopted as Sec. 2-4-15 of the 1996 Code]

§ 102-48. Retention.

The Town Board may, pursuant to §§ 60.41 and 60.43, Wis. Stats., designate, retain or employ one or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

§ 102-49. Compensation.

The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.

§ 102-50. Duties.

The accountant has the duties and powers established in §§ 60.41 and 60.43, Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board. The appropriate bond shall be filed prior to the Town Board executing the written contract.

Chapter 113**PUBLIC BUILDING USE****§ 113-1. Authority.**

The Town Board has the specific authority, powers and duties pursuant to §§ 60.10, 60.22, and 101.13, Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose buildings and property for the Town of Koshkonong and to manage and direct certain affairs related to Town buildings and lands.

§ 113-2. Public building access and use.

- A. Authority for public access. The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.
- B. Town Hall.
 - (1) The Town Hall of the Town of Koshkonong shall be open to the public as posted following times and dates unless written notice to the contrary is posted at the usual and customary locations in the Town.
 - (2) The Town Hall shall be open to the public at other times with the approval of the Town Board. The use of the Town Hall may be provided for nongovernmental functions and events. These functions and events shall be private nonprofit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Town Board. The Town Board may charge a daily rental fee for such use to the responsible party. In addition to the rental fee, the Town Board may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Koshkonong from any costs, damages or expenses the Town may incur as a result of any injury to any person at or near the Town Hall.
- C. Possession of alcohol and drugs. The Town Board does not permit use or possession, by any person, of any alcohol beverages or controlled substance drug in or on the premises of any Town of Koshkonong public buildings.
- D. No smoking products or electronic tobacco products allowed within 30 feet of any entrance. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Litter and discharge.

- (1) The Town Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town public building and on the premises of any Town building except in disposal containers authorized by the Town.
- (2) No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town public building.

Chapter 125

RECORDS, PUBLIC

§ 125-1. Definitions.

The following definitions shall be applicable in this chapter:

AUTHORITY — Any of the following Town entities having custody of a Town record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

CUSTODIAN — That officer, department head, division head or employee of the Town designated under § 125-3 or otherwise responsible by law to keep and preserve any Town records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

RECORD — Any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library. **[Amended 3-13-2019 by Ord. No. 1]**

TOWN — The Town of Koshkonong, Jefferson County, Wisconsin, and its administrative subunits.

§ 125-2. Duty to maintain records.

- A. Authority. The Town Board of the Town of Koshkonong has the specific authority, powers and duties, pursuant to §§ 19.21, 19.22, 19.23, 19.31, 19.33, 19.34, 19.35, 19.36, 19.37, 19.84, 19.85, 60.22, and 60.83, Wis. Stats., to manage and direct certain affairs related to Town public records.
- B. Public record and public property responsibilities. All public records and public properties belonging to the Town of Koshkonong, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:
- (1) These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.
 - (2) These public records and public properties are required by state law or by Town ordinance to be filed, deposited or kept in the offices of these officers, employees or agents.
 - (3) These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agents may be lawfully entitled by state law or by Town.
- C. Responsibility of office. Except as provided under § 125-7, each officer and employee of the Town shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- D. Responsibility upon expiration of officer's term. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Town Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

§ 125-3. Legal custodian(s).

- A. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- B. Unless otherwise prohibited by law, the Town Clerk or his designee shall act as legal custodian for all Town records, the Town Board and for

any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board, except that the Town Treasurer shall be the legal custodian for all records in his possession. In the event that the Town Clerk is not available, then the Town Clerk shall designate someone to act in its behalf as legal custodian.

- C. For every authority not specified in Subsections A and B, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- D. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.
- E. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subch. II of Ch. 19, Wis. Stats., and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

§ 125-4. Public access to records.

- A. Except as provided in § 125-6, any person has a right to inspect a record and to make or receipt a copy of any record as provided in § 19.35(1), Wis. Stats.
- B. Records will be available for inspection and copying during all regular office hours.
- C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- D. A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record.
- E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Town shall be removed from the possession of the legal custodian.
- F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (1) The cost of photocopying shall be as provided in the Fee Schedule,³ excluding accident reports. The Town may charge actual, necessary costs in duplicating or communicating requested records, including facsimile transmissions. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
[Amended 3-13-2019 by Ord. No. 1]

3. Editor's Note: The Fee Schedule is on file in the Town office.

- (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged. The Town is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Town will determine the cost of locating a record by using the hourly rate of \$20 per hour for employees involved in attempting to locate the record.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.
 - (7) Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- G. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of §§ 125-4 through 125-6 of this chapter. This subsection does not apply to members of the Town Board.

§ 125-5. Access procedures.

A. Requests for records.

- (1) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as

to subject matter or length of time represented by the record does not constitute a sufficient request.

- (2) A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats.
 - (3) Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 125-4F(6).
 - (4) The legal custodian cannot request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification of the requesting person. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- B. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- C. A request for a record may be denied as provided in § 125-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made, in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

§ 125-6. Limitations on right to access.

- A. As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this chapter.
- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

- (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to § 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret, as defined in § 134.90(1)(c), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
 - (5) All records otherwise exempt from release pursuant to any applicable law. **[Added 3-13-2019 by Ord. No. 1]**
- B. As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- C. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to § 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to § 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Town officer or employee, or the investigation of charges against a Town officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Pursuant to § 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to § 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Town property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to § 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if

disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

- (7) Pursuant to § 19.85(1)(g), Wis. Stats., communications between legal counsel for the Town and any officer, agent or employee of the Town, when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agent or employees is or is likely to become involved, or communications which are privileged under § 905.03, Wis. Stats.
 - (8) Pursuant to § 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board and records of advice given by such ethics board on such requests.
- D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If, in the judgment of the custodian and the Town Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure. **[Amended 3-13-2019 by Ord. No. 1]**

§ 125-7. Destruction of records.

- A. Town officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Ch. 442, Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.

- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- B. Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years. **[Amended 3-13-2019 by Ord. No. 1]**
- (1) Contracts and papers relating thereto;
 - (2) Excavation permits;
 - (3) Inspection records.
- C. Town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period.
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions.
- D. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.

§ 125-8. Preservation through microfilm.

Any Town officer, or the director of any department or division of Town government may, subject to the approval of the Town Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 125-4 through 125-6 of this chapter.

§ 125-9. Taped records of meetings.

The Town Board, any office, any special office, committee, any commission, any agency, any authority, any board or any other special government units of the Town of Koshkonong and their officers, their employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than 90 days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

Chapter 134**SPECIAL ASSESSMENTS****§ 134-1. Town Board may levy special assessments.**

- A. The Town of Koshkonong by resolution of its Town Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments. **[Amended 3-13-2019 by Ord. No. 1]**
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Town Board.

§ 134-2. Resolution and report required.

- A. Prior to making any such special assessments, the Town Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments

may be paid or that the number of installments will be determined at the hearing required under § 134-5 of this chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

- B. The report required by Subsection A shall consist of:
- (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate as to each parcel of property affected of:
 - (a) The assessment of benefits to be levied.
 - (b) The damages to be awarded for property taken or damaged.
 - (c) The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimate required under Subsection B(3) shall be replaced by a schedule of the proposed assessments.
 - (5) A copy of the report when completed shall be filed with the Town Clerk for public inspection.

§ 134-3. Costs that may be paid by special assessment.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Town and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Town Board.

§ 134-4. Exemptions; deductions.

- A. If any property deemed benefited shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Town.
- B. A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Town Board determines to be reasonable and just under the circumstances of

each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The Town Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

§ 134-5. Notice of proposed or approved project. [Amended 3-13-2019 by Ord. No. 1]

On the completion and filing of the report required in § 134-2B(5) of this chapter, the Town Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Town Board or Committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official Town newspaper or posted in not less than three public places and a copy of said notice may be mailed to each interested person whose post office address is known. The notice shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., in the city, town or village and a copy of the notice shall be mailed, at least 10 days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence.

§ 134-6. Board actions after hearing.

- A. After the hearing, the Town Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- B. If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Town Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- C. Approval.
 - (1) If the work or improvement has not been previously authorized or approved, the Town Board shall approve the work or improvement and, by resolution, direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the Town Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Town Board shall, by resolution, confirm the report as made or modified and provide for payment in whole or in part by assessment.

- D. The Town Clerk shall publish the final resolutions as required in § 134-5 of this chapter.
- E. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by § 66.0703(12), Wis. Stats., or any other applicable provision of law.

§ 134-7. Combined assessments.

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

§ 134-8. Board's power to amend, cancel or confirm special assessment.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Town Board determines to reconsider an assessment, it is empowered, after giving notice as required in § 134-5 to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming be given by the Town Clerk as provided in § 134-6 of this chapter.

§ 134-9. Where cost of improvement is less than assessment.

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

§ 134-10. Appealed assessments payable when due.

Pursuant to § 66.0703(12)(f), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

§ 134-11. Lien on property.

Pursuant to § 66.0703(13), Wis. Stats., any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the Town or appropriate utility district. The Town Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Town Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation

to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

§ 134-12. Special charges permissible.

- A. In addition to all other methods provided by law, special charges for current services may be imposed by the Town Board by allocating all or part of the cost of the service to the property served. Such service may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal or any other service as defined in § 66.0627(1)(c), Wis. Stats. The Town Board may determine the manner of providing notice of a special charge. Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, the Town Board shall conduct a hearing on whether the service in question will be funded in whole or in part by a special charge. Notice of the hearing shall be given as provided in § 66.0627(3)(b), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Such special charges shall not be payable in installments. If not paid within the period fixed by the Town Board, such delinquent charge shall become a lien as provided in § 134-11 of this chapter.
- C. Section 134-2A of this chapter shall not be applicable to proceedings under this section.

§ 134-13. Miscellaneous provisions.

- A. If any assessment or charge levied under this chapter is invalid because such statutes are found to be unconstitutional, the Town Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- B. The Town Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived, in writing, by property owners affected.
- C. Notwithstanding any other provision of law or this or other ordinance or resolution, it is specifically intended and provided by this chapter that the Town may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

§ 134-14. Payment for public works. [Amended 3-13-2019 by Ord. No. 1]

The Koshkonong Town Board may levy and collect special assessments and charges under §§ 66.0627 and 66.0703, Wis. Stats., and this chapter to pay for all or part of the cost of any public work or improvement. Special

assessments may be paid under § 66.0713, Wis. Stats. Reassessments shall be under § 66.0731, Wis. Stats.

Chapter 147

TOWN BOARD

GENERAL REFERENCES

Boards, commissions and committees — See Ch. 17. **Officers and employees — See Ch. 102.**

Ethics Code — See Ch. 46.

Town meetings — See Ch. 154.

§ 147-1. Membership; elections to.

- A. Membership. The Town Board consists of four Supervisors of the Town of Koshkonong and the Chairperson.
- B. Elections.
 - (1) There shall be elected one Supervisor from the Town at large who shall be designated as the "Chairperson" and whose term shall be for a period of two years.
 - (2) Biennially in odd-numbered years, at the annual spring election, there shall be elected three members to the Koshkonong Town Board, one of whom shall be designated on the ballots as Chairperson and the other two elected as Supervisors, designated Supervisor 1 and Supervisor 2 respectively.
 - (3) Biennially in even-numbered years, at the annual spring election, there shall be elected two Supervisors, designated Supervisor 3 and Supervisor 4 respectively.

§ 147-2. General powers and duties.

The Town Board of the Town of Koshkonong has the specific authority, powers and duties, pursuant to §§ 60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Koshkonong. In addition, the Town Board of the Town of Koshkonong has additional general and specific statutory authority, powers and duties established beyond Ch. 60, Wis. Stats., and as prescribed by this Code of Ordinances.

- A. Charge of Town affairs. The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).

- B. Charge of actions. The Town Board has charge of any action or legal proceeding to which the Town is a party.
- C. Village powers. As authorized under § 60.10(2)(c), Wis. Stats., and § 73-2 of this Code, the Town Board shall exercise powers relating to villages and conferred on Village Boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and Town boards.
- D. Jurisdiction of constable. Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.
- E. Pursue certain claims of Town. The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

§ 147-3. Miscellaneous powers. [Amended 3-13-2019 by Ord. No. 1]

The Town Board shall have the powers enumerated in § 60.23, Wis. Stats.

§ 147-4. Powers and duties of Town Board Chairperson. [Amended 3-13-2019 by Ord. No. 1]

The Town Board Chairperson shall have the powers and duties prescribed in § 60.24, Wis. Stats.

§ 147-5. Internal powers.

The Town Board has power to preserve order at its meetings, compel attendance of Supervisors and punish nonattendance.

§ 147-6. Meetings. [Amended 3-13-2019 by Ord. No. 1]

Regular meetings of the Town Board of the Town of Koshkonong will be held at the Town Hall located at W5609 Star School Road, Fort Atkinson, at the time posted on the second Wednesday of each month. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board, including any special or adjourned meetings that are not held at the Town Hall but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the Open Meetings Law, by posting a proper written notice of the substituted location at the three usual and customary posting locations likely to give notice. This notice shall occur at least 24 hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two hours prior to the meeting of the Town Board.

§ 147-7. Special meetings.

- A. Any special meeting of the Town Board may be called by the Chairperson or two members of the Town Board of the Town of Koshkonong, with the call for the special meeting of the Town Board filed with the Town Clerk at least 24 hours prior to the proposed special meeting of the Town Board with the time specified in the call for the special meeting. **[Amended 3-13-2019 by Ord. No. 1]**
- B. No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meetings Law, pursuant to § 19.81 et seq., Wis. Stats., have been complied with by the person or persons requesting the public meeting.
- C. The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify each member of the Town Board in a reasonable form of notification with the receipt of notice to the Clerk. **[Amended 3-13-2019 by Ord. No. 1]**
- D. The Town Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board. If personal service upon any member of the Town Board was not completed, then the Town Clerk shall so state in the affidavit the type of service or written notice completed.
- E. Special meetings of the Town Board may be held without such service and notice when all members of the Town Board are present in person or consent, to holding of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of any special meeting of the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
- F. Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town of Koshkonong business that may come before the Town Board if such regular Town business was so noted in the written notice to the public as required by the State Open Meetings Law, § 19.82, Wis. Stats.

§ 147-8. Open meetings. [Amended 3-13-2019 by Ord. No. 1]

All Town Board and official Town committee and commission meetings shall be open to the public and be in compliance with Wisconsin's Open Meetings Law.

§ 147-9. Quorum. [Amended 3-13-2019 by Ord. No. 1]

A majority of the Board shall constitute a quorum, but a lesser number may adjourn if a majority is not present. The Chairperson shall be counted in determining whether a quorum exists. If no legal quorum is present at the time of the initial roll call, no action can be taken. Discussion may still occur.

§ 147-10. Presiding officer; absence of Chairperson or Clerk.

- A. Chairperson to preside. The Chairperson shall preside at all meetings of the Town Board when present.
- B. Absence of chairperson at call to order of meeting.
 - (1) If the Town Chairperson is not present at the time for the call to order, the senior member of the Town Board present, based on date of original election as a member of the Town Board, shall call the meeting of the Town Board to order, call the initial roll call and shall preside until the Town Chairperson is able to preside at the meeting of the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) If the Town Chairperson will not be able to, at anytime, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chairperson for the meeting of the Town Board until the Town Chairperson is able to preside at the meeting.
- C. Absence of Town Clerk at meeting. If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy Clerk or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Town Clerk.

§ 147-11. Order of business.

- A. Order of business. At all meetings, the following order may be observed in conducting the business of the Town Board:
 - (1) Call to order by presiding officer;
 - (2) Roll call;
 - (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
 - (4) Reports from officials of the Town;
 - (5) Reports from committees;
 - (6) Unfinished business remaining from preceding sessions in the order in which it was introduced;
 - (7) New business; ordinances and resolutions may be introduced and considered;
 - (8) Business as may be presented by the Chairperson and Supervisors;

- (9) Presentation of petitions, memorials, remonstrances, and communications;
 - (10) Miscellaneous;
 - (11) Adjournment.
- B. Agenda preparation.
- (1) The Town Clerk shall prepare an agenda incorporating the matters comprising the order of business; and
 - (2) There be included on said agenda a time for hearing citizens wishing to address the Board; and
 - (3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Clerk at least nine business days prior to the meeting, (except in emergency situations as determined by the Chairperson or Town Clerk), nor shall the agenda be amended to include said matter, either prior to ordering the meeting, except when the members of the Board unanimously agree to the agenda addition.
- C. Order to be followed; citizen comments.
- (1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.
 - (2) Addressing the Board.
 - (a) At meetings of the Town Board no person, other than the members of this Board, shall address the Town Board or any member of the Town Board. This provision shall not apply to:
 - [1] The Town Clerk.
 - [2] The Town Treasurer.
 - [3] The Town Constable.
 - [4] Any member of the Town Board.
 - [5] Town Engineer or Town Attorney.
 - (b) This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.

- (c) The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board, following the guidelines in § 147-14.
- D. Roll call; procedure when quorum not in attendance. As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members of alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn.

§ 147-12. Introduction of business, resolutions and ordinances; disposition of communications.

- A. Ordinances to be in writing. All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read and then discussed and acted upon as the Board deems appropriate.
- B. Subject and numbering of ordinances. Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. Notice.
 - (1) The Town Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.
 - (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk in written form a minimum of nine business days prior to the meeting at which action is requested (except in emergency situations as determined by the Chairperson or Town Clerk).
- D. Disposition of petitions, communication, etc. Every petition or other writing of any kind, addressed to the Board, Clerk or other Town officer for reference to the Town Board, shall be delivered by the Clerk or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

§ 147-13. Conduct of deliberations.

- A. A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.

- (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.
 - (3) When required by law. **[Amended 3-13-2019 by Ord. No. 1]**
- B. All aye and nay votes shall be recorded in the official minutes.
- C. Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code of Ordinances: **[Amended 3-13-2019 by Ord. No. 1]**
- (1) No Supervisor shall address the Board until he/she has been recognized by the presiding officer. He shall thereupon address himself to the Chairman and confine his/her 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.

§ 147-14. Procedure at public hearings.

- A. The Chairperson shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- B. Each person speaking on behalf of the proposition may be limited in time as determined by the Chairperson. **[Amended 3-13-2019 by Ord. No. 1]**
- C. The Chairperson shall then call on those persons who wish to oppose the proposition.
- D. Each person wishing to speak in opposition to the proposition shall give his or her name and address and shall be subject to the same time limitation. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, do so; provided, however, such rebuttal statement shall be limited as determined by the Chairperson. **[Amended 3-13-2019 by Ord. No. 1]**
- F. When the Chairperson in his discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

§ 147-15. Motions; voting. [Amended 3-13-2019 by Ord. No. 1]

- A. Motions stated. Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion

before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion if required under Robert's Rules of Order. Motions made, in writing, by a member of the Town Board and provided to the Town Clerk prior to the meeting shall be provided priority in the appropriate order of business. The Town Chairperson may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted, in writing, to the members of the Town Board prior to the final vote on the matter.

- B. Change of vote. No member of the Town Board may change his or her vote on any action item, business item, motion or question after the final result has been announced, except for reconsideration of motion.
- C. Public directory votes. No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

§ 147-16. Reconsideration of questions. [Amended 3-13-2019 by Ord. No. 1]

It shall be in order for any member if, in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed.

§ 147-17. Publication or posting of ordinances and resolutions. [Amended 2-10-2021]

- A. General requirement. The Town Clerk shall post and publish all ordinances and resolutions pursuant to Wisconsin law.⁴

§ 147-18. Amendment of rules.

The rules of this chapter shall not be rescinded or amended unless the proposed ordinance amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Board.

4. Note: State law reference — Publication of legal notices, public newspapers, and fees, Wis. Stats. § 985.01 et seq.; official newspapers, Wis. Stats. § 985.06.

§ 147-19. Suspension of rules.

Any of the provisions of §§ 147-13 through 147-16, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.

§ 147-20. Public works.

Without limitation because of enumeration, the Town Board may:

- A. Acquire lands. Notwithstanding § 60.10(2)(e), Wis. Stats., acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the Town of Koshkonong.
- B. Streets, sewers and water mains. Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer or water main in the Town.
- C. Sidewalks. Provide for construction, removal, replacement or repair of sidewalks under § 66.0907, Wis. Stats.
- D. Lighting highways. Provide for lighting for highways, as defined under § 340.01(22), Wis. Stats., located in the Town.
- E. Lake improvement. Provide for making improvements in any lake or waterway located in the Town.

Chapter 154**TOWN MEETINGS****GENERAL REFERENCES**

Town Board — See Ch. 147.

§ 154-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANNUAL TOWN MEETING — The Town meeting held under § 60.11, Wis. Stats.

SPECIAL TOWN MEETING — A Town meeting, other than the annual Town meeting, held under § 60.12, Wis. Stats.

TOWN MEETING — The annual Town meeting or a special Town meeting.

§ 154-2. Powers.

- A. Direct powers. Town meeting may:

- (1) Raise money. Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection B(1) below.
 - (2) Town offices and officers.
 - (a) Fix the compensation of elective Town offices under § 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection B(1) below.
 - (b) Combine the offices of Town Clerk and Town Treasurer under § 60.305(1), Wis. Stats.
 - (c) Combine the offices of Town Assessor and Town Clerk under § 60.305(2), Wis. Stats.
 - (d) Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
 - (e) Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under § 60.305(1)(b), Wis. Stats.
 - (3) Election of Town officers.
 - (a) Adopt a plan under § 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
 - (b) Provide under § 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.⁵
 - (4) Cemeteries. Authorize the acquisition and conveyance of cemeteries under § 157.50(1) and (3), Wis. Stats.
 - (5) Administrator agreements. Approve agreements to employ an Administrator for more than three years under § 60.37(3)(d), Wis. Stats.
 - (6) All other matters as permitted by law. **[Added 3-13-2019 by Ord. No. 1]**
- B. Directives or grants of authority to Town board. Except as provided under Subsection C, directives or grants of authority to the Town Board under this subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town meeting directing or authorizing the Town Board to exercise one of the optional powers of this subsection shall include language that makes the intent of those attending the Town meeting clear. A resolution adopted under this subsection shall specify whether the directive or

5. Editor's Note: Original Sec. 2-2-2(a)(4), Public waterways, which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town meeting may:

- (1) Raise money. Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.
- (2) Membership of Town Board in populous towns. If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under § 60.21(2), Wis. Stats.
- (3) Exercise of village powers. Authorize the Town Board to exercise powers of a Village Board under § 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.
- (4) General obligation bonds. Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.
- (5) Purchase of land. Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.
- (6) Town buildings. Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.
- (7) Disposal of property. Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.
- (8) Watershed protection and soil and water conservation. Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.
- (9) Appointed Assessors. Authorize the Town Board to select Assessors by appointment under § 60.307(2), Wis. Stats.
- (10) Compensation of elective Town offices. Authorize the Town Board to fix the compensation of elective Town offices under § 60.32(1)(b), Wis. Stats.
- (11) All other matters as permitted by law. **[Added 3-13-2019 by Ord. No. 1]**

- C. Authorization to Town board to appropriate money. The Town meeting may authorize the Town Board to appropriate money in the next annual budget for:
- (1) Conservation of natural resources. The conservation of natural resources by the Town or by a bona fide nonprofit organization under § 60.23(6), Wis. Stats.
 - (2) Civic functions. Civic and other functions under § 60.23(3), Wis. Stats.
 - (3) Insects, weeds and animal diseases. The control of insect pests, weeds or plant or animal diseases within the Town.
 - (4) Rural numbering systems. Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under § 59.54(4) and (4m), Wis. Stats.
 - (5) Cemetery improvements. The improvement of a Town cemetery under § 157.50(5), Wis. Stats.
 - (6) All other matters as permitted by law. **[Added 3-13-2019 by Ord. No. 1]**

§ 154-3. Annual Town meeting.

- A. Requirement. The Town of Koshkonong shall hold an annual Town meeting as provided in this section.
- B. When held. **[Amended 3-13-2019 by Ord. No. 1]**
- (1) Except as provided in Subsection B(2) below, the annual Town meeting shall be held on the third Tuesday of April.
 - (2) The annual Town meeting may set a date different than provided under Subsection B(1) above for the next annual Town meeting if the date is within 10 days after the third Tuesday of April.
- C. Where held.
- (1) The annual Town meeting may be held in the Town or in any village or city or adjoining the Town of Koshkonong. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than 20 nor less than 15 days before the date of the meeting.
- D. Adjournment. The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within 30 days after the date of the meeting originally scheduled under Subsection B. Business not

acted on at the annual meeting, or within the 30 days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under § 60.12, Wis. Stats.

- E. Notice. No public notice of the annual Town meeting is required if held as provided under Subsection B(1). If held as provided under Subsection B(1), notice of the time and date of the meeting shall be given under § 60.12(3), Wis. Stats.
- F. Jurisdiction. The annual Town meeting may transact any business over which the Town meeting has jurisdiction.
- G. Poll list. The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

§ 154-4. Special Town meetings.

- A. Who may convene. A special Town meeting may be convened if:
 - (1) Called by a Town meeting.
 - (2) A written request, signed by a number of electors equal to not less than 10% of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk.
 - (3) Called by the Town Board.
- B. Time, date and purpose to be stated. If a special Town meeting is requested or called under Subsection A, the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- C. Notice. The Town Clerk shall, not more than 20 nor less than 15 days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.
- D. Location.
 - (1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.
 - (2) A special Town meeting shall be held where the preceding annual Town meeting was held, unless the location is changed by the Town Board.
- E. Adjournment. A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within 30 days after the date of the originally scheduled meeting.
- F. Jurisdiction. Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

§ 154-5. Presiding officer.

A. Who presides.

(1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in § 154-1. If the Town Board Chairperson is absent, another Town Board Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.

(2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection A(1) above.

B. Duties. The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

C. Enforcement authority. The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

§ 154-6. Procedure.

A. Qualified voters. Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

B. Definition. A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a United States citizen, 18 years of age or older, and who has been a resident of the Town for at least 10 days on the date a Town meeting is held.

C. Method of action; necessary votes. All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.

D. Order of business. At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.

E. Reconsideration of actions.

- (1) A vote of the Town meeting may be reconsidered at the same meeting at which the vote was taken if the Town meeting votes to reconsider within one hour after the initial vote was taken. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under § 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

§ 154-7. Clerk.

The Town Clerk shall serve as Clerk of the Town meeting. If the Town Clerk is absent, the Deputy Town Clerk, if the Town has one, shall serve as Town meeting Clerk. If the Deputy Clerk is absent, the Town meeting chairperson shall appoint a Clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under § 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk within five days after the meeting.

Part II: General Legislation

Chapter 190

ANIMALS

GENERAL REFERENCES

Nuisances — See Ch. 391.

Peace and good order — See Ch. 415.

§ 190-1. Definitions. [Amended 3-13-2019 by Ord. No. 1]

In this chapter, unless the context or subject matter otherwise require:⁶

ANIMAL — Mammals, reptiles and birds.

AT LARGE — To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

CAT — Any feline, regardless of age or sex.

CRUEL — Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

6. Editor's Note: Original Sec. 7-1-1(a), Licensed required, was repealed 3-13-2019 by Ord. No. 1.

DOG — Any canine, regardless of age or sex.

FARM ANIMAL — Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

LAW ENFORCEMENT OFFICER — Has that meaning as appears in § 967.02(5), Wis. Stats., and includes a humane officer under § 173.03, Wis. Stats., but does not include a conservation warden appointed under § 23.10, Wis. Stats.

NEUTERED — As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

OWNER — Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 10 days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.

PET — An animal kept and treated as a pet.

§ 190-2. Rabies vaccination required for license.

- A. Rabies vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian at five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Koshkonong after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of § 95.21(2), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Town 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 vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Centers for Disease Control of the United States Department of Health and Human Services and the Town.
- C. Copies of certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

- D. Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- E. Tag to be attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection A.
- F. Duplicate tag. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- G. Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

§ 190-3. Issuance of dog and kennel licenses.

- A. Dog licenses.⁷
 - (1) It shall be unlawful for any person in the Town of Koshkonong to own, harbor or keep any dog more than five months of age without complying with the provisions of § 174.05 through § 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license fee and obtain a license. **[Amended 3-13-2019 by Ord. No. 1]**
 - (3) The minimum license fee under this section for spayed females or neutered males and for unspayed or unneutered animals shall be as provided in the Town Fee Schedule.⁸ Transfer of licenses shall be pursuant to state law. **[Amended 3-13-2019 by Ord. No. 1]**
 - (4) Upon payment of the required license fee and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 190-2 of this chapter, the Town Treasurer or his

7. Editor's Note: See also county zoning provisions.

8. Editor's Note: The Fee Schedule is on file in the Town office.

deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer or his deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year. **[Amended 3-13-2019 by Ord. No. 1]**

- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in § 190-2E.
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Town law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Koshkonong continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license fee, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer or his designee upon application therefor. **[Amended 3-13-2019 by Ord. No. 1]**

B. Kennel licenses.

- (1) Any person who keeps or operates a kennel may, instead of the license fee for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license fee according to the Town Fee Schedule.⁹ Upon payment of the required kennel license fee and, if required by the Town Board, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the Town Treasurer or his deputy shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. (Note: See Jefferson County Zoning Ord. No. 11.) **[Amended 3-13-2019 by Ord. No. 1]**
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a

9. Editor's Note: The Fee Schedule is on file in the Town office.

dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

§ 190-4. Late fees. [Amended 3-13-2019 by Ord. No. 1]

The Town Treasurer shall assess and collect a late fee according to the Town Fee Schedule¹⁰ 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. Said late fee shall be charged in addition to the required license fee.

§ 190-5. Rabies quarantine.

- A. Dogs and cats confined. If a district or neighborhood is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three public places in the Town notices of quarantine.
- B. Exemption of vaccinated dog or cat from Town quarantine. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection A if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- C. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.
 - (1) Quarantine or sacrifice of dog or cat. A law enforcement, humane or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) Sacrifice of other animals. A law enforcement, humane or animal control officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

10. Editor's Note: The Fee Schedule is on file in the Town office.

D. Quarantine of dog or cat.

- (1) Delivery to isolation facility or quarantine on premises of owner. A law enforcement, humane or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
 - (a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
 - (b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

- E. Delivery of carcass; preparation; examination by laboratory of hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- F. Cooperation of veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- G. Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

§ 190-6. Restrictions on keeping of dogs, cats, fowl and other animals.

- A. Restrictions. It shall be unlawful for any person within the Town of Koshkonong to own, harbor or keep any dog, cat, fowl or other animal which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Town.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Town.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See § 190-11.)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.

B. Vicious dogs and animals.

- (1) For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any twelve-month period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
- (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

C. Animals running at large.

- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Town Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or other designated official.
- (2) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

D. Owner's liability for damage caused by dogs; penalties. The provisions of § 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

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

§ 190-7. Impoundment of animals.

A. Animal control agency.

- (1) The Town of Koshkonong may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of

impoundment animals and for assisting in the administration of rabies vaccination programs.

- (2) The Town of Koshkonong does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this section.
- B. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.
 - C. Claiming animal; disposal of unclaimed animals. After seizure of animals under this section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his/her possession. If, within seven days after such notice, the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for 14 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town ordinance.
 - D. Sale of impounded animals. If the owner doesn't reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.
 - E. Town not liable for impounding animals. The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

§ 190-8. Dogs and cats restricted on cemeteries.

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

§ 190-9. Duty of owner in case of dog or cat bite.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to a law enforcement, humane or animal control officer and shall keep such dog or cat confined for not less than 14 days or for such period of time as a law enforcement, humane or animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

§ 190-10. Injury to property by animals.

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

§ 190-11. Barking dogs or crying cats. [Amended 3-13-2019 by Ord. No. 1]

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with the Town within a six-week period.¹¹

§ 190-12. Neglected or abandoned animals.**A. Neglected or abandoned animals.**

- (1) No person may abandon any animal.
- (2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and

11. Editor's Note: The following original sections, which immediately followed this section, were repealed 3-13-2019 by Ord. No. 1: Sec. 7-1-12, Sale of rabbits, chicks or artificially colored animals, Sec. 7-1-13, Providing proper food and drink to confined animals, and Sec. 7-1-14, Providing proper shelter.

such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
 - (5) Section 173.10, Investigation of Cruelty Complaints, and § 173.24, Expenses of Investigation, Wis. Stats., are hereby adopted by reference and made a part of this chapter.
- B. Injured animals. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Town or any animal control agency with whom the Town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

§ 190-13. Cruelty to animals and birds prohibited. [Amended 3-13-2019 by Ord. No. 1]

No person, except a law enforcement, health or humane officer in the pursuit of his duties, shall, within the Town, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

§ 190-14. Violations and penalties.

- A. Any person violating § 190-13 shall be subject to a forfeiture of not less than \$50 and not more than \$200. This section shall also permit the Town Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.
- B. General.
 - (1) Anyone who violates §§ 190-1, 190-2, 190-3, 190-4 and 190-5 of this Code or Ch. 174, Wis. Stats., shall be subject to a forfeiture of not less than \$25 and not more than \$200 for the first offense and not less than \$100 and not more than \$400 for any subsequent offenses.

- (2) An owner who refuses to comply with an order issued under § 190-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 60 days. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Any person who violates §§ 190-6 through 190-11 of this Code shall be subject to a forfeiture of not less than \$25 and not more than \$100 for the first violation and not less than \$50 and not more than \$200 for subsequent violations.

Chapter 199

ASSEMBLIES, MASS PUBLIC

GENERAL REFERENCES

Intoxicating liquor and fermented malt beverages — See Ch. 305.

§ 199-1. Definitions.

The following definitions shall be applicable in this section:

ASSEMBLY — A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in § 199-3.

PERSON — Any individual, partnership, corporation, firm, organization, company, association, society or group.

PUBLIC GATHERING — Shall be as defined in § 199-3.

§ 199-2. Intent.

- A. It is the purpose of the Town Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Town of Koshkonong, in order that the health, safety and welfare of all persons in the Town, residents and visitors alike, may be protected.
- B. The purpose and intent of this section is to establish site approval for locations in the Town of Koshkonong used temporarily for large gatherings, as defined in § 199-3, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this section should be the subject of a public gathering permit issued only after public hearing and a determination by the Town Board that there will be compliance with the standards set forth in this section.

§ 199-3. Scope.

This section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than 500 persons for a one day event and greater than 250 persons for a two day or more event. The requirement for a public gathering permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designed for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

§ 199-4. Permit required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a public gathering permit to hold the assembly has first been issued by the Town Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

§ 199-5. Application for permit.

- A. Applicant. Applications for a public gathering permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.
- B. Filing period. An application for a public gathering permit shall be filed with the Town Clerk not less than 45 days nor more than 120 days before the date on which it is proposed to conduct the event.

§ 199-6. Required application information.

The application for a public gathering permit shall contain and disclose all of the following information:

- A. The name, residence and mailing address of all persons required to sign the application by § 199-5A above and, in the case of a corporation, a certified copy of the Articles of Incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of such corporations.

- B. The name and mailing address of the promoter and/or sponsor of the gathering.
- C. The address or legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one inch equals 100 feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or watercourses, as well as the vertical contour interval two feet above the ordinary high-water level. **[Amended 3-13-2019 by Ord. No. 1]**
- D. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 250 or more persons.
- E. The nature or purpose of the assembly.
- F. The total number of days and/or hours during which the assembly is to last.
- G. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.
- H. The maximum number of tickets to be sold, if any.
- I. The plans of the applicant to limit the maximum number of people permitted to assemble.
- J. The plans for fencing the location of the assembly and the gates contained in such fence.
- K. The plans for supplying potable water, including the source, amount available and location of outlets.
- L. The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
- M. The plans for holding, collection and disposing of solid waste material.
- N. The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.

- O. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.
- P. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots.
- Q. The plans for camping facilities, if any, including facilities available and their location.
- R. The plans for security, including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.
- S. The plans for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
- T. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
- U. The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.
- V. The application shall include the bond required in § 199-7 and the permit fee.

§ 199-7. Bond.

The Town Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the Town Board, but not exceeding \$100,000, conditioned on complete compliance by the applicant and site owner with all provisions of this section, the terms and conditions of the public gathering permit, including cleaning up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the Town Clerk prior to the issuance of a permit.

§ 199-8. Charge for increased costs.

Where the Town Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the Town Board may require the permittee to make an additional payment into the general fund of the Town in an amount equal to the increased costs.

§ 199-9. Hearing; determination. [Amended 3-13-2019 by Ord. No. 1]

Prior to considering an application for a Public Gathering Permit, the Town Board shall conduct a public hearing at the discretion of the Town Board on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The Town Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.

§ 199-10. Standards.

A public gathering permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the Town Clerk copies of properly executed contracts establishing the ability to fully provide the services required under this section:

- A. For events scheduled for two successive days or more, at least one acre of land, exclusive of roads, parking lots and required yards shall be provided for each 100 persons attending.
- B. Every site proposed for a public gathering permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
- C. Due to the physical characteristics of the site, the Town Board may require that the applicant shall provide proof that he will furnish, at his own expense, a minimum of two days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.
- D. The applicant shall provide proof that he has contracted for local EMS services to provide emergency ambulance and EMT services, at the applicant's expense, for events at which over 1,000 persons will be in attendance.
- E. The applicant shall provide proof that he will furnish, at his own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine

unreasonably beyond the boundaries of the enclosed location of the assembly.

- F. The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- G. The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 500 people. If it is determined by the Town Chairperson that additional police protection shall be required, he may contact the County Sheriff's Department; and all costs for the additional protection required shall be deducted from the posted cash bond.
- H. The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and Town, and sufficient emergency personnel to efficiently operate the required equipment.
- I. The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.
- J. The applicant shall provide separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 100 females and at least one toilet for every 200 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
- K. The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of

solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

- L. If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the Town and county, sufficient to provide camping accommodations for the maximum number of people to be assembled.

§ 199-11. Reasons for denial.

Applicants may be denied for any of the following nonexclusive reasons:

- A. It is for a use which would involve a violation of federal or state law or any Town or county ordinance.
- B. The granting of the permit would conflict with another permit already granted or for which application is already pending.
- C. The application does not contain the information or does not properly satisfy the conditions required by this section.
- D. The application is made less than the required days in advance of the proposed assembly.
- E. The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.
- F. The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
- G. The assembly will reasonably create a substantial risk of injury to persons or damage to property.
- H. The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

§ 199-12. Class B fermented malt beverage licenses.

When fermented malt beverages are sold at any event authorized by this section, a valid temporary fermented malt beverage license shall be obtained and applicable Town ordinances shall be fully complied with. Said license must be possessed by the person who filed for the license and shall be presented to any law enforcement officer upon request.

§ 199-13. Recommendations of governmental agencies. [Amended 3-13-2019 by Ord. No. 1]

The Town Clerk may submit a copy of the application to the Jefferson County Sheriff's Department and other governmental agencies for their recommendations.

§ 199-14. Permit revocation.

Any law enforcement officer, the Town Chairperson, or the Town Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Town and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the Town and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

§ 199-15. Fees. [Amended 3-13-2019 by Ord. No. 1]

Fees applicable under this chapter, according to gathering size, shall be as provided in the Town Fee Schedule.¹²

Chapter 207

BLASTING

GENERAL REFERENCES

Fires and fire prevention — See Ch. 272.	Hazardous materials and pollution — See Ch. 291.
Fireworks — See Ch. 278.	Nonmetallic mining — See Ch. 367.

§ 207-1. Definitions.

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

AIRBLAST — An airborne shock wave resulting from the detonation of explosives.

APPROVED — Approval granted by the Town of Koshkonong.

12. Editor's Note: The Fee Schedule is on file in the Town office.

BLASTER — Any individual holding a valid blaster's license issued by the Wisconsin Department of Safety and Professional Services.

BLASTING — Any method of loosening, moving or shattering masses of solid matter by use of an explosive.

BLASTING OPERATION — Any operation, enterprise or activity involving the use of blasting.

BLASTING RESULTANTS — The physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.

COMMUNITY — A built-up inhabited area.

DEPARTMENT — The Wisconsin Department of Safety and Professional Services.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

ELECTRIC BLASTING CAP — A blasting cap designed for, and capable of, initiation by means of an electric current.

EXPLOSION — The substantially instantaneous release of both gas and heat.

EXPLOSIVE — Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.

EXPLOSIVE MATERIALS — Explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

FLYROCK — Rock that is propelled through the air from a blast.

GROUND VIBRATION — A shaking of the ground caused by the elastic wave emanating from a blast.

HIGHWAY — Any public street, public alley or public road.

INHABITED BUILDING — A building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

PARTICLE VELOCITY — Any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.

PERMITTED EXPLOSIVES USE AREA — The area that surrounds a blasting site and:

- A. Is owned by the operator; or
- B. With respect to which, because of property ownership, employment relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.

PERSON — Any individual, corporation, company, association, firm, partnership, society or joint stock company.

POWDER FACTOR — Any ratio between the amount of powder loaded and the amount of rock broken.

PRIMER — A capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of explosive.

STEMMING — The inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.

UNREASONABLE ANNOYANCE — An excessive, repeated noise, action or other disturbance that is not justified by reason.

§ 207-2. Purpose of chapter.

The purpose of this chapter is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or unreasonable annoyance to persons or property.

§ 207-3. Regulation of explosive materials and blasting.

- A. General. No person shall handle or use explosive materials in the Town of Koshkonong, unless he:
 - (1) Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classification; and
 - (2) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this chapter and Ch. SPS 307, Explosives and Fireworks, Wisconsin Administrative Code.
- B. Permit. No person shall handle, use or cause explosives to be detonated within the Town of Koshkonong without an explosives use permit issued by the Town of Koshkonong, as hereafter set forth, to such person, his supervisor or employer:
 - (1) Application. Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall

be accompanied by a permit fee, as provided in the Town Fee Schedule,¹³ as determined by the Town Board based on the size of the proposed blasting activity. Permits shall be issued on an annual basis commencing January 1 and ending on December 31 of the succeeding year. All explosives use permits applied for after July 1 shall be prorated from the date of the issuance of the permit to January 1 of the succeeding year. Applications may be made by and permits issued to the owner of a business, provided that the employees doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) Bond. Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a surety bond in the sum of \$100,000 executed by the permit applicant and by a bonding company acceptable to the Town Attorney, as surety, being payable to the Town and conditioned upon the payment to the Town for all damages suffered by the Town, including any damages to utilities and property of the Town, and for all costs incurred by the Town to enforce the provisions of this section and the permit issued under it.
- (3) Explosives use plan. Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Engineer with a scale of no less than one inch equals 100 feet and having an overlaying grid of 50 feet by 50 feet which accurately includes all areas and inhabited buildings within 500 feet of all proposed blasting areas.
- (4) Hours of operation. Blasting shall only be conducted between 8:00 a.m. and 5:00 p.m. on Monday through Friday and 8:00 a.m. to noon on Saturday, provided, however, that in the event an emergency has delayed a blast beyond 5:00 p.m., a loaded hole may be blown within a reasonable time thereafter. Blasting shall not be conducted at other times or on Sundays or legal holidays without written permission from the Town Engineer or his designee, which shall only be granted upon a showing of extreme need.
- (5) Blasting log. A blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Engineer or Town Board 30 working days of the initiation of the blast or sooner if requested by the Town Board. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may obtain such analysis from an

13. Editor's Note: The Fee Schedule is on file in the Town office.

independent expert. The permittee shall be liable for the cost of such analysis if it is determined after an opportunity to be heard that there was good cause for the Town to require such an analysis. Each blasting log shall include, but not be restricted to, the following information:

- (a) Name and license number of blaster in charge of blast;
- (b) Blast location with grid coordinate references to the supplied aerial photograph or drawing of the explosives use area;
- (c) Date and time of blast;
- (d) Weather conditions at time of blast;
- (e) Diagram and cross section of blast hole layout;
- (f) Number of blast holes;
- (g) Blast hole depth and diameter;
- (h) Spacing and burden of blast holes;
- (i) Maximum holes per delay;
- (j) Maximum pounds of explosives per delay;
- (k) Depth and type of stemming used;
- (l) Total pounds of explosives used, including primers and initiating cord;
- (m) Distance to nearest inhabited building not owned by permittee;
- (n) Type of initiation system used;
- (o) Seismographic and airblast information, which shall include:
 - [1] Type of instrument and last calibration date;
 - [2] Exact location of instrument and date, time and distance from the blast;
 - [3] Name and company affiliation of person taking reading;
 - [4] Name of the person and firm analyzing the seismographic and airblast data when required; and
 - [5] Vibrations and airblast levels recorded.

§ 207-4. Temporary permits. [Amended 3-13-2019 by Ord. No. 1]

The Town Clerk, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of 14 consecutive working

days. The temporary permit fee shall be determined by the Town Fee Schedule and shall be submitted with the completed temporary permit application form. Only one temporary permit can be issued for any given site within the year of permit issuance.

§ 207-5. Regulation of blasting resultants.

- A. Purpose of sections. It is the purpose of this section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town of Koshkonong does not cause injury, damage or unreasonable annoyance to persons or property outside and beyond the permitted explosives use area.
- B. Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this subsection shall meet the following minimum specifications:
- (1) Seismic frequency range: 2 to 200 Hz (\pm 3 Hz).
 - (2) Acoustic frequency range: 2 to 200 Hz (\pm 1 Hz).
 - (3) Velocity range: 0.02 to 4.0 inches per second.
 - (4) Sound range: 100 to 140 dB linear.
 - (5) Transducers: three mutually perpendicular axes.
 - (6) Recording. Provide time-history of wave form.
 - (7) Printout. Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three directions.
 - (8) Calibration. At least once every 12 months according to manufacturer's recommendations.
- C. Control of adverse effects.
- (1) General requirements. Blasting shall be conducted so as to prevent injury and unreasonable annoyance to persons and damage to public or private property outside the permitted explosives use area.
 - (2) Airblast.
 - (a) Limits. Airblast shall not exceed the maximum limits listed in Table A-1 at the location of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area. Notwithstanding this general requirement, an annual permit holder subject to this limitation may exceed the limitation on up to 5% of the blasts it initiates during the six-month period

from July 1 to December 31, and during the six-month period from January 1 to June 30, without violating this ordinance, provided that the airblast produced by such blasts does not exceed the limitations on airblast imposed by the Wisconsin Department of Safety and Professional Services in § SPS 307.44(3), Wis. Adm. Code, as amended from time to time.

Table A-1	
Airblast Limits	
Lower Frequency Limit of Measuring System(Hz)	Maximum Level(db)
2 or lower — Flat response	123 peak
6 or lower — Flat response	129 peak

(b) Monitoring.

[1] The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area, provided, however, that the permittee may monitor, at another location, approximately the same distance from the blast site, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board or its designee may, at its discretion, require the relocation of monitoring equipment to a more suitable site and/or may conduct independent airblast monitoring to spot-check data supplied by the permittee. If the independent monitoring was done after good cause was shown therefor and after the permittee was given notice and an opportunity to be heard on the matter, the permittee shall be liable to the Town of Koshkonong for all expenses incurred by the Town of Koshkonong as a result of such independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within 30 days after receipt of such notice.

[2] The measuring equipment used shall have an upper end flat frequency response of at least 200 Hz.

(3) Flyrock. Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.

(4) Ground vibration.

(a) General.

- [1] The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church or community or institutional building outside or beyond the permitted explosives use area shall have a maximum peak-particle-velocity limit as provided by the Department, the scaled-distance equation or the blasting level chart of § SPS 307.44, Wis. Adm. Code, whichever is applicable hereunder. Notwithstanding this general requirement, an annual permit holder who is subject to the limitations of § SPS 307.44, Wis. Adm. Code, may exceed the limitations prescribed by the Town Engineer on up to 5% of the blasts it initiates during the six-month period from July 1 to December 31 and during the six-month period from January 1 to June 30 without violating this section, provided that the ground vibration produced by such blasts does not exceed 0.65 inches per second or the limitations imposed by the Wisconsin Department of Safety and Professional Services in § SPS 307.44(4), Wis. Adm. Code, as amended from time to time, whichever is more stringent. Further, upon a showing by the permittee of particular need (e.g., to deal with difficult physical conditions, such as a "toe" or other uneven burden conditions), the Town Engineer is authorized to approve individual proposed blasts, or specified sequences of proposed blasts, which are anticipated to produce ground vibration in excess of the limitations imposed by the Town Engineer, without violating this section, provided that such specially approved blasts shall not exceed the limitations of § SPS 307.44(4), Wis. Adm. Code as amended from time to time. (All such specifically approved blasts exceeding the limitations but not exceeding the limitations of § SPS 307.44(4), shall be counted as blasts exceeding the limitations for purposes of determining whether an annual permit holder has exceeded such limitations with respect to more than 5% of its blasts during a six-month period hereunder.) Any denial of such special approval by the Town Engineer may be appealed to the Town Board.
- [2] All structures in the vicinity of the permitted explosives use area, not listed in Subsection C(4)(a)[1], such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines shall be protected from damage by establishment by the permit holder of a maximum allowable limit on the ground vibration. The permit holder shall establish the limit after consulting with the owner of the structure.
- (b) Seismic monitoring.

- [1] The Town Board, in its discretion, may conduct independent seismic blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring was done after good cause was shown therefor and after the permittee was given notice and an opportunity to be heard on the matter, the permittee shall be liable to the Town of Koshkonong for all expenses incurred by the Town of Koshkonong as a result of such independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within 30 days after receipt of such notice.
 - [2] The Town Board, upon good cause shown and after giving the permittee notice and an opportunity to be heard, may request analysis, by a method approved by the Town Engineer, of records and data for any or all blasts which occurred within the permitted explosives use area.
- (c) Preblasting notification.
- [1] Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within an area affected by the permitted explosives use. The affected area shall be determined based on the scaled-distance equation using a scaled-distance factor (Ds) of 100, affected dwellings or other structures shall be those located within the distance (D) of the permitted explosives use area for the weight per delay (W) of explosives to be used. All calculations shall be included in the permit application.
 - [2] At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area, affected by the permitted explosives use, may request a preblast survey. This request shall be in writing to the Town Engineer, who shall promptly notify the applicant/permittee. The applicant shall cause a preblast survey to be conducted as to such dwelling or structures, provided, however, that the applicant shall not be required to conduct a preblast survey more than once every six years as to any dwelling or structure, unless the dwelling or structure has been substantially modified or improved. The preblast survey shall be promptly conducted in a manner and form and by an independent survey company or organization selected by the applicant and acceptable to the owner or resident and the Town Engineer. The survey shall determine the condition of the dwelling or structure

and shall document any preblasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives.

- [3] The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town of Koshkonong, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit, in writing, to the Town of Koshkonong any objections to the survey report, setting forth in detail such objections.
- [4] An updated survey may be requested by the owner or resident of any additions, modifications or renovations which occur to the previously surveyed dwelling or structure. The request shall be in writing to the Town Engineer, who shall promptly notify the permittee. The updated survey shall be performed in the same manner and form as the original survey.
- [5] All expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the applicant/permittee, who shall reimburse the Town for such expenses within 30 days after receipt of such notice.

Chapter 218

BUILDING CONSTRUCTION

§ 218-1. Building code established.

- A. Title. This chapter shall be known as the "Building Code of the Town of Koshkonong, Jefferson County, Wisconsin" and will be referred to in this chapter as "this Code," "this chapter," or "this Ordinance."
- B. Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- C. Scope. New buildings hereafter erected in, or any building hereafter moved within or into the Town of Koshkonong, shall conform to all the requirements of this chapter except as they are herein specifically

exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it is being used for such purpose at the time this chapter was enacted. The provisions of this chapter supplement the laws and administrative rules of the State of Wisconsin pertaining to construction and use and the Zoning Code of Jefferson County and amendments thereto (and other zoning regulations adopted after the original enactment date of this chapter) to the date this chapter was adopted and in no way supersede or nullify such laws and said supplementary codes and regulations.

- D. Definition. For purposes of this chapter, these terms shall have the following meaning:

BUILDING INSPECTOR — The Building Inspector serving the Town of Koshkonong. For purposes of this chapter, the term shall also include the Town's plumbing, electrical, heating, ventilating and air conditioning (HVAC) inspectors.

TOWN — The Town of Koshkonong, Jefferson County, Wisconsin.

§ 218-2. Building permits and inspection.

- A. Permit required.

(1) General permit requirement. No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town of Koshkonong, per Town Fee Schedule,¹⁴ until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his designee. No person shall perform, or authorize the performance of such within the Town, building, heating, ventilating, air conditioning, plumbing, electrical or gas installation work, whether initial or new construction, or remodeling, alteration, additions or replacement regulated by this chapter, unless the required permit or license therefor is first obtained from the Building Inspector, or his designee. **[Amended 3-13-2019 by Ord. No. 1]**

(2) Alterations and repairs. The following provisions shall apply to buildings altered or repaired:

(a) Alterations. When any existing building or structure accommodates a legal occupancy and use but is of a

14. Editor's Note: The Fee Schedule is on file in the Town office.

substandard type of construction, then alterations which involve beams, girders, columns, bearing or other walls, room arrangement, heating and air-conditioning systems, light and ventilation, or changes in location of exit stairways or exits, or any or all of the above, may be made in order to bring such existing construction into conformity with the minimum requirements of this chapter applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations. **[Amended 3-13-2019 by Ord. No. 1]**

- (b) Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - (c) Alterations when not permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. The Town Board, upon the recommendation of the Building Inspector, may exempt specific properties from the deterioration standards of this subsection in the case of unique historic structures. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - (d) Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this chapter are complied with.
 - (e) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- B. Application. Application for a building permit shall be made, in writing, upon a form furnished by the Town of Koshkonong and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use

to which said building is to be put and such other information as the Building Inspector may require.

- C. Dedicated street and approved subdivision required. Except for permits for agricultural buildings, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are accepted by the Town Board, except as otherwise authorized by the Town Board.
- D. Utilities required.
- (1) Utility service not available. If municipal sewer and water are not required by the Town, no nonagricultural building permit or occupancy permit will be issued until plans are provided for a private domestic sewage treatment and disposal system and an approved well system. The installation of the above-mentioned systems must be approved by the Town Building Inspector and the county agency in charge of issuing the applicable state permits.
 - (2) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
 - (3) Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
- E. Plans. With such application, there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of 1/4 inch to one foot [fireplace details to 3/4 inch to one foot]. One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of

the State Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector, or Town office. All plans and specifications shall be signed by the designer. Plans for all new one and two-family dwellings shall comply with the provisions of § SPS 320.09(4), Wis. Adm. Code.

- F. Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$2,000.
- G. Minor repairs. Minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with an estimated fair market value (including value of labor and materials) less than \$1,500, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure do not require issuance of a Town building permit. Other permits may be required.
- H. Approval of plans.
 - (1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town of Koshkonong and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- I. Issuance of permits. **[Amended 3-13-2019 by Ord. No. 1]**
 - (1) Payment of fees. Except as otherwise specifically provided, all permit, license and inspection fees required under this chapter shall be collected by the Town Clerk or designee prior to the issuance of the permit or license and the Town Clerk shall notify the various inspectors when such fee is paid. No permit or license shall be issued or reissued, or inspection performed, until the required fees are paid.
 - (2) Monthly reports. The Building Inspector shall make a monthly report to the Town of permits issued, fees collected and inspections made.

J. Inspection of work.

- (1) The owner or his agent shall have all lot corners and bends visibly staked prior to requesting an inspection. The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two business days after notification all buildings at the following states of construction:
 - (a) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
 - (b) General framing, rough electrical, plumbing and heating;
 - (c) Insulation; and
 - (d) Completion of the structure.
- (2) If he finds that the work conforms to the provisions of this chapter, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.
- (3) If the owner of the premises refuses to grant the Building Inspector permission to inspect the premises, the Building Inspector may request that an inspection warrant to be obtained as authorized by § 66.0119, Wis. Stats.

K. Permit lapses.

- (1) General. Permits issued under this chapter, except permits for one- and two-family dwelling units, shall lapse and be void unless construction or work thereunder has commenced within six months, or if construction has not been completed within 18 months, from the date of issuance. Construction has commenced if the footings or foundation has been excavated to a point where footings or foundation work can begin.
- (2) One- and two-family dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of 24 months from date of issuance.
- (3) Reissuance of permits. In the event any work for which a permit was issued is not completed within 24 months for one- and two-family dwelling units and within one year for other construction or work authorized by a valid permit issued under this chapter, then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be 1/2 of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.

L. Revocation of permits.

- (1) The Building Inspector or the Town Board (or its designee) may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (a) Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction order has been issued. **[Amended 3-13-2019 by Ord. No. 1]**
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.
 - (c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or certificate of occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) The notice revoking a building, plumbing or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction. The Town is to be notified by Building Inspector in writing.
- (3) A revocation placard shall also be posted upon the building, structure equipment or premises in question by the Building Inspector.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation

shall be in compliance with the regulation of this chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

- M. Report of violations. Town officials and employees shall report to the Building Inspector any building which is being carried on without a permit as required by this chapter.
- N. Display of permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

§ 218-3. State Uniform Dwelling Code adopted.

- A. State code adopted. The administrative code provisions describing and defining regulations with respect to one and two-family dwellings in Chapters SPS 320 through 325 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one and two-family dwellings in the Town of Koshkonong. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Clerk's Office.
- B. Existing buildings. The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
 - (1) An existing building to be occupied as a one or two-family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50% of the equalized value of the structure, said value to be determined by the Town Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this chapter for new buildings. The provisions of § 218-2 shall also apply.
 - (4) Roof coverings. Whenever more than 25% of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable Sections of this chapter.

(5) Additions and alterations. Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this chapter.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The Department of Safety and Professional Services.

DWELLING —

(1) Any building, the initial construction of which is commenced on or after the effective date of this chapter which contains one or two dwelling units; or

(2) An existing structure, or that part of an existing structure, which is used or intended to be used as a one or two-family dwelling.

MINOR REPAIR — Repair performed for maintenance or replacement purposes on any existing one or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING — A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

PERSON — An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE — Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

(1) Chapter SPS 320, Administrative and Enforcement.

(2) Chapter SPS 321, Construction Standards.

(3) Chapter SPS 322, Energy Conservation.

(4) Chapter SPS 323, Heating, Ventilating and Air Conditioning.

(5) Chapter SPS 324, Electrical Standards.

(6) Chapter SPS 325, Plumbing.

D. Method of enforcement.

- (1) Certified inspector to enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under § SPS 305.63, Wis. Adm. Code.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.
- (4) Inspection powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two-family dwellings shall be kept.

§ 218-4. Construction standards; codes adopted.

A. Portions of State Building Code adopted.

- (1) Codes adopted. Chapters SPS 361 through 366, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 361 through 366 incorporated herein are intended to be made a part of this Code. A copy of said Chapters SPS 361 through 366 and amendments thereto shall be kept on file in the office of the Town Clerk.
- (2) Requirements. Permits for buildings, structures or work under Subsection A(1) above shall be issued by the Building Inspector only for plans which have been approved under Subsection A(3)

below. Approvals may be obtained in any order, provided no permit shall be issued by the Building Inspector until plans stamped or endorsed by all approving authorities are on file in his office.

- (3) State approval required. Except when authority to approve plans has been delegated to the Building Inspector, all plans for commercial, industrial or other classes of buildings or places of employment described in § 101.12, Wis. Stats., shall be approved by the Wisconsin Department of Safety and Professional Services.
- B. State plumbing code adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. SPS 381, SPS 382 and SPS 383 and SPS 325 are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town of Koshkonong. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this chapter.
- C. State electrical code adopted.
- (1) Wis. Adm. Code § SPS 324 is hereby adopted by reference and made a part of this chapter and shall apply to the construction and inspection of new one and two-family dwellings and additions or modifications to existing one and two-family dwellings.
 - (2) Subject to the exceptions set forth in this chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this section and shall apply to all buildings, except those covered in Subsection C(1) above.
- D. Conflicts. If, in the opinion of the Building Inspector and/or the Town Board, the provisions of the State Building Code adopted by Subsection A of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this section.

§ 218-5. Certificate of occupancy.

- A. When required. It shall be unlawful for any person to use or permit the use of any building or premises, or part thereof, hereafter erected, changed, converted or enlarged, wholly or partially, in use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate of occupancy shall not be issued until all final inspections under this Code have been satisfactorily completed.
- B. Inspections.

- (1) The Building Inspector, and other Town Inspectors, shall make a final inspection of all new buildings, additions and alterations. If no violations of this Code or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this chapter shall be taken promptly and in no case longer than 14 days from the date the application is filed with the Building Inspector.
 - (2) No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
 - (3) If the Building Inspector determines after final inspection that the building, structure or work has substantially complied with every respect with all ordinances and orders of the Town and applicable laws and orders of the State of Wisconsin, he shall officially approve the work and shall issue the certificate of occupancy to the owner.
 - (4) No person shall alter any plans or specifications in any respect after a permit or certificate of occupancy has been issued therefor, except with the written consent of the Building Inspector or appropriate Town authority.
- C. Use discontinued.
- (1) Whenever any nonagricultural building or portion thereof is being used or occupied contrary to the provisions of this chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on the building owner or any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within 10 days after receipt of the notice or make the building or portion thereof comply with the requirements of the Code.
 - (2) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.
- D. Hardship. The Building Inspector, and other Town Inspectors, shall have the authority and power to permit the occupancy of any building or structure in the Town, prior to issuance of an occupancy certificate, in all such cases of hardship as in his judgment and discretion warrant occupancy before final stage of completion as set forth in this chapter. Before granting such permission, the Building Inspector shall first

examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time not to exceed 120 days.

§ 218-6. Electrical permits and inspections.

- A. State code adopted. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the Town Clerk.
- B. Permit. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector. The fees for such permit shall be paid when application is made. The fee schedule for electrical permits shall be as established by resolution of the Town Board.
- C. Inspection of work. After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.
- D. Access to buildings. The Building Inspector or his authorized agent may during reasonable hours enter any public building in the discharge of his official duties or for the purpose of making any inspection or tests of the electrical wiring or equipment contained therein.
- E. Authority to discontinue electrical inspection. When any electrical wiring or equipment is found by the Building Inspector to be dangerous to person or property because it is defective, defectively installed, or not installed according to applicable codes, the person, firm or corporation responsible for the electrical wiring or equipment shall be notified, in writing, and shall make any changes, alterations, or repairs required, in the judgment of the Building Inspector, to place such wiring or equipment in safe conditions. If such work is not completed within the period specified by the Building Inspector in the notice, the Building Inspector shall have the authority to order the disconnection of electrical service, and the wiring or equipment shall not be re-

energized until written permission is obtained from the Building Inspector.

§ 218-7. Plumbing permits and inspections.

- A. Plumbing defined. For the purpose of this chapter, "plumbing" is defined as follows:
- (1) As defined in § 145.01(10)(a), Wis. Stats.
 - (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- B. State code adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Chs. SPS 381 through 385, Wis. Adm. Code, are hereby made a part of this chapter by reference and shall extend over and govern the installations of plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code provisions incorporated herein are intended to be part of this chapter.
- C. Inspectors. The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of § SPS 382.21, Wis. Adm. Code, is necessary, he may require a water or air test on all or part of the installation.
- D. Applications. No plumbing shall be installed in the Town without first filing an application and receiving a permit. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single-family residence which is owned and occupied by such owner as his home. The fees for such permit shall be paid when application is made. The Fee Schedule for plumbing permits shall be as established by resolution of the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Access to buildings. The Plumbing Inspector or his authorized agent may during reasonable hours enter any public building in the discharge of his official duties or for the purpose of making any inspection or tests of the plumbing contained therein.

§ 218-8. New methods and materials.

- A. All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved, in writing, by the State Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- B. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

§ 218-9. Unsafe buildings.

- A. Whenever the Building Inspector and/or Town Board (or its designee) find any building or part thereof within the Town of Koshkonong to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats. The Building Inspector may require the owner or occupant of any premises within the Town to remove therefrom and dispose of, within a reasonably stated time, any unsightly articles or material visible to the public, and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the Town in general.
- B. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Town in an action against the owner or tenant.

§ 218-10. Disclaimer on inspections.

The purpose of the inspections under this chapter is to improve the quality of housing in the Town of Koshkonong. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed

structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

§ 218-11. Garages.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

§ 218-12. Regulation and permit for razing buildings.

- A. No buildings within the Town of Koshkonong shall be razed without written notification to the Town board members. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector.
- B. All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations. During the course of razing, the permittee shall ensure that all debris is controlled and removed from the site. **[Amended 3-13-2019 by Ord. No. 1]**

§ 218-13. Basements; excavations.

- A. Basement subflooring. First floor subflooring shall be completed within 60 days after the basement is excavated. Any excavation which exists for 60 days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within 10 days after receiving a written notice from the Building Inspector of such requirement; upon the failure of such owner to comply with such requirement within the stated period, the work may be done by the Town or its agent and the expense thereof shall be assessed against

such lot or parcel of land as a special tax pursuant to § 66.0627, Wis. Stats., to be collected in the same manner as are other real estate taxes.

- B. Fencing of excavations. The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.
- C. Closing of abandoned excavations. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two consecutive publications at least 10 days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of § 66.0703, Wis. Stats.
- D. Vacant buildings. Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within 30 days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector to condemn and raze said building or structure in accordance with the applicable provisions of § 66.0413(1)(f) and (j), Wis. Stats.

§ 218-14. Discharge of clear waters.

- A. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter,

ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Town and to the protection of the property.
- C. Groundwater. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- E. Storm sewer lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Town to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- F. Conducting tests. If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

§ 218-15. Regulations for moving buildings.

- A. General requirements.
 - (1) No person shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefor

from the Town Building Inspector or Town designee and upon the payment of the required fee in an amount determined by the Town Board pursuant to § 218-18. Every such permit issued by the Town Building Inspector or Town designee for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. Such permit shall not be required for moving agricultural buildings designed to be portable or transportable. The permittee must provide all information to the Town Clerk as the Town Board may reasonably require.

- (2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Town Clerk prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Building Inspector.
- B. Continuous movement. The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- C. Street repair. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Town designee, who shall inspect the streets, highways and curbs and gutters over which said building, accompanied by a representative of the Town, has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within 10 days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his letter of credit responsible for the payment of same. **[Amended 3-13-2019 by Ord. No. 1]**
- D. Conformance with code. No permit shall be issued to move a building within or into the Town of Koshkonong and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall

make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

E. Letter of credit.

- (1) Before a permit is issued to move any building over any public way in the Town, the party applying therefor shall give a letter of credit to the Town of Koshkonong in a sum to be fixed by the Building Inspector and which shall not be less than \$5,000, said letter of credit to be executed by a corporate surety or two personal sureties to be approved by the Town Building Inspector conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.
- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by Subsection E(1) shall be further conditioned upon the permittee erecting adequate barriers and within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

F. Insurance. The Building Inspector shall require in addition to said letter of credit above indicated, public liability insurance covering injury to one person in the sum of not less than \$500,000 and for one accident in a sum not less than \$500,000, together with property damage insurance in a sum not less than \$500,000, or such other coverage as deemed necessary. The Town of Koshkonong shall be named as a third party insured on the policy.

G. Town board review.

- (1) No such permit shall be issued unless it has been found as a fact by the Town Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and

views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plans of the buildings already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district established by the Jefferson County Zoning Code or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit with his application papers, complete plans and specification for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Town, which shall not be less than \$5,000 to be executed in the manner provided in Subsection E hereof to the effect that he will within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he shall request meeting of the Town Board to consider applications for moving permits which he has found comply in all respects with all other ordinances of the Town. The Town Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient.
- (3) The Town Board shall, in writing, make or refuse to make, a finding required by this subsection and file it in the office of the Town Clerk, who shall send a copy of it to the Building Inspector.

§ 218-16. Regulation of residential, commercial and swimming pool fences. [Amended 3-11-2015]

- A. Definitions. For the purpose of this section, the following terms shall have the meaning indicated:

FENCE — An enclosed barrier consisting of wire, wood, stone, metal or vinyl intended to control ingress or egress. This section shall not regulate agricultural fences, which shall be governed by the Wisconsin Statutes.

PROTECTIVE MEASURE FENCE — A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

B. Fence permit required.

- (1) Before work is commenced on the construction or erection of a residential or commercial fence, in a platted subdivision, or on any major alterations, alterations, additions, reconstruction or other improvements thereto, a fence permit shall first be obtained from the Building Inspector or his designee.
- (2) Plans and specifications and pertinent explanatory data, including location and type of construction and materials, shall be submitted to the Building Inspector at the time of application.
- (3) No work or any part of the work shall be commenced until a written fence permit for such work is first obtained by the applicant.
- (4) The Building Inspector or Town designee may refuse to issue a fence permit if the proposed material or design is unsightly, hazardous or would create a nuisance. **[Amended 3-13-2019 by Ord. No. 1]**
- (5) The minimum building permit fee pursuant to the Town Building Code shall accompany such application.

C. Fences categorized. Fences shall be categorized into three design classifications:

- (1) Boundary fence. A fence placed within one inch of the property lines of adjacent properties. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) Protective fence. A fence constructed to enclose a hazard to the public health, safety and welfare erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.
- (3) Architectural or aesthetic fence. A decorative fence constructed to enhance the appearance of the structure or the landscape and which does not control ingress or egress.

D. Height of fences regulated.

- (1) A fence or wall may be erected, placed or maintained on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level, except that no such fence or wall which is located in a required front or corner side yard shall not exceed a height of four feet and not more than 50% opacity. Where such lot line is adjacent to a property zoned commercial or industrial, there shall be an eight-foot limit on the height of a fence or wall along such lot line.

- (2) No fence or wall shall be erected, placed or maintained along a lot line on any nonresidentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.
- (3) In any residential district, no fence or wall shall be erected, constructed or maintained to a height exceeding four feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected.

E. Requirements.

- (1) The property owner erecting the fence shall be responsible for properly locating his/her fence in a legal location, and is responsible for any surveying work necessary to determine such legal location.
- (2) The property owner erecting the fence shall place the finished or decorative side of the fence facing his neighbor. The average distance between the base of the fence panels and the finished elevation shall not exceed six inches.
- (3) Posts sunk at least two feet or more as necessary to support the fence.
- (4) No fence shall be connected with an electrical current in such manner as to transmit said current to persons, animals, or things which intentionally or unintentionally transmitted might come in contact with it.

F. Setback for residential fences. Fences in or adjacent to a residential property shall have a minimum one-inch side and rear yard setback. Fences may be constructed parallel alongside lot lines but shall not extend into the front setback area as extended to the side lot lines. The property owner erecting the fence shall be responsible for properly locating his/her fence in a legal location, and is responsible for any surveying work necessary to determine such legal location. **[Amended 3-13-2019 by Ord. No. 1]**

G. Security fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

H. Prohibited fences.

- (1) No residential or commercial fence shall be constructed which is of a dangerous condition, conducts electricity, is designed to electrically shock or which uses barbed wire.
- (2) Barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.

- (3) No fence shall be constructed or maintained of unsightly or dangerous materials which would constitute a nuisance.
 - (4) Fences shall have no signs attached except manufacturer's identity.
- I. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair. The finished or decorative side of a fence shall face the adjoining property.
 - J. Temporary fences. Fences erected for the protection of plantings or to warn of a construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a fence permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 60 days.
 - K. Architectural and aesthetic fence standards. Architectural and aesthetic fences, as defined in Subsection C, do not require issuance of a fence permit; such fences shall comply with setback, height and construction standards established by this section.
 - L. Swimming pool fences.
 - (1) Definition. A "private or residential swimming pool" is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point of 18 inches or greater located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
 - (2) Exempt pools. Portable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section. **[Amended 3-13-2019 by Ord. No. 1]**
 - (3) Pool fence standards.
 - (a) In-ground pools within the scope of this section which are not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. A pool fence is required even if a pool cover is utilized. Such fence shall not be less than four feet or more than six feet in height, and shall be constructed so as not to have voids, holes or openings larger than four inches in one dimension. The fence shall be located no closer than three feet to the pool water. Pool fences shall be constructed with

lockable gates or doors, which shall be kept locked when the pool is not in actual use.

- (b) Aboveground pools capable of containing water at any point of a depth of 18 inches or greater with completely unobstructed sidewalls, without decking, of three feet or greater, and with lockable entrance stairs/ladders, are exempt from the fence requirements of this section. If an aboveground pool does not meet the above sidewall standards due to inadequate sidewall height, lack of lockable stairs/ladders, construction of the pool into a hillside or raised decks around all or part of the pool perimeter, the fence requirements of Subsection L(3)(a) shall be complied with. **[Amended 3-13-2019 by Ord. No. 1]**

M. Nonconforming fences.

- (1) Any boundary or architectural fence existing on the effective date of this section and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section.
- (2) Swimming pools existing at the date of adoption of this section shall comply with the fencing requirements in Subsection L above within six months of the effective date of this section, unless a hardship is demonstrated, to the satisfaction of the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**

§ 218-17. Transfer or deposit of solid fill.

No person, firm or corporation shall dump or place upon lands, public or private, fill material, as defined in Subsection C herein, of more than 200 yards total quantity within the Town of Koshkonong without first obtaining a permit therefor:

A. Application.

- (1) Application for a permit to transfer, place or dump solid fill within or through the Town of Koshkonong shall be made by the owner of the lands to be filled or his designated agent, in writing, to the Town office upon an application furnished by the Town. The applicant shall set forth upon the application form the following information: **[Amended 3-13-2019 by Ord. No. 1]**
- (a) Location of filling operation;
- (b) Proposed route for hauling;
- (c) Number, type and size of trucks to be used;
- (d) Proposed trucking schedule, number of days and time of day;
- (e) Other equipment involved in fill operations;

- (f) Descriptions and source of fill material;
 - (g) Grading plan indicating final limits and finished grade of fill area;
 - (h) The amount of material to be dumped;
 - (i) The elevation of the land before and after dumping;
 - (j) The period of time over which said transfer of fill is to take place; and
 - (k) The effect on the surrounding properties.
- (2) Issuance of a permit by the Town Clerk or Building Inspector shall be conditioned upon compliance with the information submitted in the application or such other conditions imposed by the Town.
- B. Fee. A fee shall accompany the application of permit (see Fee Schedule).
- C. Fill material. Fill material shall be clean, inert material free from organic material, brush, garbage and material subject to organic decomposition. Where necessary, to avoid dust or similar litter, all material shall be wetted down before transporting. Hazardous waste, asphalt or fill containing items such as hollow containers, appliances and equipment subject to subsequent collapse or settlement are prohibited. Generally, material such as earth fill and broken concrete of a size approved by the Building Inspector or Town Clerk will be classified as acceptable fill subject to other permit requirements.
- D. Permits. The Building Inspector or Town Clerk are authorized to issue a Filling Permit to each applicant when satisfied that the fill material meets the requirements in Subsections A through C above and that the filling operation will not create noise, traffic or other problems detrimental to the residents of the area of the community in which said filling is taking place; the Building Inspector or Town Clerk shall not authorize any filling between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, nor at any time on Sunday or on a statutory holiday; the hours of filling or the number of trucks involved based upon the location of the filling operation and the traffic conditions of the area where the filling is being placed may be restricted. The permit shall be for a period not to exceed three consecutive months in a calendar year.
- E. Other regulations.
- (1) Filling operations also shall be subject to all applicable county, state or federal license or permit regulations.
 - (2) Filling operations shall not block a natural drainage course.

- (3) Fill shall not be placed within 300 feet of a navigable body of water without first obtaining all necessary permits from applicable agencies.
- F. Exceptions. The provisions of this section relating to the transfer of solid fill shall not apply to customary top dressing or fertilizing of lawns and gardens nor shall they apply to the construction of block or concrete patios, or platforms permitted under Town Ordinances.
- G. Appeal. Any person, firm or corporation who is denied a filling permit or whose filling operation is restricted due to noise, traffic or other conditions may appeal to the Town Board by filing written notice of appeal within 10 days of permit denial as required by the Town Board.
- H. Letter of credit. Ten thousand dollars per mile.
- I. Documentation. Roads to be videotaped before and after and documented by Town Board and Contractor.

§ 218-18. Fees.

The fee for all building, electrical, plumbing and HVAC permits shall be as established in the Town's Fee Schedule, as adopted by the Town Board. If work commences prior to obtaining a required permit, double fees shall be charged. The Town Board may amend the amount of the fees pursuant to resolution of the Town Board without amending this section.

§ 218-19. Severability.

If any section, clause, provision or portion of this chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

§ 218-20. Violations and penalties.

- A. Violations.
 - (1) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board, which may authorize the Town Attorney to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this chapter or to cause such building, structure or use to be removed and such violation may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) In any enforcement action under this chapter, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense.
- (3) Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

B. Enforcement.

- (1) Notice to correct. If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to § SPS 320.21(3), Wis. Adm. Code.
- (2) Stop-work order. If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Separate violations: other remedies. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code.
- (4) Double fees. If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

C. Appeals. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board.

D. Liability of Town officials. Except as may otherwise be provided by the Statute or Section, no officer, agent or employee of the Town of Koshkonong charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

E. Penalties. **[Amended 3-13-2019 by Ord. No. 1]**

- (1) Any person who shall violate any of the provisions of this chapter shall, upon conviction of such violation, be subject to the penalties provided in § 1-3, General penalty.
- (2) Other remedies.
 - (a) The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
 - (b) Execution against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, 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 said forfeiture and costs.
 - (c) Violations of this chapter may be enforced in either Municipal Court (if one is created) or Circuit Court.

Chapter 225

BURNING, OPEN

GENERAL REFERENCES

Fires and fire prevention — See Ch. 272.

§ 225-1. Definitions.

In this section, the following words and phrases have the following designated meanings:

CONTROL — To supervise, manage, and contain so as not to cause a fire department to act in any way, or without hesitation so as not to cause damage to the property of any other person or corporation.

SET — Intentionally start by any means.¹⁵

TOWN — The Town of Koshkonong.

§ 225-2. Permit required.

- A. No permit shall be required to burn rubbish in a barrel, trash can, or other enclosed burner if a heavy screen or cover is used to prevent burning materials or embers from escaping.¹⁶

15. Editor's Note: The original definition of "permit," which immediately preceded this definition, was repealed 3-13-2019 by Ord. No. 1.

- B. All burning commenced shall be conducted in accordance with applicable provisions of Wisconsin Statutes. Wisconsin Administrative Code and Jefferson County and/or Town Ordinances with respect to size, management, control, and any applicable air pollution requirements. Such burning activity shall not be used to burn tires, asphalt, shingles, wet garbage or household trash. **[Amended 3-13-2019 by Ord. No. 1]**
- C. No person shall fail to take action reasonably necessary to control any fire which he or she has set anywhere in the Town.

§ 225-3. Violations and penalties. [Amended 3-13-2019 by Ord. No. 1]

- A. In addition to fire department or rescue response call fees, the penalties provided in § 1-3, General penalty, are applicable.
- B. Upon default of any of the payments in this section by any person who has the ability to pay such forfeiture and costs and penalty assessment, such person shall be confined in the County Jail, Jefferson County, until such forfeiture costs and penalties are paid, but in no event shall such confinement exceed 30 days.

§ 225-4. Fire extinguishment fees.

- A. If fees are incurred by the Town of Koshkonong as a result of a fire department responding to a call as a result of a violation of either of the prohibited actions in this section, the property owner upon whose property the fire occurred shall reimburse the Town of Koshkonong for the full amount expended. The property owner will be billed for a fire department response, regardless of whether prior burning authorization had been received, or for a fire department service call charge (example: gas leak), in such amounts as provided in the Town Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
- B. On or before October 1 of each year written notice shall be given by the Town Clerk to the owner, and occupant if different from the owner, of all lots or parcels of real estate for which fire extinguishment fees have been incurred by the Town of Koshkonong, and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of said arrears and that unless the same is paid by October 15, thereafter a penalty of 10% of the amount of such arrears will be added thereto; and that if the full amount of arrears and penalty are not paid by November 1 of each year, the total amount will be levied as a tax against the lot or parcel of real estate for which the fire extinguishment fees were incurred.

16. Editor's Note: Original Sec. 5-1-10(b)(1), regarding permit/authorization, which immediately preceded this subsection, was repealed 3-13-2019 by Ord. No. 1.

- C. Said notice may be served by delivery to either such owner or occupant or both, personally, or by letter addressed to such owner or occupant at the post office address of said lot or parcel of real estate. On November 2, the Town Clerk shall certify and file a list of all the lots or parcels of real estate, giving the legal description thereof, to which the fire extinguishment fees are now in arrears. Each such delinquent amount, including the applicable penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the fire extinguishment services were furnished and payment for which remains delinquent. The Town Clerk shall then insert the total delinquency as a tax against such lot or parcel of real estate. This lien and assessment shall be in addition to any forfeiture prescribed elsewhere in this section.

§ 225-5. Enforcement. [Amended 3-13-2019 by Ord. No. 1]

The Town of Koshkonong is hereby authorized to retain counsel to commence action for any violations of this section. This section may be enforced by Town citation as adopted.

§ 225-6. Banning and/or regulating use of fire, burning materials, and fireworks during existence of extreme fire danger.

- A. Declarations of emergency. When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Koshkonong. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Koshkonong and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.
- B. Regulation of fires, burning materials, and fireworks. Pursuant to § 323.14(4), Wis. Stats., and when a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - (a) Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
 - (b) Charcoal grills using charcoal briquets, gas grills, or camp stoves in Town parks placed at least 20 feet away from any combustible vegetation.
 - (2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.

- (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.
- C. Period of emergency. Pursuant to § 166.23, Wis. Stats., burning emergencies shall become effective upon the time and date of the Town Chairperson or County Board declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Town Board, or when applicable, the County Board.

Chapter 232

CAMPGROUNDS AND CAMPING RESORTS

§ 232-1. Title and purpose.

The title of this chapter is the Town of Koshkonong Campground Ordinance. The purpose of this chapter is to promote and protect the general health, safety, welfare, and convenience of the people of the Town of Black Creek, to promote and protect the general aesthetics of the Town of Koshkonong and, to regulate by license campgrounds within the Town of Koshkonong.

§ 232-2. Authority

The Town Board has specific authority under §§ 66.0119, 66.0435, 101.645, and 101.935, Wis. Stats., and the Town's village powers under § 60.22, Wis. Stats., to adopt and enforce this chapter.

§ 232-3. Adoption of ordinance.

This chapter, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, regulates campgrounds within the Town of Koshkonong as set forth herein.

§ 232-4. General license and permit provisions.

- A. No person, after the effective date of this chapter, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town campground license. No Town campground license shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under Wisconsin Administrative Code Chapter ATCP 79.

- B. The provisions of Department of Agriculture, Trade and Consumer Protection (ATCP) 79 regulating campgrounds are hereby adopted, incorporated, and made a part of this chapter as if fully set forth herein.
- C. Any and all acts required to be performed by Wisconsin Administrative Code Chapter ATCP 79 are required by this chapter. Similarly, any and all acts prohibited by Wisconsin Administrative Code Chapter ATCP 79 are prohibited by this chapter.
- D. All campgrounds within the Town of Koshkonong shall comply with Wisconsin Administrative Code Chapter ATCP 79, Jefferson County Zoning Ordinances, Town of Koshkonong ordinances, and all other applicable laws and regulations.
- E. The Town Board may grant annual local licenses under the conditions and restrictions contained in this chapter and upon payment of the appropriate annual local license fee hereinafter provided. The application for a license shall be in writing signed by the applicant on a standard form provided by the Town Clerk and shall state the name of the campground, the name and telephone number of the owner, the location of the campground, the mailing address, the type of campground, the total number of camp spaces or camp capacity by unit, the fee submitted, name of campground, and whether or not presently licensed. In the event a license is granted by the Board, the same shall be issued by the Clerk.
- F. The local annual license fees shall be per the Town Fee Schedule. Licenses shall expire on June 30 in each license year.

§ 232-5. Zoning/conditional use permit.

No person and/or entity may own or operate a campground within the Town of Koshkonong unless such use is permitted under Jefferson County Zoning Ordinances. To the extent a conditional use permit is required under Jefferson County Zoning Ordinances for the operation of a campground, no person and/or entity may own or operate a campground within the Town of Koshkonong without obtaining such conditional use permit.

§ 232-6. Penalty and enforcement.

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

§ 232-7. Separability of provisions.

In the event any one or more provisions of this chapter are declared invalid, such decision(s) shall not affect the validity of the remaining portions/provisions hereof.

§ 232-8. When effective.

This chapter is effective on publication or posting.

Chapter 241**CEMETERY****§ 241-1. Purpose and definition.**

- A. In order to protect cemetery areas within the Town from injury, damage or desecration, these regulations are enacted.
- B. As used in this section, the following term shall have the meaning indicated:

CEMETERY — Includes all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Town of Koshkonong.

§ 241-2. Authority to establish rules and regulations.

The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

§ 241-3. Specific regulations.

- A. Disturbing cemetery property. No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- B. Protection of cemetery property. No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb any animals, birds or waterfowl, wild or domestic, within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery.

- C. Motor vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- D. Speed limit. No person shall operate any motorized vehicle in any cemetery in excess of 15 miles per hour unless otherwise posted.
- E. Parking. No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- F. Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- G. Pets. Pets, including animals of any species, are prohibited in any cemetery without the cemetery owner's consent.
- H. Sound devices. No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- I. Authorized notices. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except under these regulations. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- J. Loitering prohibited. No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- K. Alcoholic beverages prohibited. No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Town unless the property is specifically named as being part of a licensed premises.
- L. Play vehicles prohibited. No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

- M. Presence after hours prohibited. No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Chapter 249

CONSTRUCTION SITE EROSION CONTROL

GENERAL REFERENCES

Building construction — See Ch. 218.

Subdivision of land — See Ch. 490.

§ 249-1. Definitions.

The following definitions shall be applicable in this chapter:

AGRICULTURAL LAND USE — Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

BUILDING INSPECTOR — The Building Inspectors of the Town of Koshkonong.

COMMERCIAL LAND USE — Use of land for the retail or wholesale sale of goods or services.

CONTROL MEASURE — A practice or combination of practices to control erosion and attendant pollution.

CONTROL PLAN — A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this chapter submitted by the applicant for review and approval by the Building Inspector and/or Town Engineer.

EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EXISTING GRADE — The vertical location of the existing ground surface prior to excavation or filling.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.

GRADING — Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

LAND DEVELOPING ACTIVITY — The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

LAND DISTURBING ACTIVITY — Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.

LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made change of the land surface, including removing vegetation cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

LAND TREATMENT MEASURERS — Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff.

LAND USER — Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.

LANDOWNER — Any person holding title to or having any interest in land.

MAJOR LAND DISTURBING ACTIVITIES — Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Ch. 236, Wis. Stats.) is created, or where the Town Board, Town Engineer or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.

MINOR LAND DISTURBING ACTIVITIES — Those activities where the land disturbance covers less than one acre and the activities do not otherwise fall within the definition of major land disturbing activities.

PARCEL — All continuous lands under the ownership or control of a land occupier or land user.

PEAK FLOW — The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

PERSON — Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.

PUBLIC LANDS — All lands owned or controlled by any unit of government.

RUNOFF — Includes, but is not limited to, ice or water flowing over the ground surface.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.

SEDIMENTATION — The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid

particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of waterborne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.

SET OF ONE-YEAR DESIGN STORMS — The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

Average Storm Duration (hours)	Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

SITE — The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

SOIL LOSS — Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.

STORM FREQUENCY — The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.

STORM SEWER — A closed conduit for conducting collected stormwater.

STORMWATER RUNOFF — The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in water drainage system.

STRUCTURAL MEASURES — Land treatments intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered structural measure under this chapter.

WATER DRAINAGE FACILITY — Any element in a water drainage system which is made or improved.

WATER DRAINAGE SYSTEM — All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet, including, but not limited to, any of the following: conduits and appurtenant features,

canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.

WORKING DAY — Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the Town as a legal holiday. Also referred to as "business day."

§ 249-2. Authority.

This chapter is adopted pursuant to the guidelines in § 60.627, Wis. Stats.

§ 249-3. Findings and purpose.

- A. Policy declaration. The Town Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and the Town of Koshkonong.
- B. Purpose. It is the purpose of this chapter to preserve the natural resources; to protect the quality of the waters of the state and Town; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands. The Town Board finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the Town. It is, therefore, declared to be the purpose of this chapter to control and, if possible, prevent soil erosion and minimize water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the people of the Town of Koshkonong. This chapter is in accordance and consistent with the applicable Zoning Code,¹⁷ so far as practicable.

§ 249-4. Applicability of regulations.

- A. Scope of coverage. This chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Town and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state-funded or -conducted construction is exempt from this chapter. This chapter shall apply outside the Town limits within the extraterritorial plat review area provided by Ch. 236, Wis. Stats., and Chapter 490 of the Town Code, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in § 236.02(12), Wis. Stats.
- B. Exclusions. The following activities are generally excluded from coverage under this chapter:

17. Editor's Note: See Ch. 560, Zoning.

- (1) State-funded or -conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan.
- (2) Agricultural land uses as defined in this chapter and quarries, except where the Town Board, Town Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
- (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Town Board, Town Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

NOTE: State-funded or -conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff," which contains similar requirements as contained in this chapter, as a minimum.

§ 249-5. Design criteria, standards and specifications for control measures.

All control measures required to comply with this chapter shall be measured based on accepted design criteria, standards and specifications periodically established by the United States Natural Resources Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or Town Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

§ 249-6. Maintenance of control measures.

All sedimentation basins and other control measures necessary to meet the requirements of this chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

§ 249-7. Required control of erosion and pollutants during land disturbance and development.

- A. Applicability. This section applies to the following sites of land development or land disturbing activities:
 - (1) Those sites requiring certified survey map approval or subdivision or land division plat approval under Town land division ordinances.

- (2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.
- (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.
- (4) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
- (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
- (6) Those involving the laying, repairing, replacing, inspecting or enlarging of an underground pipe or facility for a distance of 300 feet or more.
- (7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.
- (8) Those other situations where the Town Engineer or Building Inspector, at the request of the Town Board, determine that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this chapter.¹⁸ Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Town clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- B. Minimum erosion and runoff control standards to be met. At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection A above. Additional or more stringent control standards may be required in those situations where the Town Engineer and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:

- (1) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate control measures. Such sedimentation basins shall have a depth of at least three feet, be surrounded by snow fence or equivalent barrier and have sufficient surface area to provide a surface settling rate of not

18. Editor's Note: See § 281.33, Wis. Stats.

more than 1,500 gallons per square foot per day at the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving water. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydrocyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about eight inches in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of 100 micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4 1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydrocyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices describe above, but they would not be required.

- (2) Waste and material disposal. All waste and unused building material (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) Tracking. Each site shall have a three inch graveled entrance pad of sufficient width and length to prevent sediment from being tracked into public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning (not hydraulic flushing) before the end of each workday.
- (4) Drain inlet protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Channelized runoff. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas.

- (6) Sequenced activities. All activities on the site shall be conducted in logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
- (7) Stabilized disturbed ground.
 - (a) All disturbed ground and soil or dirt storage piles shall be contained on the site by filter barriers or other suitable means. The containment measures shall remain in place until the site is adequately stabilized. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching, filter barriers or covering, or other equivalent control measure.
 - (b) For sites with more than 10 acres disturbed at one time, or if channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - (c) For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- (8) Filter fences, straw bales on slopes. Filter fences, straw bales, or equivalent control measures shall be placed continuously along all side slope and down slope sides of the site where deemed appropriate by Town officials. If a channel or area of concentrated runoff passes through the site, filter barriers shall be placed continuously along the channel edges reduce sediment reaching the channel.
- (9) Soil storage piles. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a down slope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or

drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven days, and the storm drain inlets must be protected with straw bales other appropriate filtering barriers.

- C. Additional erosion and runoff control standards to be met on larger sites. These control standards are in addition to the minimum control standards as set forth in Subsection B, and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one or more acres or create five or more lots or building sites), or all sites where one or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercourses or relation to environmentally sensitive lands make the disturbance a major one, shall meet the added control plan requirements as set up by the Town Engineer or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this chapter as an addendum.
- D. Special circumstances. The control standards set forth in this chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Town Board, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than 20% grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the Town Comprehensive Plan.
- E. Erosion and runoff control by public dedication of water runoff control. The Town Board may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the Town shall maintain the runoff control measures as necessary to adhere to this chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the Town of any or all runoff control measures. In the event that the Town does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the Town. **[Amended 3-13-2019 by Ord. No. 1]**

§ 249-8. Permit application, control plan, and permit issuance.

- A. Permit application. No landowner or land user, other than the Town, may commence a land disturbance or land development activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the Town Engineer. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or Town Engineer. By submitting an application, the applicant is authorizing the Building Inspector, Town Engineer and other designated Town officials to enter the site to obtain information required for a review of the control plan.
- B. Content of the control plan for land disturbing activities.
- (1) Existing site map. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:
 - (a) Site boundaries of adjacent lands which accurately identify site location;
 - (b) Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
 - (c) One-hundred-year floodplains, flood fringes and floodways;
 - (d) Vegetative cover;
 - (e) Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - (f) Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - (g) Site topography at a contour interval not to exceed five feet.
 - (2) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - (3) Site construction plan. A site construction plan including:
 - (a) Locations and dimensions of all proposed land disturbing activities;
 - (b) Locations and dimensions of all temporary soil or dirt stockpiles;

- (c) Locations and dimensions of all construction site management control measures necessary to meet the requirements of this chapter;
 - (d) Schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of construction site control measures needed to meet the requirements of this chapter; and provisions of maintenance of the construction site control measures during construction.
 - (e) Provisions of maintenance of the construction site control measures during construction.
- C. Emergency situations. Notwithstanding the above, a private landowner or the Town may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this chapter to the fullest extent practicable under the circumstances. The Building Inspector or Town Engineer shall be notified by the private landowner within three hours after commencing such land disturbing activities under this section.
- D. Minor land disturbing activities — content of control plan statement. Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this chapter.
- E. Review of major and minor land disturbing control plans.
 - (1) Major land disturbing activities. Within 45 days of receipt of a completed control plan, the Town Engineer and Building Inspector shall determine if the requirements of this chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.
 - (2) Minor land disturbing activities. Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than 10 working days after receipt of the completed control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

F. Permits.

- (1) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or Town Engineer may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.
- (2) Permit fees — major land disturbing activities. The application fee for a major land disturbing activity permit shall be an amount set forth in the Fee Schedule adopted by the Town Board. In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the Town in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and/or Town Board.
- (3) Permit fees — minor land disturbing activities. The application fee for a minor land disturbing activity permit shall be an amount set forth in the Fee Schedule adopted by the Town Board.

G. Permit requirements — major land disturbing activity. All major land disturbing activity permits shall require the permittee to do at least the following:

- (1) The applicant shall provide the Town, prior to issuance of the permit, an irrevocable letter of credit, certificate of deposit or certified check to the Town in an amount equal to 125% of the estimated cost of all required control measures as determined by the Town Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the Town. The Town shall have the right to draw upon the security for the purposes of obtaining compliance with the approved control plan as it deems necessary. If the erosion and runoff control requirements of this chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.
- (2) Contact the Building Inspector upon completion of any control measures and at least two business days prior to commencing any land disturbing activity.
- (3) Obtain written permission from the Town Engineer or Building Inspector prior to modifying the control plan. They are authorized

to permit only those modifications that comply with the terms of this chapter.

- (4) Install all control measures as identified in the control plan.
 - (5) Maintain all control measures as identified in the control plan.
 - (6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (8) Allow the Building Inspector, Town Engineer, or other designated Town officials to enter the site for the purpose of inspecting for compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan and this chapter.
 - (9) Keep a copy of the approved control plan on site.
- H. Permit requirements — minor land disturbing activity. All minor land disturbing activity permits shall require the permittee to:
- (1) Obtain permission, in writing, from the Building Inspector prior to modifying the control plan. They are authorized to permit only those modifications that comply with the terms of this chapter.
 - (2) Install all control measurers as identified in the approved control plan.
 - (3) Maintain all control measures as identified in the control plan.
 - (4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (6) Allow the Building Inspector, Town Engineer, and other designated Town officials to enter the site for the purpose of inspecting for compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan and this chapter.

§ 249-9. Inspection.

- A. The Town Engineer, Building Inspector or other designated Town officials shall inspect all major land disturbing activities in order to ensure compliance with the control plan and permit.

- B. In the case of minor land disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the control plan and permit.
- C. If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, Town inspection officials may enter the land in question pursuant to the special inspection warrant provisions of § 66.0119, Wis. Stats.

§ 249-10. Enforcement.

- A. Violations. No land development or land disturbing activities within the scope of this chapter may occur without full compliance with the provisions of this chapter. Any person who violates or fails to comply with any provision of this chapter is subject to the enforcement and penalty provisions contained herein.
- B. Enforcement. This chapter shall be enforced consistent with the policies and purposes underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this chapter:
 - (1) Stop-work order.
 - (a) A stop-work order may be issued by the Town Engineer, Building Inspector, or their authorized agents, after an inspection if:
 - [1] Any land disturbing or land developing activity regulated under this chapter is being undertaken without a permit;
 - [2] The control plan is not being implemented in a good-faith manner;
 - [3] The conditions of the permit are not being met.
 - (b) Stop-work orders may be retracted when compliance with the chapter is obtained. The Town Engineer, Town Board, Building Inspector or their designee has the authority to retract a stop-work order for major land disturbing activities; the Building Inspector, Town Engineer and their designees, may retract stop-work orders on minor land disturbing activities.
 - (2) Revocation of permit. Where a stop-work order has been issued in order to obtain compliance with a control plan, the Town may revoke the permit if the permittee does not cease the illegal activity or obtain compliance with the control plan or permit conditions within five days from issuance of the stop-work order.
 - (3) Town to perform work. Five days after posting a stop-work order, the Town may issue a notice of intent to the permittee or landowner or land user of the Town's intent to perform work necessary to comply with this chapter. Upon receipt of permission from the

landowner or pursuant to a court order, the Town Engineer and/or other designated Town officials or agents, as determined by the Town Board, may go on the land and commence the work. The costs of the work performed by the Town, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the Town Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to § 66.0703, Wis. Stats.

- (4) Injunction and other judicial remedies. Compliance with the provisions of this chapter may also be obtained by the Town Board authorizing the Town Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.
 - (5) Private remedies preserved. These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.
- C. Penalties. Any person violating any provision of this chapter shall be subject to a forfeiture as provided in § 1-3. Each day a violation exists shall constitute a separate offense. Before commencing a forfeiture action, the Town shall issue a written warning to the person believed to be violating the chapter, granting the person two business days in which to remedy the violation and avoid the commencement of a forfeiture action.

§ 249-11. Appeals; variances.

A. Appeal or variance requests.

- (1) By applicant or permittee. Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the Town in administering or enforcing this chapter, or may apply for a variance from the requirements of this chapter. A filing fee (see Fee Schedule) must accompany the appeal or variance request. Appeal or variance requests must be submitted, in writing, state the grounds for the appeal or variance request, and be filed with the Town Clerk. Publication and other associated costs will be in addition to this fee and paid by the applicant.
- (2) Appeal by citizens.
 - (a) An appeal of any order, decision, determination or inaction of the Town in administering or enforcing this chapter may be commenced upon the filing of a petition signed by 25 adult residents of the Town and payment of (see fee schedule) to cover the cost of the appeal.

- (b) The appeal must be filed with the Town Clerk and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the Town Clerk within five business days of its filing with the Town. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.
 - (3) Appeal deadline. Appeals by applicants, permittees or citizens must be filed within 45 days of the order, decision, determination or inaction being appealed.
 - (4) Multiple appeals prohibited. Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The Town Board shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Town Board may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.
- B. Authority.
- (1) Authority to grant variances. The Town Board shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Town Board shall only grant such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Town Board has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this chapter.
 - (2) Appeals. The Town Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by Town officials in administering this chapter. The Town Board shall use the rules, procedures, duties and powers authorized by Town ordinance and statute for the Town Board in hearing and deciding appeals and authorizing variances. The Town Board shall hear and decide within 30 days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the appellant and Town Board.
- C. Enforcement not stayed. The filing of an appeal or variance does not preclude the Town from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this chapter unless the Town Board specifically agrees to stay such enforcements.

Chapter 272

FIRES AND FIRE PREVENTION

GENERAL REFERENCES

Fire protection and ambulance services — See Ch. 64.

Open burning — See Ch. 225.

Fireworks — See Ch. 278.

ARTICLE I

Fire Department Powers and Duties**[Adopted as Secs. 5-1-3 through 5-1-9 and 5-2-6 of the 1996 Code]****§ 272-1. Impeding fire equipment prohibited.**

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

§ 272-2. Police power of fire departments.

A. Police authority at fires.

- (1) The Chief and Assistants or officers in command of a Fire Department at any fire are hereby vested with full and complete police authority at fires. Any officer of a Fire Department may cause the arrest of any person failing to give the right-of-way to a Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Fire Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

B. Firemen to have powers of traffic officers. Members of a Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this chapter.

§ 272-3. Fire inspections.

- A. The Fire Chief and Assistant Chiefs of the Fire Department(s) serving the Town of Koshkonong shall be the Fire Inspectors of the Town of Koshkonong and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Safety and Professional Services, particularly § 101.14, Wis. Stats.

- B. While acting as Fire Inspectors pursuant to § 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Town of Koshkonong at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Town Board for further action.
- C. The Chief of the Fire Department(s) is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made on a schedule as specified by the contract or as determined by the Chief of the Fire Department. **[Amended 3-13-2019 by Ord. No. 1]**
- D. Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Safety and Professional Services. A copy of such reports shall be filed with the Town Clerk.

§ 272-4. Damaging fire hose prohibited; parking by hydrants; blocking fire lanes.

- A. Driving over fire hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to a Fire Department, 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.
- B. Parking vehicles near hydrants. It shall be unlawful for any person to park any vehicle or leave any object within 10 feet of any fire hydrant at any time.
- C. No parking near fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within 1,000 feet from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer. **[Amended 3-13-2019 by Ord. No. 1]**

§ 272-5. Firemen may enter adjacent property.

- A. Entering adjacent property. It shall be lawful for any fireman while acting under the direction of a Fire Chief or any other officer in

command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

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

§ 272-6. Duty of bystanders to assist.

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

§ 272-7. Vehicles to yield right-of-way.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

§ 272-8. Investigation of fires.

- A. A Fire Department serving the Town of Koshkonong shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- B. Appropriate law enforcement agencies, upon request of the Chief of the Fire Department, may assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

ARTICLE II
Reimbursement for Services
[Adopted as Sec. 5-1-11 of the 1996 Code]

§ 272-9. Rescue call repayment. [Amended 3-13-2019 by Ord. No. 1]

The purpose of this section is to allow the Town to bill back the cost of rescue calls and/or emergency transportation to the responsible person. Any person incurring an incident of any nature which requires a response by a municipal Fire Department (rescue squad) or other public service, other than fire, for which the Town of Koshkonong incurs a charge or expense shall reimburse the Town of Koshkonong for the full amount expended. An administrative charge, per the Town Fee Schedule,¹⁹ will be charged if the Town incurs costs for an incident. The charges or expenses shall be repaid to the Town within not more than 35 days from the date that the bill is submitted by regular mail to the person or persons on whose behalf the emergency call was incurred. After the 35 days, 1/2% per month interest may be charged.

19. Editor's Note: The Fee Schedule is on file in the Town office.

ARTICLE III

Adoption of Standards; Enforcement
[Adopted as Secs. 5-2-1 through 5-2-5 of the 1996 Code]**§ 272-10. Intent of Code.**

It is the intent of this chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

§ 272-11. Adoption of state codes.

- A. The following orders, rule, and regulations of the Department of Safety and Professional Services, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fires and Fire Prevention chapter: **[Amended 3-13-2019 by Ord. No. 1]**

Ch. SPS 307, Explosives and Blasting Agents

Ch. ATCP 93, Flammable and Combustible Liquids

Ch. ATCP 94, Petroleum and Other Liquid Fuel Products

Ch. SPS 314, Fire Protection

Ch. SPS 343, Anhydrous Ammonia Code

Ch. SPS 361 to 366, Commercial Building Code

Ch. SPS 314, Fire Prevention

Ch. SPS 375-379, Buildings Constructed Prior to 1914

Wisconsin Electrical Code

- B. The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made a part of the Town of Koshkonong Fire Prevention Code:

(1) Volume IV — Extinguishing Equipment.

- C. Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

- D. Official copies of each of said codes are now on file in the office of the Town Clerk and Fire Departments serving the Town and copies are available through an open records request submitted to the Town. **[Amended 3-13-2019 by Ord. No. 1]**

§ 272-12. Application to new and existing conditions.

The provisions of this chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

§ 272-13. Orders to eliminate fire hazards.

Whenever any of the officers, members, or inspectors of the Fire Department shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- A. Dangerous or unlawful amounts of combustible or explosive matter.
- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- D. Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- E. Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- F. Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

§ 272-14. Service of orders.

- A. The service of such orders as mentioned in § 272-13 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- B. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with

the enforcing of the chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

Chapter 278**FIREWORKS****§ 278-1. Definition. [Amended 3-13-2019 by Ord. No. 1]**

As used in this chapter, the following terms shall have the meanings indicated:

FIREWORKS — Anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- A. Fuel or a lubricant.
- B. A firearm cartridge or shotgun shell.
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- E. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- F. A toy snake which contains no mercury.
- G. A model rocket engine.
- H. Tobacco and a tobacco product.
- I. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- J. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- K. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- L. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- M. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- N. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

O. A novelty device that spins or moves on the ground.

§ 278-2. Use.

- A. Permit required. No person may possess or use fireworks without a user's permit from the Town Chairperson or from an official or employee of the Town as designated by the Town Board. No person may use fireworks or a device listed under § 278-1E through G and I through N while attending a fireworks display for which a permit has been issued to a person listed under Subsection C(1) through (5). **[Amended 3-13-2019 by Ord. No. 1]**
- B. Permit exceptions. Subsection A above does not apply to:
- (1) The Town, except that Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
 - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services.
 - (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - (4) The possession or use of explosive or combustible materials in any manufacturing process.
 - (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- C. Who may obtain permit. A permit under this subsection may be issued only to the following:
- (1) A public authority.
 - (2) A fair association.
 - (3) An amusement park.
 - (4) A park board.
 - (5) A civic organization.
 - (6) An agricultural producer for the protection of crops from predatory birds or animals.
- D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- E. Bond. The Town Chairperson issuing a permit under this subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise

by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the Town Clerk.

- F. Required information for permit. A permit under this subsection shall specify all of the following:
 - (1) The name and address of the permit holder.
 - (2) The date on and after which fireworks may be purchased.
 - (3) The kind and quantity of fireworks which may be purchased.
 - (4) The date and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
- G. Copy of permit. A copy of a permit under this subsection shall be given to the Fire Chief at least two days before the date of authorized use.
- H. Minors prohibited. A permit under this subsection may not be issued to a minor.
- I. Permit fee required as set forth in the Fee Schedule. **[Added 3-13-2019 by Ord. No. 1]**

§ 278-3. Storage and handling.

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- B. Smoking prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 500 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

§ 278-4. Parental liability.

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

§ 278-5. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

A person violating this chapter shall forfeit not more than \$1,000.

Chapter 291**HAZARDOUS MATERIALS AND POLLUTION**

ARTICLE I

**Hazardous Materials; Reimbursement for Cleanup
[Adopted as Title 5, Ch. 3, of the 1996 Code]****§ 291-1. Disclosure of hazardous materials and infectious agents;
reimbursement for cleanup of spills.**

A. Application.

- (1) All persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents shall notify the Fire Department serving the Town of Koshkonong as prescribed by this section. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) The provisions of this section shall apply to all persons, firms or organizations other than farms engaged in production agriculture using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this section.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

HAZARDOUS MATERIALS — Are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials. Hazardous materials includes the list of hazardous wastes which are promulgated by the United States Environmental Protection Agency under Section 6921(b) of the Resource Conservation and Recovery Act as amended and as further set forth in § 291.05, Wis. Stats.

INFECTIOUS AGENT — Is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

C. Information required.

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide, in writing, to the Fire Department the following information:
 - (a) Address, location of where hazardous materials are used, researched, stored or produced;
 - (b) The trade name of the hazardous material;
 - (c) The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;

- (d) The exact locations on the premises where materials are used, researched, stored and/or produced;
 - (e) Amounts of hazardous materials on premises per exact location;
 - (f) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - (g) The flash point and flammable limits of the hazardous substance;
 - (h) Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - (i) The stability of the hazardous substance;
 - (j) Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - (k) Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - (l) Any condition or material which is incompatible with the hazardous material and must be avoided.
 - (m) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - (n) Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide, in writing, to the Fire Department the following:
- (a) The name and any commonly used synonym of the infectious agent;
 - (b) Address/location where infectious agents are used, researched, stored and/or produced;
 - (c) The exact locations where infectious agents are used, researched, stored and/or produced;
 - (d) Amount of infectious agent on premises per exact locations;
 - (e) Any methods of route of transmission of the infectious agents;

- (f) Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - (g) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - (h) Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- D. Prohibited discharges. No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public, or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Koshkonong, except those areas specifically licensed for waste disposal, landfill activities or farming activities using accepted farming practices and to receive such materials, any explosive, flammable, or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.
- E. Containment, cleanup, and restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of any emergency government officer of the Fire Department, begin immediate actions to contain, clean up, and remove to any approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary persons and equipment to comply or to complete the requirements of this section, the office of emergency government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Koshkonong.
- F. Emergency services response. Any emergency services response includes, but is not limited to, fire service, emergency medical service, and law enforcement personnel. A person, firm, or corporation who possesses or controls a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. The property owner will be billed an administrative charge per the Fee Schedule²⁰ if the Town incurs costs for an incident. Actual and necessary expenses may include but not be limited to replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses

20. Editor's Note: The Fee Schedule is on file in the Town office.

incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor. **[Amended 3-13-2019 by Ord. No. 1]**

- G. Site access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to law enforcement and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.
- H. Public protection. Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the senior law enforcement or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Koshkonong Town Board can take appropriate action.
- I. Reimbursement for cleanup of spills. Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Town for actual and necessary expenses incurred by the Town or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.

§ 291-2. Recovery of costs.

- A. Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Ch. ATCP 93, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- B. Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gases or other hazardous materials shall be liable to the Town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill. At a minimum, the party will be billed as it reads in the current fire contract. **[Amended 3-13-2019 by Ord. No. 1]**

ARTICLE II

Pollution Abatement**[Adopted as Title 8, Ch. 2, of the 1996 Code]****§ 291-3. Cleanup of spilled or accidentally discharged wastes.**

- A. Cleanup required. All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes or agricultural materials, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Notification. Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- C. Financial liability. The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town, or its designated agent, in an effort to minimize the pollutorial effects of the discharged waste.
- D. Reimbursement for hazardous material emergency action.
- (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Koshkonong for actual, reasonable and necessary expenses incurred by the Town of Koshkonong for any emergency action taken under, and consistent with, § 323.71(3), Wis. Stats., whether such action be taken by the Town of Koshkonong or another entity on its behalf or direction.
 - (2) Reimbursement as provided under Subsection D(1), above, will be accomplished as provided by § 323.71(5), Wis. Stats., by the Jefferson County Board of Supervisors, or by local emergency government officials.
 - (3) Terms not defined above shall have the meaning referred to in § 323.70, Wis. Stats.

§ 291-4. Storage of polluting substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such

manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Town of Koshkonong.

Chapter 296**HEALTH AND SANITATION****§ 296-1. Rules and regulations.**

The Town Board may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Town Board shall be subject to the general penalty provided for in this Code.²¹

§ 296-2. Deposit of deleterious substances prohibited.

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

§ 296-3. Destruction of noxious weeds.

- A. Unless delegated to the county, the Town Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of § 66.0517, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

21. Editor's Note: Original Sec. 8-1-2, Abatement of health nuisances, which immediately followed this section, was repealed 3-13-2019 by Ord. No. 1.

- C. Noxious weeds will include all prohibited noxious weeds as listed in Wis. Stats. and all members of the thistle family as listed in the book "Weeds of the North Central States" are prohibited in the Town of Koshkonong. This includes Bull, Canada, Flodman, Musk, Plumeless, Sow, Tall, Russian, and Scotch Thistle.²² **[Added 3-21-2001]**

Chapter 305

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

GENERAL REFERENCES

Juveniles – See Ch. 316.

Nuisances – See Ch. 391.

Licensing and permits – See Ch. 330.

Peace and good order – See Ch. 415.

22. Editor's Note: Original Sec. 8-1-5, Regulation of length of lawn and grasses, Sec. 8-1-6, Rodent control, and Sec. 8-1-7, Composting, which immediately followed this section, were repealed 3-13-2019 by Ord. No. 1.

ARTICLE I

Licenses**[Adopted as Title 7, Ch. 2, of the 1996 Code]****§ 305-1. Definitions. [Amended 3-13-2019 by Ord. No. 1]**

As used in this chapter, the terms "alcoholic beverages," "intoxicating liquors," "principal business," "legal drinking age," "premises," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers," and "operators" shall have the meaning given them by Ch. 125, Wis. Stats.

§ 305-2. State statutes adopted.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of alcohol beverage control.

§ 305-3. License required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this chapter nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by §§ 125.26, 125.27, 125.28 and 125.51, Wis. Stats.

§ 305-4. Classes of licenses.

- A. Retail "Class A" intoxicating liquor license. A retail "Class A" intoxicating liquor license, when issued by the Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. Retail "Class B" intoxicating liquor license. A retail "Class B" intoxicating liquor license, when issued by the Town Clerk under authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off

the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

- C. Class "A" fermented malt beverage retailer's license. A Class "A" retailer's fermented malt beverage license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- D. Class "B" fermented malt beverage retailer's license.
- (1) License. A Class "B" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
 - (2) Application. Class "B" licenses may be issued to any person qualified under § 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Except as provided in § 125.295, Wis. Stats., Class "B" licenses may not be issued to brewers or brewpubs. A Class "B" license may not be issued to a person holding a wholesaler's permit issued under § 125.28, Wis. Stats., or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler's permit issued under § 125.28, Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Temporary Class "B" fermented malt beverage license.
- (1) License. As provided in § 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or 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. A license

issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) Application. Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Town Board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.

F. Temporary "Class B" wine license.

- (1) License. Notwithstanding § 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or 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 wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under § 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) Application. Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the

license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of \$200 and will be ineligible to apply for a temporary "Class B" wine license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Town Board at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.²³

G. Retail "Class C" licenses.

- (1) In this subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
- (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- (3) A "Class C" license may be issued to a person qualified under § 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
- (4) A "Class C" license shall particularly describe the premises for which it is issued.

§ 305-5. License fees. [Amended 3-13-2019 by Ord. No. 1]

There shall be the following classes of licenses which, when issued by the Town Clerk under the authority of the Town Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in § 305-4 of this article and Chapter 125, Wis. Stats.:

- A. Class "A" fermented malt beverages retailer's license. The annual fee for this license shall be as established in the Town Fee Schedule.²⁴
- B. Class "B" fermented malt beverage license.
 - (1) The annual fee for this license shall be as established in the Town Fee Schedule. This license may be issued at any time for six months in any calendar year, for which 50% of the applicable license fee shall be paid, but such license shall not be renewable during the

23. Editor's Note: Original Sec. 7-2-4(g), Wholesaler's license, which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

24. Editor's Note: The Fee Schedule is on file in the Town office.

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

- (2) A Class "B" fermented malt beverages license may also be issued to bona fide clubs, lodges or 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 and at a meeting of the post. The fee for the license shall be as established in the Town Fee Schedule.
- C. Temporary Class "B" fermented malt beverage license. The fee for this license shall be per event, as established in the Town Fee Schedule.
- D. Temporary "Class B" wine license. The fee for this license shall be per event, as established in the Town Fee Schedule. However, there shall be no fee if the temporary wine License is obtained along with a temporary Fermented Malt Beverage License.²⁵
- E. "Class A" intoxicating liquor retailer's license. The annual fee for this license shall be as established in the Town Fee Schedule.
- F. "Class B" intoxicating liquor retailer's license. The annual fee for this license shall be as established in the Town Fee Schedule. This license may be issued at any time for six months in any calendar year, for which 50% of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

§ 305-6. Application for license.

- A. Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Town Clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- B. Corporations. Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- C. Publication. The Town Clerk shall publish each application for a Class "A," Class "B," "Class A" or "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under § 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses

25. Editor's Note: Original Sec. 7-2-5(e), Fermented malt beverage wholesalers' license, which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

under § 125.51(10), Wis. Stats. The application shall be published once in the official Town newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under § 985.08, Wis. Stats.

- D. Amending application. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice, in writing, of such change within 10 days after the occurrence thereof.
- E. License quotas. Retail intoxicating liquor licenses issued by the Town Board shall be limited in number to the quota prescribed by state law.

§ 305-7. Qualifications of applicants and premises.

- A. Residence requirements. A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons, or their agents, who are citizens of the United States and who have been residents of the State of Wisconsin and Jefferson County continuously for at least 90 days prior to the date of the application.
- B. Applicant to have malt beverage license. No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. Right to premises. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. Age of applicant. Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- E. Corporate restrictions.
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under § 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under § 125.04(6) and the officers and directors of the corporation meet the qualifications of § 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under § 125.04(6) meets the qualification under § 125.04(a)2. The requirement that the corporation meet the qualifications under § 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty

of each corporate applicant and licensee to file with the Town Clerk a statement of transfers of stock within 48 hours after such transfer of stock.

- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this chapter or under the state law.
- F. Sales tax qualification. All applicants for retail licenses shall provide proof, as required by § 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- G. Separate license required for each place of sale. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- H. Residential areas. No "Class B" fermented malt beverage license may be issued for any premises where 40% or more of the property fronting on both sides of the same street in the same block whereon the premises is located is used for residence purposes if a written objection is filed with the Town Clerk signed by owners of more than 80% of such residence property.
- I. Off-street parking facilities. No "Class B" intoxicating liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to 50% of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this subsection.
- J. Connecting premises. Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- K. Limitations on other business; Class "B" premises. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit

is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- (1) A hotel.
- (2) A restaurant whether or not it is a part of or located in any mercantile establishment.
- (3) A combination grocery store and tavern.
- (4) A combination sporting goods store and tavern in towns, villages and fourth class cities.
- (5) A combination novelty store and tavern.
- (6) A bowling alley or recreation premises.
- (7) A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the Class "B" license or permit.
- (8) A movie theater. **[Added 3-13-2019 by Ord. No. 1]**
- (9) A painting studio. **[Added 3-13-2019 by Ord. No. 1]**
- (10) Premises for which a temporary Class "B" license is issued under § 125.26(6) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event. **[Added 3-13-2019 by Ord. No. 1]**

§ 305-8. Investigation.

The Town Clerk shall notify the Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. A records check may also be requested from the Sheriff's Department. These officials shall furnish to the Town Clerk, in writing, who shall forward to the Town Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

§ 305-9. Approval of application.

- A. No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Town are delinquent and unpaid.
- B. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Department of Agriculture, Trade and Consumer Protection and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Town. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Consideration for the granting or denial of a license will be based on:
- (1) Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- D. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

§ 305-10. Granting of license.

- A. In the event the application is for a "Class A" or a "Class B" intoxicating liquor license at a site not previously licensed under this chapter, the Town Clerk shall schedule public hearings before the Town Board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. The notice shall be given at least 10 days before the hearing and may be given by mail.

- B. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town. The fee for a "Class A," Class "A," "Class B" and Class "B" license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. **[Amended 3-13-2019 by Ord. No. 1]**
- C. If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to § 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least 10 days prior to the Town Board meeting at which the application is to be reconsidered.

§ 305-11. Transfer and lapse of license.

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Town Board. An application for transfer shall be made on a form furnished by the Town Clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be as provided in the Town Fee Schedule. Whenever a license is transferred, the Town Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Town for reissuance of said license and the Town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Town Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town.

§ 305-12. Numbering of license. [Amended 3-13-2019 by Ord. No. 1]

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The Town Clerk shall submit a list of license holders to the state as provided by § 125.04(4) of the Wisconsin Statutes.

§ 305-13. Posting licenses; defacement.

- A. Every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- B. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

§ 305-14. Conditions of license.

All retail Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other Ordinances and regulations of the Town applicable thereto.

- A. Consent to entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. Employment of minors. No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. This subsection shall not apply to a person who has an operator's license or who is at least 18 years of age and is under supervision as provided in §§ 125.32(2) and 125.68(2), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Disorderly conduct prohibited. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- D. Licensed operator on premises. There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented

malt beverages in any place operated under a "Class B," Class "B" or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.

- E. Health and sanitation regulations. The rules and regulations of the State Department of Agriculture, Trade and Consumer Protection governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations. **[Amended 3-13-2019 by Ord. No. 1]**
- F. Restrictions near schools and churches. No retail Class "A," Class "B," "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
- G. Clubs. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- H. Gambling prohibited. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this chapter or the laws of the State of Wisconsin.
- I. Credit prohibited. No retail Class "A," Class "B," "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- J. Licensee or permittee responsible for acts of help. A violation of this chapter by a duly authorized agent or employee of a licensee or permittee under this chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this chapter shall violate any portion of this chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this chapter.
- K. Improper exhibitions. It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any

employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (3) Exposes any portion of the female breast at or below the areola thereof; or
- (4) Engages in or simulates sexual intercourse and/or any sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

§ 305-15. Closing hours.

Closing hours shall be established in conformance with § 125.32(3), Wis. Stats., and further restricted as follows:

A. Class "B" licenses.

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

B. Carryout hours. Between 12:00 midnight and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

[Amended 3-13-2019 by Ord. No. 1]

§ 305-16. Restrictions on temporary fermented malt beverage or wine licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Town-owned property or privately-owned property within the Town of Koshkonong, except through

the issuance of a temporary Class "B" fermented malt beverage license or temporary "Class B" wine license issued by the Town Board in accordance with Wisconsin Statutes and as set forth in this section. A temporary Class "B" fermented malt beverage license or temporary "Class B" wine license authorizing the sale and consumption of beer and/or wine on Town-owned property or privately owned property may be authorized by the Town Board, provided the following requirements are met:

- A. Compliance with eligibility standards. The organization shall meet the eligibility requirements of a bona fide club, chambers of commerce, association, lodge or society as set forth in § 125.26(6), Wis. Stats., and shall fully comply with the requirements of this section and § 305-21. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Posting of signs and licenses. All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- C. Fencing. If necessary due to the physical characteristics of the site, the Town Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high and a minimum of six feet between fences.
- D. Underage persons prohibited. No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale. This subsection shall not apply to a person who has an operator's license or who is at least 18 years of age and is under supervision as provided in §§ 125.32(2) and 125.68(2), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Licensed operators requirement. A licensed operator shall be stationed at all points of sales at all times.
- F. Waiver. The Town Board may waive or modify the requirements of this section due to the physical characteristics of the licensed site.
- G. Insurance. The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Town on account of any injury to or

death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Town of Koshkonong. The applicant may be required to furnish a performance bond prior to being granted the license. **[Amended 3-13-2019 by Ord. No. 1]**

§ 305-17. Revocation and suspension of licenses; nonrenewal.

- A. Procedure. Whenever the holder of any license under this chapter violates any portion of this article of this chapter of the Code of the Town of Koshkonong, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section.
- B. Abandonment of premises. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six months shall be prima facie evidence of the abandonment, unless extended by the Town Board. All persons issued a license to sell alcohol beverages in the Town for which a quota exists limiting the number of such licenses that may be issued by the Town shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the terms of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.
- C. License revocation or suspension. License revocation or suspension procedures shall be as prescribed by Ch. 125, Wis. Stats.

§ 305-18. Nonalcohol events for underage persons on licensed premises.

The presence of underage persons on a licensed premises as provided under § 125.07(3)(a) 10, Wis. Stats., shall be subject to the following:

- A. The licensee or agent of a corporate licensee shall notify the Town Clerk at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Town Clerk during normal working hours. After a nonalcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Town in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.

- B. During the period of any nonalcohol event a notice card prescribed by the Town shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Town to a requesting licensee.
- C. Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- D. During the period of any nonalcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

§ 305-19. Operator's license.

- A. Operator's license required.
 - (1) Operator's licenses; Class "A," Class "B" or "Class C" premises. Except as provided under § 125.32(3)(b) and § 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A," Class "B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under § 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this section, any person holding a manager's license under § 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of 18, shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A," Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
 - (2) Use by another prohibited.
 - (a) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.

- (b) The license or permit of a person who violates Subsection A(2)(a) above shall be revoked.

B. Procedure upon application.

- (1) The Town Board or Town Clerk may issue an operator's license, which license shall be granted only upon application, in writing, on forms to be obtained from the Town Clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the Town.
- (2) All applications are subject to an investigation by law enforcement authorities and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. These authorities may conduct an investigation of the applicant, including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend, in writing, to the Town Board or Town Clerk approval or denial of the application. If the authorities recommend denial, the authorities shall provide, in writing, the reasons for such recommendation.

C. Duration. Licenses issued under the provisions of this chapter shall be valid for a period of one year and shall expire on the thirtieth day of June of each year.

D. Operator's license fee; provisional license; temporary license.

- (1) Fee. Per Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) Provisional license. The Town Clerk may issue provisional operator's licenses in accordance with § 125.17(5), Wis. Stats. The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Town Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the Town Board or who has had his operator's license revoked or suspended within the preceding 12 months. The Town Clerk shall provide an appropriate application form to be completed in full by the applicant. The Town Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

- (3) Temporary license. The Town Clerk may issue a temporary operator's license, at a fee of \$10, provided that:
 - (a) This license may only be issued to operators employed by, or donating their services to, nonprofit corporations and organizations; for temporary or special events; the number of temporary operators for a particular event/location shall be limited to 10.
 - (b) No person may hold more than two licenses of this kind per year. **[Amended 3-13-2019 by Ord. No. 1]**
 - (c) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

E. Issuance or denial of operator's licenses.

- (1) After the Town Board or Town Clerk approves the granting of an operator's license, the Town Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (2) Denial.
 - (a) If the application is denied by the Town Board, the Town Clerk shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the Town Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least 10 days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
 - (b) If, upon reconsideration, the Board or Clerk again denies the application, the Town Clerk shall notify the applicant, in writing, of the reasons therefor. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to § 125.12(2)(d), Wis. Stats., for review.
- (3) Qualifications to be considered.
 - (a) Consideration for the granting or denial of a license will be based on:
 - [1] Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322, and 111.335, Wis. Stats.;
 - [2] The financial responsibility of the applicant;

[3] The appropriateness of the location and the premises where the licensed business is to be conducted; and

[4] Generally, the applicant's fitness for the trust to be reposed.

(b) If a licensee is convicted of an offense substantially related to the licensed activity, the Town Board may act to revoke or suspend the license.

(4) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board or Town Clerk, the Town Board or Town Clerk, reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town Board or Town Clerk, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more, subject to compliance with § 111.335(4), Wis. Stats. **[Amended 3-13-2019 by Ord. No. 1]**

F. Training course.

(1) Except as provided in Subsection F(2), no municipal governing body may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the department of safety and professional services, or unless the applicant fulfills one of the following requirements: **[Amended 3-13-2019 by Ord. No. 1]**

(a) The person is renewing an operator's license.

(b) Within the past two years, the person held a Class "A," Class "B," "Class A," "Class B" or "Class C" license or permit or a manager's or operator's license.

(c) Within the past two years, the person has completed such a training course.

- (2) The Town Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection F(1) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
 - (3) The Town Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection F(1), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection F(1).
- G. Display of license. Each license issued under the provisions of this chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or the licensee shall carry a license card. **[Amended 3-13-2019 by Ord. No. 1]**
- H. Revocation of operator's license. Violation of any of the terms or provisions of the State law or of this chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

§ 305-20. Violations and penalties.

- A. Forfeitures for violations of §§ 125.07(1) through (5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in § 305-2 of the Code of the Town of Koshkonong, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this chapter of the Code of Ordinances of the Town of Koshkonong, except as otherwise provided in Subsection A herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in § 1-3, General penalty, of this Code of the Town of Koshkonong.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Chapter 316**JUVENILES****GENERAL REFERENCES**

Intoxicating liquor and fermented malt beverages — See Ch. 305.
Loitering — See Ch. 344.

§ 316-1. Town jurisdiction over persons 12 through 17 years of age.

- A. Adoption of state statute. Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein.
- B. Provisions of ordinance applicable to persons 12 through 17 years of age. Subject to the provisions and limitations of § 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 12 through 17 years of age may be brought on behalf of the Town of Koshkonong and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- C. No incarceration as penalty. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.
- D. Additional prohibited acts. In addition to any other provision of the Town of Koshkonong Code of Ordinances, no person age 12 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats.
- E. Penalty for violations of Subsection D. Any person 12 through 17 years of age who shall violate the provisions of Subsection D shall be subject to the same penalties as are provided in § 1-3 of the Code of the Town of Koshkonong exclusive of the provisions therein relative to commitment in the County Jail.

§ 316-2. Enforcement and penalties.

- A. Citation process. Juveniles may be cited by Town or Town designee.
[Amended 3-13-2019 by Ord. No. 1]
- B. Penalties. Violations by a person under the age of 18 shall be punishable according to §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

Chapter 330
LICENSING AND PERMITS

GENERAL REFERENCES

Animals – See Ch. 190.

Hazardous materials and pollution – See Ch. 291.

Health and sanitation – See Ch. 296.

Intoxicating liquor and fermented malt beverages – See Ch. 305.

Sex offenders residency restrictions – See Ch. 454.

Solid waste and recycling – See Ch. 466.

Transient merchants – See Ch. 503.

Vehicles and traffic – See Ch. 535.

ARTICLE I

General Provisions**[Adopted as Title 7, Ch. II, of the 1996 Code]****§ 330-1. Definitions.**

The following definitions shall be applicable in this chapter:

ASPHALT AND TAR PAVING MIX PLANTS — As used herein are defined as plants wherein asphalt, tar or other petroleum products or by-products are prepared or mixed, either alone or with other ingredients, as a material for paving or surfacing.

CONCRETE READY-MIX PLANTS — As used herein are defined as plants where water, gravel, sand, crushed stone or other aggregate is mixed with cement and placed within a truck or trucks for the purpose of mixing such ingredients and to create and manufacture concrete thereby while such truck is in transit to its ultimate point of delivery.

TARGET RANGES — As used herein are defined as any place where fixed or movable targets are set up and arranged for the purpose of being shot at for practice or marksmanship by more than two persons discharging firearms at about the same time.

§ 330-2. Licensees required to pay local taxes, assessments and claims.

- A. Payment of claims. The Town shall not issue or renew any license to transact any business within the Town of Koshkonong:
- (1) For any purposes for which taxes, assessments or other claims of the Town are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - (a) Of any taxes, assessments or other claims owed the Town; or
 - (b) Of any forfeiture resulting from a violation of any Town ordinance.
- B. Exemption. This section shall apply to licenses issued pursuant to the provisions of Ch. 199, Ch. 207, Ch. 278, Ch. 305, Art. I, Ch. 330, Arts. I and II, Ch. 367, Ch. 478, Art. III and Ch. 503 of this Code, but not Ch. 190 and Ch. 330, Art. III.
- C. Applicability. An application for renewal of a license subject to this chapter shall be denied pursuant to the provisions of Subsection A only following notice and opportunity for hearing as provided by Subsection D below.
- D. Hearings. Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection A, the applicant shall be given notice and opportunity for a hearing as hereinafter provided:

- (1) With respect to licenses renewable under Chapter 305, Intoxicating Liquor and Fermented Malt Beverages, Article I, Licenses, notice and opportunity for hearing shall be as provided by § 125.12, Wis. Stats., as amended from time to time, and Town ordinances.
 - (2) With respect to licenses other than those described in Subsection A herein, the Town Board or its assignee shall notify the applicant, in writing, of the Town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three days nor more than 10 days after the date of the notice on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Town Board shall conduct a hearing with respect to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection A, the application for renewal shall be denied.
- E. Appeals. Where an individual, business or corporation wishes to appeal the Town Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections A through D above, the applicant may file a request, in writing, with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within 14 calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding. The fee for an appeals request shall be as provided in the Town Fee Schedule.

§ 330-3. Duty of Clerk with regard to licenses.

The Town Clerk shall be charged with the administration of all ordinances relating to licenses unless otherwise provided by the Town Board.

ARTICLE II

Cigarette Licenses

**[Adopted as Title 7, Ch. 3, of the 1996 Code; amended in its entirety
3-13-2019 by Ord. No. 1]**

§ 330-4. License required.

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

§ 330-5. Application for license; fee.

Every person, firm or corporation desiring a license under this section shall file with the Town Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Town Clerk and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Town Clerk a license fee as provided in the Fee Schedule.

§ 330-6. Issuance and term of license.

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of tobacco products or any substitute therefor shall be issued by the Town Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this section.

ARTICLE III

**Asphalt and Tar Mix Plants, Concrete Ready-to-Mix Plants and
Target Ranges
[Adopted as Title 7, Ch. 5, of the 1996 Code]**

§ 330-7. License required.

No person, firm, corporation or municipality shall operate an asphalt or tar paving mix plant, a concrete ready-mix plant or a target range within the Town of Koshkonong without first obtaining a license to do so from the Town Board of the Town of Koshkonong as hereinafter provided in this chapter.

§ 330-8. Application; fee.

A. Application data. License applications for licenses to operate an asphalt or tar paving mix plant, concrete ready-mix plant or target range within the Town of Koshkonong shall be submitted, in writing, to the Town Board and shall set forth the following:

- (1) Name, residence or office address of applicant.
- (2) Description of the premises to be used.
- (3) Zoning of the premises to be used.
- (4) Statement of the nature of the proposed operation, including a description of the machinery to be used; the type and amount of explosives to be used or stored, if any; the type and size of buildings to be constructed; the smoke and dust-control devices to be utilized, if any; the highways to be used for the truck traffic to and from the location; proposed devices for muffling of noise, if any; the employment of safety devices to protect the public from dangers inherent to the proposed use; deodorants or odor-control devices, if any; method of concealing unsightly deposits, if any; and other pertinent data which the applicant deems material.
- (5) A description of the surrounding property and its use.
- (6) Hours of intended operation.
- (7) The method and manner of draining surface water and accumulated water from the licensed premises.
- (8) The method and manner of restoring the area of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.

B. Fees. The application shall be accompanied by a fee as provided in the Fee Schedule to defray the cost of publication, investigation and public hearings, if any. **[Amended 3-13-2019 by Ord. No. 1]**

§ 330-9. Public hearing.

- A. Upon receipt of an application submitted as provided in § 330-8, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for a public hearing upon such application, which said date shall not be more than 15 days after receipt of the application by the Town Board. The public hearing shall be held at the Town Hall in the Town of Koshkonong, and a notice of said meeting shall be published in the official newspaper at least five days before the date of said public hearing. At such hearing, the Board shall hear all persons interested in granting or denying said license and may, if it seems fit, take testimony relative to the application.
- B. Where the license applied for related to the continuation of an existing business as enumerated herein, no public hearing need be held.

§ 330-10. Determination by Town Board.

- A. Within five days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town of Koshkonong. Such determination shall be made on the basis of the information contained in the application, together with the evidence presented at the public hearing and a personal inspection of the premises by the members of the Town Board.
- B. The Town Board may, as a condition to the issuance of a license, demand an agreement with the applicant whereby the applicant agrees to restore the premises in accordance with the representations contained in the application. The Town Board may demand that a performance bond, written by a licensed surety company, in an amount sufficient to secure the performance of the restoration agreement be furnished to the Town. The Town Board shall determine the amount of such bond. The Town Board shall thereupon grant or deny the license in accordance with such determination.

§ 330-11. Term of license.

- A. Such license shall expire on January 30th of every year and shall not be assignable. Such license shall also terminate:
 - (1) Upon change of ownership of the land affected by such license or upon the change of ownership of the firm, company, corporation or municipality operating the licensed business.
 - (2) In the event the use specified in the license is not carried on in accordance with the representations contained in the application or in the event such use is changed to another use enumerated herein.
- B. In the event of the occurrence of the events enumerated in Subsection A(1) or (2) above, another license shall be applied for and obtained by

the proposed operator as a condition precedent to the continued operation of the licensed business or the resumption of the discontinued business.

- C. In the event of application for a license pursuant to Subsection B hereof or in the event of an application for the annual renewal of an existing license, the Town Board may consider the same without the necessity of holding a public hearing.
- D. Any license issued pursuant to Subsection B hereof shall be deemed an original license, and the licensed operator shall be bound by the terms thereof.

§ 330-12. License revocation.

- A. Revocation grounds. The following acts shall constitute grounds for revocation of license:
 - (1) Failure to discharge or drain surface water or accumulated water from the licensed premises in such method and manner as will not interfere with the use of lands, drains and ditches or other persons, firms or corporations, municipally owned or otherwise.
 - (2) Any change in the manner of operation specified in the application as approved by the Town Board in granting the original license.
- B. Revocation hearing. Any proceeding to revoke a license shall be instituted by the Town Board by the mailing of a notice of hearing on revocation to the applicant. Such notice shall be mailed at least 10 days prior to the date of hearing. At such hearing, applicant may appear personally and by his attorney and present his defense to the proposed revocation. The Town Board shall have three days after such hearing to make a determination of whether grounds of revocation exist. If such Board shall find that any of the conditions specified in the ordinance as grounds for revocation exist, the Town Board shall forthwith revoke such license and notify the licensee by mail addressed to the licensee at the address shown in the application. Licensee shall thereafter cease and desist forthwith from the operation of the licensed premises.

§ 330-13. Denial of license.

In the event a license is denied for operation of any business enumerated herein with respect to any particular parcel of realty, no application for the same business on the same parcel of land, or any part thereof, may be filed within one year from the date of such denial. In the event, however, that a new application shall reveal a material difference any of the items specified in § 330-8 hereof, the Town Board may, upon a finding that the new application does include such material difference, proceed to hear and determine such new application within said year.

§ 330-14. Road permits.

Any party granted a license under this chapter to operate a concrete ready-mix, asphalt or tar mix plant shall also secure from the Town Board a road permit prior to commencing operations. The Town Board may establish reasonable conditions on such permit, including, but not limited to, an annual fee, use restrictions to certain roads, heavy use maintenance requirements, etc.

§ 330-15. Violations and penalties.

Any person, firm, corporation or municipality who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this section shall be subject to a forfeiture as prescribed in § 1-3, together with the costs of prosecution and, in default of payment thereof, by imprisonment in the County Jail of Jefferson County for a term of not more than 30 days or until such judgment is paid in the case of an individual; and every day of violation shall constitute a separate offense. In case any premises are used as an asphalt or tar paving mix plant, concrete ready-mix plant or target range in violation of this chapter, an action in the name of the Town of Koshkonong may be instituted to enjoin such violation or intended violation; and this remedy shall be in addition to other remedies set forth in this chapter.

Chapter 334

LIGHTING, OUTDOOR

GENERAL REFERENCES

Building construction — See Ch. 218.

Property maintenance — See Ch. 424.

Nuisances — See Ch. 391.

Zoning — See Ch. 560.

§ 334-1. Definitions.

As used in this chapter unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

DEVELOPMENT PROJECT — Any residential, commercial, industrial or mixed use subdivision plan of development plan which is submitted to the Town for approval.

DIFFUSE — To spread or scatter widely, or thinly.

DIRECT ILLUMINATION — Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building surfaces.

FOOTCANDLE — A unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot or 10.764 lux). **[Added 3-13-2019 by Ord. No. 1]**

FULLY SHIELDED LIGHT FIXTURE — A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by a photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

GLARE — The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes have adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes have become adapted.

INSTALLED — The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

LIGHT POLLUTION — Any adverse effect of man-made light.

LIGHT TRESPASS — Light from an outdoor luminaire falling on an adjacent property as observed at four feet above ground at the property line.

LUMEN PER ACRE CAP — The upper limit, or most light allowed. Lower lighting levels are encouraged.

LUMINAIRE — The complete lighting assembly, less the support assembly.

LUX — The SI unit of illuminance equal to one lumen per square meter.**[Added 3-13-2019 by Ord. No. 1]**

MOTION DETECTOR CONTROL — A light controller that turns light on when motion is detected, and when motion is absent, turns light off after no more than 60 minutes.**[Added 3-13-2019 by Ord. No. 1]**

OUTDOOR LIGHT FIXTURE — An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights used for:

- A. Parking lot lighting;
- B. Buildings and structures;
- C. Recreational areas;
- D. Landscape lighting;
- E. Billboards and other signs (advertising or other);
- F. Product display area lighting;
- G. Illuminating building overhangs and open canopies.

OUTDOOR RECREATION FACILITY — An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

PERSON — Any individual, tenant, lessee, owner, or any commercial entity, including, but not limited to, firm, business, partnership, joint venture, corporation, or limited liability company.

SIGN, EXTERNALLY ILLUMINATED — A sign illuminated by light sources from outside the sign surface.

SIGN, INTERNALLY ILLUMINATED — A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

SIGN, NEON — A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from the outside of the sign cabinet.

SKY GLOW — The brightening of the night sky that results from the scattering of artificial visible radiation by the constituents of the atmosphere.

TEMPORARY LIGHTING — Lighting which does not conform to the provisions of this chapter and which will not be used for more than one consecutive thirty-day period within a calendar year, with one consecutive thirty-day extension. Temporary lighting is intended for uses which by their

nature are of a limited duration; for example holiday lighting decorations, civic events, or construction projects.

TRANSLUCENT — Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

USE, ABANDONMENT OF — The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a continuous period of 12 months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

§ 334-2. Purpose and intent.

- A. It is the intent of this chapter to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and the nighttime use and enjoyment of property. These measures will reasonably curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.
- B. In adopting this chapter, credit is hereby given to the International Darksky Association for its assistance in providing valuable information and guidance.

§ 334-3. Conformance with applicable codes.

All outdoor illuminating devices shall be installed and maintained in conformance with the provisions of this chapter, the Town of Koshkonong Building Code, the Electrical Code, and the Sign Code of the jurisdictions as applicable and under appropriate permit and inspection.

§ 334-4. Applicability.

- A. New uses, buildings and major additions or modifications. For all proposed new land uses, developments, buildings, and structures that require a building permit or other authorization from the Town, all outdoor lighting fixtures shall meet the requirements of this chapter. All building additions or modifications of 25% or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall be subject to the requirements of this chapter for the entire property, including previously installed and any new outdoor lighting.

- B. Existing uses. Existing uses shall be exempted from the provisions of this chapter in the circumstances as described in § 334-8 below. Existing uses and lighting which substantially deviate from the purpose and Intent set forth above, and which are brought to the attention of the Town Board by an aggrieved party, may constitute a public nuisance under § 391-2A and subject to abatement or other relief.
- C. Resumption of use after abandonment. If a property or use with nonconforming lighting is abandoned as defined below, then all outdoor lighting shall be reviewed and brought into compliance with this chapter before any use is resumed.
- D. Roadways. Lighting for public roadways is exempt from the provisions of this chapter.

§ 334-5. Shielding and outdoor lighting standards.

The following lighting standards are hereby imposed:

- A. All nonexempt outdoor lighting fixtures shall be fully shielded.
- B. All nonexempt outdoor lighting fixtures shall be placed so as to not cause light trespass, or light glare.
- C. All nonexempt outdoor lighting fixtures shall be of a type and placed so as to not allow any light above the horizontal, as measured at the luminaire.
- D. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in the definition of "fully shielded light fixture" in § 334-1 for fully shielded fixtures.
- E. Residential, and all other uses except commercial or business shall not exceed 5,500 lumens per acre. Commercial or business zoned uses shall not exceed 70,000 lumens per property.

§ 334-6. Outdoor advertising signs.

External illumination for signs shall conform to all provisions of this chapter. All upward directed lighting is prohibited.

§ 334-7. Special uses.

- A. Recreational facilities. Lighting for outdoor athletic fields, courts or tracks shall conform to the provisions of this chapter, except that they are exempted. Field lighting for these facilities shall be turned off within one-half hour after the last game or event of the night.
- B. Temporary exemptions. Any person may request of the Town Board of the Town a temporary exemption from the provisions of this chapter.

§ 334-8. Exemptions.

- A. Nonconformance. Any lighting in existence as of the effective date of this chapter is subject to the following:
- (1) Bottom-mounted or unshielded outdoor advertising sign lighting shall not be used beginning five years after enactment of this chapter.
 - (2) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this chapter are exempt from all requirements of this chapter. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement), or structural alteration made, without conforming to all applicable requirements of this chapter. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this chapter will apply when the abandonment ceases or the new use commences.
- B. State and federal facilities. Compliance with the intent of this chapter at all state and federal facilities is encouraged, but is not mandatory.
- C. Emergency lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this chapter as long as the emergency exists.
- D. Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it must conform to all other provisions of this chapter.
- E. Residential fixtures. Outdoor light fixtures attached to residential buildings and located below the eave and less than 2,000 lumens are exempt from the provisions of this chapter. Light fixtures 2,000 lumens and over are not exempt. Outdoor fixtures above the eave, or attached to buildings or poles separate from the residence are not exempt. Spot or flood lights shall be fully shielded and directed no more than 45° above straight down.

Examples of lamps with 2,000 Lumens and Less

The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications. Examples of lamp types of 2,000 lumens and less are:

- 100 watt standard incandescent
- 15 watt cool white fluorescent
- 15 watt compact fluorescent
- 18 watt low-pressure sodium

- F. Flags, lighted. United States and State of Wisconsin flags are exempt from the provisions of this chapter. All other outdoor lighted flags, such

as, but not limited to, decorative and commercial flags shall conform to the provisions of this chapter.

- G. Holiday lighting is exempt from the provisions of this chapter from the day before Thanksgiving until January 30 of the following year.
- H. Internally illuminated and neon lighted outdoor signs are exempt from the provisions of this chapter.
- I. Laser and search lights are exempt from the provisions of this chapter when used for temporary purposes of not more than five consecutive days in a six-month period. This restriction shall apply to either the same person or same property.
- J. Towers. Legally required safety lighting for towers shall be exempt from this chapter.
- K. Airfields and airports. These facilities, both commercial and noncommercial, shall be exempt from the provisions of this chapter where lighting is used for air safety reasons. All other lighting shall conform to this chapter.
- L. Motion detector control. Lights controlled by a motion detector are exempt when such lights do not cause the property to exceed lumen limits. **[Added 3-13-2019 by Ord. No. 1]**
- M. Decorative or accent lighting made up of strings of multiple unshielded bulbs will be allowed when: **[Added 3-13-2019 by Ord. No. 1]**
 - (1) Lighting level at any property line does not exceed one footcandle as measured with a light meter;
 - (2) Light is turned off at 10 p.m.; or
 - (3) After 10 p.m., light shall be motion detector-controlled.

§ 334-9. Special considerations.

When an existing light would be in violation of this chapter, but is exempted, the exemption may be withdrawn if the Town Board finds the lighting to be:

- A. Substantially aggravating or constitutes a nuisance to affected properties; or
- B. The lighting serves no useful purpose, upon finding of the Town Board.

§ 334-10. Appeals.

Any person substantially aggrieved by any decision of the designated official made in administration of this chapter has the right and responsibilities of appeal to the Town Board.

§ 334-11. Law governing conflicts.

Where any provision of federal, state, county, township, or city statutes, codes, or laws conflict with any provision of this chapter, the more restrictive shall govern unless otherwise regulated by law.

§ 334-12. Violations and penalties. [Amended 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

§ 334-13. Severability.

If any of the provisions of this chapter or the application thereof are held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect, and to this end, the provisions of this chapter are declared to be severable.

§ 334-14. Effective date.

This chapter shall become effective as of August 10, 2001.

Chapter 338**LITTERING****GENERAL REFERENCES**

Hazardous material and pollution — See Ch. 291.

Health and sanitation — See Ch. 296.

Right-of-way access — See Ch. 432.

ARTICLE I

Prohibited**[Adopted as Sec. 11-3-2 of the 1996 Code]****§ 338-1. Littering prohibited. [Amended 3-13-2019 by Ord. No. 1]**

No person shall throw any glass, refuse or waste, including e-waste, filth or other litter upon the streets, alleys, highways, public parks, public rights-of-way, or other property of the Town, or upon any private person or the surface of any body of water within the Town.

§ 338-2. Litter from conduct of commercial enterprise.

- A. Scope. The provisions of this subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
- B. Cleanup of litter. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 24 hours of the time the same is deposited or immediately if such litter or debris presents a traffic or safety hazard. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- C. Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B within the time specified, the Town shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

§ 338-3. Dumping of refuse and grass along roads.

Except for temporary placement up to six hours, no person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley, public right-of-way or highway.

§ 338-4. Depositing of materials prohibited.

Except as provided in § 338-3, it shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Town Board, or its designee,

pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

§ 338-5. Handbills.

- A. Scattering prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- B. Papers in public places prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
- C. Advertisements upon public or private property. No person shall place any advertisement upon any public property or any street, alley or public ground or upon any private property situated and fixed in any street, alley or public ground or upon any other private property, except by the permission of the owner thereof, but this section shall not apply to the posting of notices required by law.

§ 338-6. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this article shall be subject to the penalty provided in § 1-3, General penalty.

ARTICLE II

**Deposit of Rubbish and Stones on Highways and Rights-of-Way
[Adopted as Sec. 6-1-3 of the 1996 Code]****§ 338-7. Burning or deposit of rubbish on highway rights-of-way prohibited. [Amended 3-13-2019 by Ord. No. 1]**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, leaves, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Koshkonong, Jefferson County, State of Wisconsin, or to burn any material of any nature in or on the right-of-way of any such highway in the Town of Koshkonong.

Chapter 344**LOITERING****GENERAL REFERENCES**

Juveniles — See Ch. 316.

Nuisances — See Ch. 391.

§ 344-1. Definitions.

As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Koshkonong.

PROWL — To move or roam about furtively, particularly on the property of another person.

§ 344-2. General regulation of loitering or prowling.

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

§ 344-3. Public property loitering prohibited.

- A. No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.

- B. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

§ 344-4. Private property loitering prohibited.

- A. No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
- B. Upon being requested to move by any such person in authority or by any law enforcement officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.²⁶

§ 344-5. Loitering by underage persons where alcohol beverage is dispensed.

- A. Underage persons and intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- B. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age. **[Amended 3-13-2019 by Ord. No. 1]**

§ 344-6. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 359

MAILBOXES

GENERAL REFERENCES

Right-of-way access — See Ch. 432.

26. Editor's Note: Original Sec. 11-2-3(d), Loitering or prowling prohibited, which immediately followed this section, was repealed 3-13-2019 by Ord. No. 1.

ARTICLE I

**Placement of Rural Mailboxes
[Adopted as Sec. 6-3-6 of the 1996 Code]****§ 359-1. Prohibition; exceptions.**

Rural mailboxes are prohibited on the right-of-way of all highways within the Town of Koshkonong except as hereinafter provided:

- A. Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
- B. Newspaper tubes are permitted only if provided by the newspaper or of a construction or design that will not present a hazard to the public use of the right-of-way.
- C. A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.
- D. The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- E. Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or protruding end of the newspaper tube is at least one foot from the paved portion of the highway.
- F. The owner of each mailbox and/or newspaper tube shall, within 24 hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of 15 feet to each side of said mailbox and/or newspaper tube.
- G. No other objects, including, but not limited to, landscaping boulders, fences or brick standards, may be placed on the right-of-way.
- H. This section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Koshkonong to locate and remove obstructing mailboxes.

§ 359-2. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this article shall be subject to the penalty provided in § 1-3, General penalty.

ARTICLE II

**Replacement of Damaged Mailboxes by Town
[Adopted as Sec. 6-3-7 of the 1996 Code]****§ 359-3. Replacement by Town.**

The Town of Koshkonong will replace mailboxes damaged on the Town road system where it has been determined that:

- A. Physical damage, which can be proven and documented by the owner or the Town, was caused by actual Town equipment contact.
- B. The mailbox is of standard design and placed in conformance with U.S. Post Office standards.
- C. The existing installation, mailbox and mailbox post were in good repair.

§ 359-4. Replacement not by Town.

The Town of Koshkonong will not replace mailboxes damaged on the Town road system where it has been determined that:

- A. The mailbox was not of standard design, or not placed in conformance with U.S. Post Office standards, even though it may have been damaged by Town equipment.
- B. The mailbox, post and installation were not in good repair.
- C. Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.

§ 359-5. Payment by Town for replacement.

The replacement of mailboxes by the Town of Koshkonong shall be limited to a \$25 payment. Special decorative mailboxes and/or posts will not be provided. If the owner wishes to install a decorative mailbox and/or post that meets standards, it shall be at the owner's expense.

Chapter 367**MINING, NONMETALLIC****GENERAL REFERENCES**

Blasting — See Ch. 207.

Sewers and sewage disposal — See Ch. 447.

Hazardous materials and pollution — See Ch. 291.

Solid waste and recycling — See Ch. 466.

§ 367-1. Definitions.

As used in this chapter:

ENVIRONMENTAL POLLUTION — Has the meaning specified under § 295.11(2), Wis. Stats.

NONMETALLIC MINING or **NONMETALLIC MINING OPERATION** — Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.

NONMETALLIC MINING REFUSE — Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

NONMETALLIC MINING SITE or **SITE** — The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

OPERATOR — Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

RECLAMATION — The rehabilitation of a nonmetallic mining site, including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

REPLACEMENT OF TOPSOIL — The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

§ 367-2. Statutory provisions adopted.

This chapter is adopted pursuant to § 295.14, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

§ 367-3. Existing nonmetallic mining operations.

This nonmetallic mining reclamation chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this chapter.

§ 367-4. Exempt activities. [Amended 3-13-2019 by Ord. No. 1]

This nonmetallic mining reclamation chapter shall not apply to the following activities:

- A. Excavations or grading by a person solely for domestic or farm use at his or her residence or farm.
- B. Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or any other transportation facility if the excavation or grading is within the property boundaries of the transportation facility.
- C. Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- D. Excavations for building construction purposes.
- E. Nonmetallic mining sites of less than one acre.
- F. Any mining operation, the reclamation of which is required in a permit obtained under Ch. 293 or Subch. III of Ch. 295, Wis. Stats.
- G. Any activities required to prepare, operate or close a solid waste disposal facility under Subchs. II to IV of Ch. 289, Wis. Stats., or a hazardous waste disposal facility under Ch. 291, Wis. Stats., that are conducted on the property on which the facility is located, but a nonmetallic mining reclamation ordinance and the standards established under § 295.12(1)(a), Wis. Stats., apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property on which the solid waste or hazardous waste disposal facility is located such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

- H. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from that dredging.
- I. Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under § 30.21, Wis. Stats.

§ 367-5. Permit required for nonmetallic mining.

- A. Permit required. No person shall operate any nonmetallic mining site or operation within the Town unless he obtains a nonmetallic mining permit from the Town Board. The fee for such permit shall be as in the Town Fee Schedule²⁷, as determined by the Town Board pursuant to the size of the proposed operation plus any actual Town administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within 30 days of the effective date of this chapter. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Required permit information. An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
 - (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;
 - (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Town Board deems pertinent to the operation.
- C. Reclamation plan. The reclamation plan shall contain adequate provision that:

27. Editor's Note: The Fee Schedule is on file in the Town office.

- (1) All final slopes around the area be flatter than a three to one horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
 - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water-producing depth shall be not less than three feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Town Board;
 - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- D. Applications. All applications for a permit hereunder shall be made, in writing, upon the written form provided by the Town and distributed by the Town Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Town Clerk at least 60 days prior to the licensing period. The Clerk shall immediately refer all applications for a permit hereunder to the Town Board for public hearing and approval except no public hearing is required for any renewal permit pursuant to § 367-7D hereof. The operator shall receive written notice of the public hearing. The permit shall be for a period of time as stated in the application or as modified by the Town Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Town Board may approve, approve conditionally or reject the application and reclamation plan.
- E. Financial assurance. Before a permit and reclamation plan is approved by the Town Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Town Board.
 - (2) Guaranteed completion of the required reclamation within a period determined by the Town Board.

- (3) Payment by the operator for all costs incurred by the Town for review and inspection. This would include preparation and review of plans and specifications by the Town Engineer and Attorney, as well as other costs of a similar nature.
 - (4) The Town may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
 - (5) The required performance bond or cash escrow agreement shall be equal to 1 1/4 times the Town Engineer's estimated cost of the required improvements, or such other amount as the Town Board may determine.
 - (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Town Board, at its option, may extend the bond period for additional periods.
- F. Fences. Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than six feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- G. Inspection. An authorized agent of the Town may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under § 66.0119, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation chapter.
- H. Prohibitions and orders. Nonmetallic mining operations within the Town are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this chapter or if other requirements of this chapter are not met.

§ 367-6. Permit revocation.

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Town Board.

§ 367-7. Blasting and/or rock crushing.

- A. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

BLASTING — A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.

PERSON — Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

ROCK CRUSHER — Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.

- B. Operation. No person within the Town shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Town. All blasting within the Town shall be performed according to the requirements of Chapter 207, Blasting, of the Code of the Town of Koshkonong.
- C. Permit.
- (1) Permit required. No person within the Town shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Town, except where such activities are expressly authorized as part of a permit issued pursuant to § 367-5.
 - (2) Applications. All applications for permits hereunder shall be made, in writing, upon the written form provided by the Town and distributed by the Town Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Town Clerk at least 60 days prior to the licensing period. The Town Clerk shall immediately refer all applications for permits hereunder to the Town Engineer. The Town Clerk shall issue a permit hereunder only after first receiving the recommendation of the Town Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Town Engineer.
 - (3) Certified check. Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the Town.
 - (4) Plan of operation. Each application for a permit to perform blasting or operate a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage

course, maximum depth, legal description of property in question and other information the Town Engineer deems pertinent to the proposed operation. Such Plan of Operation shall be approved by the Town Engineer. **[Amended 3-13-2019 by Ord. No. 1]**

- (5) Each application for a blasting permit shall be accompanied by a certificate of insurance identifying the Town of Koshkonong as a party insured in the amount of \$500,000 for damage to property, and \$500,000 for injury to one person and \$1,000,000 for injury to more than one person caused by the blasting.
- D. Renewals. All requests for renewals of permits hereunder shall be made at least 60 days prior to the expiration date of the permit and must comply with all requirements of Subsection C above.
- E. Permit fee. The permit fee for any permit issued pursuant to this section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on January 31 following the date of issue:
 - (1) Quarries using blasting to supply buildings and/or ornamental stone per Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) Gravel crushing operations using portable or fixed crushing equipment less than 30 days per year: \$100 per year.
- F. Penalty. Any person who shall violate any of the provisions of this section shall be subject to a penalty as provided in § 1-3 of this Code. However, upon conviction for the violation of any of the provisions of this section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- G. Enforcement. Before renewal of any permit issued under this section is refused or any permit is revoked, cancelled, rescinded or terminated, the permittee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Town Board.

§ 367-8. Existing operations.

For existing operations, changes in surrounding land uses occurring subsequent to the issuance of permits therefor pursuant to this chapter shall not be given undue consideration in the permitting process.

Chapter 380

MOBILE HOMES AND MOBILE HOME PARKS

GENERAL REFERENCES

Building construction — See Ch. 218.

Zoning — See Ch. 560.

Subdivision of land — See Ch. 490.

§ 380-1. Definitions.

The following definitions are used in this chapter:

FOUNDATION SIDING — A fire- and weather-resistant, prefinished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within 60 days from the date of placement on site.

MANUFACTURED HOME — A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 through 5426, which, when placed on the site:

- A. Is set on an enclosed continuous foundation in accordance with Ch. SPS 321, Subchs. III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure; **[Amended 3-13-2019 by Ord. No. 1]**
- B. Is installed in accordance with the manufacturer's instructions;
- C. Is properly connected to utilities; and
- D. Meets other applicable standards of this chapter.

MOBILE HOME COMMUNITIES (PARKS) — Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

MOBILE HOME SUBDIVISION — A parcel of land platted for subdivision according to all requirements of the Comprehensive Plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.

PRIMARY EXPOSURE — Open areas adjacent to the front wall (or main entrance) of a dwelling unit.

RESIDENTIAL MOBILE HOME — A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing and Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, §§ SPS 320.12 through 320.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50% of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:

- A. Intended to be set on a foundation by virtue of its construction.
- B. Which is normally transported only once, from the factory to the construction site.
- C. Which, from its very beginning, is designed to be permanently affixed to land.

SECONDARY EXPOSURE — Open areas adjacent to side and rear walls of a dwelling unit.

STATUTORY DEFINITIONS — In addition to the above definitions, definitions contained in § 66.0435 of the Wisconsin Statutes shall also be applicable.

§ 380-2. Intent; where mobile home parks permitted.

- A. Mobile home parks may be established where permitted under the Jefferson County Zoning Code in accordance with the procedures, requirements and limitations set forth in this chapter. Within such mobile home parks, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- B. For purposes of this chapter, a manufactured home is not a mobile home.
- C. It is the intent of this chapter to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as mobile homes within the definitions of this article and to prohibit units not meeting the requirements for mobile homes as defined herein. Mobile homes meeting the requirements of the One- and Two-Family

Building Dwelling Code shall be permitted in a mobile home park only after approval by the Town Board.

- D. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Town of Koshkonong, except:
- (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Town Board in residentially zoned districts as temporary uses not to exceed 120 days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire, unless the person obtains written agreement by the Town Board to extend this deadline.

§ 380-3. Occupancy permits.

- A. Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Town Clerk within 60 days after the original effective date of this chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the State and Town. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for 12 consecutive months or if the total structural repairs and alterations to the mobile home exceed 50% of the net value. Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements. **[Amended 3-13-2019 by Ord. No. 1]**
- B. The owner or occupant of a mobile home shall, within five days after entering of a licensed mobile home park or removing to another park within the Town, obtain a permit from the Town Clerk. Such permits

shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.

- C. Nothing herein shall prevent the owner of a mobile home under Subsection A hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.
- D. Any mobile home located outside of a mobile home park shall be placed on a foundation with a four-foot minimum frost wall.

§ 380-4. Minimum number of lots or spaces.

- A. Where a mobile home park is to be established for the development of a single mobile home community, the minimum area shall be two acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as 25% of total units permitted on the site.
- B. These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

§ 380-5. Permitted and permissible uses and structures.

The following principal uses and structures are permitted within authorized mobile home parks:

- A. One-family detached mobile homes (residential mobile home). In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- B. Permitted accessory uses and structures. Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

§ 380-6. Mobile home park developer's permit.

- A. No person shall construct or extend any mobile home park or mobile home park building or facility within the limits of the Town without first securing a mobile home park developer's permit from the Town. Such permits shall be issued by the Town Clerk upon approval by the governing body.

- B. Applications for mobile home park developer's permits shall be filed with the Town Clerk with sufficient copies for the Town Clerk to forward one each to the Building Inspector and Fire Inspector, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and Town and report their findings, in writing, to the governing body within 60 days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- C. Applications for mobile home park developer's permit shall be accompanied by a fee (see Fee Schedule²⁸) per site to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.
- D. Applications shall be made on forms furnished by the Town Clerk and shall include the following information:
- (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - (a) Plans and specifications of all utilities, including: sewerage collection and disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - (b) Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - (c) The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one typical mobile home space and stand therein.
 - (d) Landscape plan showing all plantings.
 - (e) Plans and specifications of all park buildings and structures, including a required emergency storm shelter.

28. Editor's Note: The Fee Schedule is on file in the Town office.

- (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
 - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- E. Final engineering plans and specifications complying with the provisions of this chapter and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Town Clerk and checked by the proper municipal officials for compliance before the license is issued.

§ 380-7. Standard requirements for additions or extensions.

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- A. Section 710.15, Wis. Stats., as now existing or hereafter amended, is hereby made a part of this chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this chapter or any other applicable law or ordinance of the state or Town. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Mobile home spaces shall be a minimum of 50 feet wide and 100 feet in depth, have a setback of 20 feet from all street rights-of-way, and have a side yard setback of eight feet, except that driveways may extend to within four feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No mobile home site shall be rented for a period of less than 30 days. There shall be two surfaced automobile parking spaces for each mobile home. Unless adequately screened by existing vegetative cover, a mobile park shall be screened around its outer perimeter by a planting of hedges or trees, capable of reaching a height of 15 feet or more, the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet when mature.
- C. Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Town Board. Open burning of waste or refuse is prohibited.

- D. All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- E. Each space shall be provided with direct electrical service of not less than 100 amperes for 220-volt service.
- F. A minimum of two off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of 4,000 pounds shall be provided for each mobile home space.
- G. Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- H. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- I. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- J. All parks shall be furnished with individual outdoor lot lighting of 25 to 60 watts so spaced and equipped with luminaries placed for the safe movement of pedestrians and vehicles at night.
- K. All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than 8%, provided a maximum grade of 12% may be used if approved by the Town Board, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within 100 feet of an intersection. Intersections of more than two streets at one point shall not be allowed. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.
- L. All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three feet in width. Grade and surfacing of walks shall be approved by the Town Board as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except, that as an alternative,

inverted curbing may be used which provides approximately three feet of concrete walking area adjacent to the curblineline.

- M. All mobile home parks shall have a greenbelt or buffer strip not less than 10 feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five years from the granting of the mobile home park developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- N. Mobile home park operators shall, at the time of approval, pay the park development fees required for conventional subdivisions in Chapter 490, Subdivision of Land, of the Code of the Town of Koshkonong.
- O. Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Town Board may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- P. No signs shall be erected in mobile home parks unless approved by the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
- Q. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

§ 380-8. Operator's license.

- A. It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the Town without a valid, unexpired mobile home park license issued by the Town Clerk and approved by the Town Board upon determination that the standards in this section have been met and payment of the required fees.

- B. Mobile home park licenses shall be issued for a calendar year and shall expire on June 30 next succeeding date of issue. Licenses may be issued after July 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
- C. The annual fee for a mobile home park license shall be according to the fee schedule for each 15 mobile home spaces or fraction thereof; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee set by the Fee Schedule.
- D. Licenses granted under this section shall be subject to revocation or suspension by the governing body for cause in accordance with § 66.0435(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this subsection shall include, but not be limited to:
- (1) Failure or neglect to abide by the requirements of this chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
 - (2) Conviction of any offense under the laws of the state or ordinances of the Town relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Town, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- E. Except as provided in Subsection F of this section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
- (1) All standards and requirements set forth in § 380-9 except as specifically waived or modified, in writing, by the Town Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of § 710.15, Wis. Stats, applicable thereto. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses.
 - (3) Applicant shall file with the Town Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the park as required by this chapter and are in required operating condition at the time of said application. In addition, the Building Inspector or Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Town Board, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
 - (4) Location and operation of the park shall comply with all zoning and land use ordinances of the state and Town.
- F. Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this chapter, including parks in areas hereafter annexed to the Town, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this chapter within six months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in § 380-9 shall not increase its density and shall be operated in other respects in accordance with this chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the Town. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this chapter.

§ 380-9. Operation; responsibilities of park management.

- A. In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this chapter shall be posted therein and the park register shall, at all times, be kept in said office. The park owner shall be responsible for unpaid mobile home fees.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this chapter and regulations and ordinances of the Town and state and their agents or officers and shall have the following duties:

- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - (a) Names and addresses of all owners and occupants of each mobile home.
 - (b) Number of children of school age.
 - (c) State of legal residence.
 - (d) Dates of entrance and departure of each mobile home.
 - (e) Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - (f) Place of employment of such occupant, if any.
- (2) Notify park occupants of the provisions of this chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to their attention.
- (3) Report to law enforcement officials all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
- (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
- (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the park free from growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, flytight, watertight, rodent-proof container for the deposit of garbage and refuse in accordance with the ordinances of the Town.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of

Wisconsin and the ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.

- (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by § 380-11 of this chapter.

§ 380-10. Responsibilities and duties of occupants.

- A. Park occupants shall comply with all applicable requirements of this chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- D. Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- E. It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or any law or ordinance of the state or Town or lawful regulation or order adopted thereunder.
- F. Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this chapter.
- G. No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Town.
- H. No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- I. No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this chapter.

§ 380-11. Additional regulations.

- A. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Town. The Building Inspector or Town Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Town Board so determines, he shall notify the licensee or landowner and owner of the mobile home, in writing, that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than 30 days.
- B. Authorized representatives of the Town Board are authorized and directed to inspect mobile home parks not less than once in every twelve-month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Town as affected thereby and the compliance of structures and activities therein with this chapter and all other applicable laws of the state and ordinances of the Town.
- C. Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is subject to requirements or restrictions of the Fire Chief.
[Amended 3-13-2019 by Ord. No. 1]
- D. All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents, and may be performed by a professional mobile home service technician.
- E. All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- F. No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- G. Storage under mobile homes is prohibited.

§ 380-12. Compliance with plumbing, electrical and building ordinances. [Amended 3-13-2019 by Ord. No. 1]

All plumbing, electric, electrical, building and other work on or at any mobile home park under this chapter shall be in accordance with the ordinances of the Town and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the Department of Safety and Professional Services, Regulation of Industry, Buildings and Safety. Licenses and permits granted under this chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

§ 380-13. Standards for general site planning.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- A. Principal vehicular access points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- B. Access for pedestrians and cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- C. Ways for pedestrians and/or cyclists in exterior yards. In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- D. Internal relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities,

and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

- (1) Streets, drives and parking and service areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
- (2) Vehicular access to streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves 50 units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than 50 dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- (3) Ways for pedestrians and cyclists: use by emergency, maintenance or service vehicles.
 - (a) Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
 - (b) Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

§ 380-14. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 391**NUISANCES****GENERAL REFERENCES**

Animals — See Ch. 190.

Health and sanitation — See Ch. 296.

Hazardous materials and pollution — See Ch. 291.

Loitering — See Ch. 344.

Property maintenance — See Ch. 424.

§ 391-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Koshkonong, Jefferson County, Wisconsin.

§ 391-2. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

§ 391-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 391-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation.
- G. Water pollution. The pollution of any public or private well or cistern, stream, lake, canal or other body of water or ground water by sewage, creamery or other wastes or substances.
- H. Noxious odors, etc. Any use of property, substances or things within the Town or within four miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town, other than livestock manure.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- L. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust beyond the limits of the property in question in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

§ 391-4. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 391-2:

- A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

- B. Gambling devices. All gambling devices and slot machines, other than state-authorized programs.
- C. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- D. Continuous violation of Town ordinances. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

§ 391-5. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 391-2:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs. All limbs of trees which project over a public sidewalk or ditch area of the right-of-way less than 10 feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- J. 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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- K. Obstructions of streets: excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- M. Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- N. Flammable liquids. Repeated or continuous violations of the ordinances of the Town or laws of the state relating to the storage of flammable liquids.
- O. Unremoved snow. All snow and ice on public ways or sidewalks not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

§ 391-6. Abatement of public nuisances.

- A. Enforcement. The Town Board, Fire Inspector, Building Inspector and law enforcement officers shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or

decency, the Town Board, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- C. Abatement after notice. If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 20 days. If such nuisance is not removed within such 20 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B. **[Amended 3-13-2019 by Ord. No. 1]**
- 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 the laws of the State of Wisconsin.

§ 391-7. Cost of abatement.

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

§ 391-8. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 408

PARKS AND NAVIGABLE WATERS

§ 408-1. Park regulations.

- A. Purpose and definition. In order to protect the parks, parkways, recreational facilities and public conservancy areas within the Town of Koshkonong from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landings, public lake accesses, recreation facility or conservancy district in the Town of Koshkonong.
- B. Specific regulations.

- (1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
- (2) Sound devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board, or its authorized designee.
- (3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park or to allow pets to enter any public buildings, bathing beaches, picnic grounds or playgrounds within any park. Dogs shall, at all times, be restrained on a leash. **[Amended 3-13-2019 by Ord. No. 1]**
- (4) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Town Board.
- (5) Trapping. No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
- (6) Making of fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (7) Protection of park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park, without prior authorization of the Town Board or designee. **[Amended 3-13-2019 by Ord. No. 1]**
- (8) Motorized vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.
- (9) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Town.
- (10) Parking in parks. No person shall park any motor vehicle in any park in the Town except in a designated parking area.

- (11) Illegal entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- (12) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.
- (13) Removal of park equipment prohibited. No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the Town Board or its designee.
- (14) Closing hours. It shall be unlawful for any person to be or remain in any Town park in the Town of Koshkonong, including bathing beaches contiguous or adjacent to public parks, between the hours of 10:00 p.m. to 6:00 a.m., provided, however, that this subsection shall not prohibit passing through a park area either in a vehicle or on foot without stopping during such hours, nor shall this subsection apply to those parks which have regularly scheduled recreational activities which conclude after 10:00 p.m. The Town Board may be resolution permit specific parks to be open after 10:00 p.m. for designated events.
- (15) Speed limit. No other person shall operate any vehicle in a Town park in excess of 15 miles per hour unless otherwise posted.
- (16) Firearms. Within a Town park it shall be unlawful for any person to have in his possession or under his control:
 - (a) Any firearm or airgun as defined in the Wisconsin Statutes, unless the same is unloaded and enclosed in a carrying case.
 - (b) Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Board to use a bow in a specific, supervised sport or activity, and then only within a designated area, provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that constitutes a safety hazard in the judgment of any law officer or Town Board personnel. Hunting is prohibited in all Town parks and recreational areas, unless authorized by the Town Board or designee.
- (17) Vending. Vending is prohibited in Town parks unless authorized by the Town Board.
- (18) Plant materials. No unauthorized removal of any plant materials or plants from any park.
- (19) Structures. No temporary or permanent structures are to be erected in a park without specific approval of the Town Board.

§ 408-2. Radio-controlled model airplanes prohibited in parks.

No person shall fly a radio-controlled model airplane in any park in the Town of Koshkonong except in areas specifically designated and posted for such purpose.

§ 408-3. Use of metal detectors on public property.

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property, except beaches where no vegetation is present, is prohibited.

§ 408-4. Fees and user regulations.

- A. Fee Schedule.²⁹ It shall be unlawful for any person to use any Town of Koshkonong park facility, shelter, land, or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.
- B. Additional rules. Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
- C. Permits. Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Koshkonong as fully as though the laws were inserted in each permit.

§ 408-5. Public utilities and private construction.

- A. Public utilities - location. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts and lines, manholes, conduits, and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town Board, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- B. Private construction.
 - (1) No curb, whether stone, concrete, or gas, shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town Board.
 - (2) The location, width, grade, and construction of all paths, driveways, and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town Board and

29. Editor's Note: The Fee Schedule is on file in the Town office.

constructed only after written permission is obtained from the Town Board.

§ 408-6. No wake on Rock River during high water.

- A. Intent. The intent of this section is to protect frequenters and users of the Rock River and Lake Koshkonong within the territorial borders of the Township, and provides for their safety, health and welfare during periods of high water.
- B. Slow-no-wake area. No person shall operate a power driven boat on the Rock River where posted by buoys for its entire length of Rock River and within 300 feet of the shore of Lake Koshkonong lying in Koshkonong Township, Jefferson County, Wisconsin, faster than a "Slow-No-Wake" speed. The captain of the Rock River Boat Patrol shall be authorized to declare a high-water emergency and to post notices and buoys.
- C. Definition. For the purpose of this section, the term "Slow-No-Wake" shall mean operating a boat at the slowest speed at which said boat can be operated and still maintain forward motion and steering control.
- D. Penalties. Any person or persons in violation of this section shall be fined per duly authorized agencies, and the costs of prosecution thereof. This section may be enforced by the Sheriff's Department, Town Constable, and any duly authorized agency. **[Amended 3-13-2019 by Ord. No. 1]**
- E. State boating and safety laws adopted. All provisions of Chapter 30, specifically including Sections 30.50 through 30.71, Wis. Stats., including all changes and amendments hereafter made thereto, are adopted and incorporated herein by reference.

§ 408-7. No wake on portion of Rock River. [Added 7-14-1999]

- A. Definitions. The following terms shall have the following meanings, to-wit:

BOAT or VESSEL — Every description of water craft used or capable of being used as a means of transportation on navigable waters.

OPERATOR — A person who is engaged in the operation of a boat, vessel or personal water craft, who is responsible for the operation of a boat, vessel or personal motor craft, or who is supervising the operation of a boat or personal water craft.

PERSONAL WATER CRAFT — A motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of mode of power and is designed to be operated by a person standing on, kneeling on, or sitting astride the water craft.

SLOW-NO-WAKE — That speed at which a boat or personal water craft moves as slowly as possible while still maintaining forward motion and steering control.

- B. Slow — no-wake areas. The Town Board hereby determines that it is a well recognized principle of maritime rules that every operator of a boat, vessel or personal water craft is responsible for his or her wake. "Wake" is defined as that action of the hull moving through the water and the resultant wave formation. It is also recognized that every boat, vessel and personal water craft has a speed below which essentially no significant wake or wave action is produced. It is hereby determined that, for the safety of all boats, vessels and personal water craft, no person shall operate a motorboat in excess of "Slow — No-Wake" on that portion of the Rock River located within the areas from north end of Klement Parkway and the intersection of the Rock and Bark Rivers, Town of Koshkonong, Jefferson County. **[Amended 3-14-2001]**
- C. Enforcement. This section may be enforced by the Sheriff's Department, Town Constable and any duly authorized agency of the State of Wisconsin.
- D. Penalties. Any person or persons in violation of this section shall pay the boating penalties hereinafter described in addition to the costs of prosecution thereof. Wisconsin state boating penalties as found in § 30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to the fines amended to forfeitures and all references to imprisonment deleted.

§ 408-8. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 415

PEACE AND GOOD ORDER

ARTICLE I

State Statutes Adopted**§ 415-1. Offenses against state laws subject to forfeiture.**

A. The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Town of Koshkonong, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code. **[Amended 3-13-2019 by Ord. No. 1]**

- (1) Section 97.627, Careless Smoking.
- (2) Section 118.07, Safety Requirements.
- (3) Section 118.08, School Zones; Crossings.
- (4) Section 118.09, Safety Zones.
- (5) Section 118.10, School Safety Patrols.
- (6) Section 118.105, Control of Traffic on School Premises.
- (7) Section 118.11, School Fences.
- (8) Section 118.123, Reports and Records.
- (9) Section 118.163, Truancy.
- (10) Section 134.65, Cigarette and Tobacco Products Retailer License.
- (11) Section 134.66, Restrictions on Sale or Gift of Cigarettes or Tobacco Products.
- (12) Section 167.10, Fireworks Regulated.
- (13) Section 173.10, Investigation of Animal Cruelty Complaints.
- (14) Section 173.24, Reimbursement for Expenses.
- (15) Section 175.25, Illegal Storage of Junked Vehicles.
- (16) Section 254.92, Use of Tobacco Products.
- (17) Section 938.17, Jurisdiction — Civil Law and Ordinance Violations.
- (18) Section 938.343, Dispositions — Civil Law and Ordinance Violations.
- (19) Section 938.344, Dispositions — Intoxicating Liquor and Beer Violations.

- (20) Section 938.345, Disposition of Child Adjudged in Need of Protection.
- (21) Section 939.05(2)(b), Aiding and Abetting.
- (22) Section 939.22, Words and Phrases Defined.
- (23) Section 940.19(1), Battery.
- (24) Section 940.291, Failure of a Police Officer to Render Aid.
- (25) Section 941.01, Negligent Operation of a Vehicle.
- (26) Section 941.10, Negligent Handling of Burning Materials.
- (27) Section 941.12(2), (3), Interfering With or Failing to Assist in Firefighting.
- (28) Section 941.13, False Alarms and Interference with Firefighting.
- (29) Section 941.20(1), Reckless Use of Weapon.
- (30) Section 941.23, Carrying Concealed Weapon.
- (31) Section 941.235, Carrying a Firearm in a Public Building.
- (32) Section 941.35, Emergency Telephone Calls.
- (33) Section 941.36, Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.
- (34) Section 941.37(1), (2), Obstructing Emergency or Rescue Personnel.
- (35) Section 942.05, Opening Letters.
- (36) Section 943.01(1), Criminal Damage to Property.
- (37) Section 943.11, Entry Into Locked Vehicle.
- (38) Section 943.125, Entry Into Locked Coin Box.
- (39) Section 943.13, Trespass to Land.
- (40) Section 943.14, Trespass to Dwellings.
- (41) Section 943.145, Criminal Trespass to a Medical Facility.
- (42) Section 943.15, Entry Into Locked Site.
- (43) Section 943.20(3)(a), Theft of Property.
- (44) Section 943.21(3)(am), Fraud on Innkeeper.
- (45) Section 943.22, Cheating Tokens.
- (46) Section 943.23(5), Operating Vehicle Without Owner's Consent.

- (47) Section 943.34(1)(a), Receiving Stolen Property.
- (48) Section 943.37, Alteration of Property Identification Marks.
- (49) Section 943.38(3), Forgery.
- (50) Section 943.41, Credit Card Crimes.
- (51) Section 943.50(4)(a), Retail Theft.
- (52) Section 943.55, Removal of a Shopping Cart.
- (53) Section 944.15, Fornication.
- (54) Section 944.17, Sexual Gratification.
- (55) Section 944.20, Lewd and Lascivious Behavior.
- (56) Section 944.21, Obscene Material or Performance.
- (57) Section 944.23, Making Lewd, Obscene or Indecent Drawings.
- (58) Section 944.30, Prostitution.
- (59) Section 944.31, Patronizing Prostitutes.
- (60) Section 944.33, Pandering.
- (61) Section 944.36, Solicitation of Drinks Prohibited.
- (62) Section 945.01, Definitions Relating to Gambling.
- (63) Section 945.02, Gambling.
- (64) Section 945.04, Permitting Premises to be Used for Commercial Gambling.
- (65) Section 946.40, Refusing to Aid Officer.
- (66) Section 946.41, Resisting or Obstructing Officer.
- (67) Section 946.42(2), Escape.
- (68) Section 946.46, Encouraging Violation of Probation or Parole.
- (69) Section 946.69, Falsely Assuming to Act as Public Officer or Employee.
- (70) Section 946.70, Impersonating Peace Officer.
- (71) Section 946.72(2), Tampering with Public Records and Notices.
- (72) Section 947.01, Disorderly Conduct.
- (73) Section 947.012, Unlawful Use of Telephone.
- (74) Section 947.013, Harassment.

- (75) Section 947.06, Unlawful Assemblies.
- (76) Section 948.01, Definitions Relating to Crimes Against Children.
- (77) Section 948.09, Sexual Intercourse With a Child Age 16 or Older.
- (78) Section 948.10, Exposing a Sex Organ.
- (79) Section 948.11(1)(b), Exposing a Child to Harmful Material.
- (80) Section 948.21, Neglecting a Child.
- (81) Section 948.40, Contributing to the Delinquency of a Child.
- (82) Section 948.50, Strip Search by School Employee.
- (83) Section 948.51(3)(a), Hazing.
- (84) Section 948.60, Possession of a Dangerous Weapon by a Child.
- (85) Section 948.61(2)(a), Dangerous Weapons on School Premises.
- (86) Section 948.63, Receiving Property From a Child.
- (87) Section 951.01, Definitions Relating to Crimes Against Animals.
- (88) Section 951.015, Construction and Application.
- (89) Section 951.02, Mistreating Animals.
- (90) Section 951.03, Dognapping or Catnapping.
- (91) Section 951.04, Leading Animal from Motor Vehicle.
- (92) Section 951.05, Transportation of Animals.
- (93) Section 951.06, Use of Poisonous and Controlled Substances.
- (94) Section 951.07, Use of Certain Devices Prohibited.
- (95) Section 951.08, Instigating Fights Between Animals.
- (96) Section 951.09, Shooting at Caged or Staked Animals.
- (97) Section 951.10, Sale of Baby Rabbits, Chicks and Other Fowl.
- (98) Section 951.11, Artificially Colored Animals; Sale.
- (99) Section 951.13, Providing Proper Food and Drink to Confined Animals.
- (100) Section 951.14, Providing Proper Shelter.
- (101) Section 951.15, Animals; Neglected or Abandoned; Police Powers.

§ 415-2. Discharge of firearms.

Applicable state statutes shall be followed regarding the discharge of firearms in the Town of Koshkonong. In addition, except for vermin control, no person shall discharge a firearm within or into any platted subdivision in the Town of Koshkonong.

§ 415-3. Destruction of property prohibited.

- A. Destruction of property. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Town of Koshkonong and belonging to the Town or its departments, or to any private person, without the consent of the owner or proper authority.
- B. Parental liability. Pursuant to § 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed \$5,000. **[Amended 3-13-2019 by Ord. No. 1]**

§ 415-4. Abandoned refrigerators prohibited.

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 freezer, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

§ 415-5. Damage to public property.

- A. Damaging public property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Town.
- B. Breaking of street lamps or windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the Town.

§ 415-6. Violations and penalties.

In addition to the general penalty of this Code in § 1-3 or any other penalty imposed for violation of any section of this chapter, any person who shall

cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 415-4 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent law enforcement officers from referring violations of the provisions of this chapter to the District Attorney's office in the interest of justice.

Chapter 424

PROPERTY MAINTENANCE

GENERAL REFERENCES

Building construction — See Ch. 218.

Mobile homes and mobile home parks — See Ch. 380.

Hazardous materials and pollution — See Ch. 291.

Streets and sidewalks — See Ch. 478.

ARTICLE I

Adoption of Standards**[Adopted as Title 15, Ch. 2, Art. A, of the 1996 Code]****§ 424-1. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use:

ACCESSORY BUILDING OR STRUCTURE — A detached building or structure in a secondary or subordinate capacity from the main building.

ADEQUATE — Adequate as determined by the Code Enforcement Officer under the regulations of this chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.

APARTMENT — One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one family.

APPROVED — Approved by the Code Enforcement Officer under the regulations of this chapter or approved by an authority designated by law, or this chapter. Approved by the local authority having such administrative authority.

APPROVED SUBSTITUTE — A product installation or condition approved by the local authority as being equal to that originally specified.

ATTRACTIVE APPEARANCE — An appearance which is in accordance with generally accepted professional practices for new construction within the Town and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.

BASEMENT — A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BLIGHT — An impaired condition leading to deterioration.

BLIGHTING INFLUENCE — A condition having an adverse effect on surrounding properties.

BOARDING HOUSE — See "lodging house" and "lodging room."

BUILDING — A structure, or portion thereof, enclosed within exterior walls or fire walls built, erected and framed of component structured parts designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

BUILDING CODE — The Town Building, Plumbing, Electrical and Heating, Ventilating and Air-Conditioning Codes.

CAPACITY IN PERSONS — The maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this article.

CELLAR — That portion of the building partly underground, having half or more than half of its clear height below the average adjoining ground.

CODE ENFORCEMENT OFFICER — For purpose of this chapter, this term shall mean the Town of Koshkonong's Building Inspector, Town Engineer, or other appropriate official or agent of the Town authorized to enforce the provisions of this chapter.

COMPLIANCE INSPECTION — An inspection performed in conjunction with a lawful order of the Town Board or Code Enforcement Officer for the purpose of certifying the fulfillment of an official requirement listed in the order.

DEBRIS — Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; lumber (new or used), posts, sticks or other wood; tree branches, brush, yard trimmings, grass clippings and other residues; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards of a serious blighting influence upon their neighborhood or the Town of Koshkonong in general.

DILAPIDATED — A condition of decay or partial ruin by neglect or misuse.

DWELLING — Is a place of abode, a residence, or a house for use by one or more persons, excluding hotels or motels.

DWELLING UNIT — One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

EXTERMINATION — The control and elimination of insects or rodents by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods and materials as approved under the guidelines of the United States Environmental Protection Agency and the Wisconsin Department of Health Services, or conducted by a Wisconsin certified pest control technician.

FAMILY — An individual, or two or more persons unrelated or related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two roomers. For the purpose of this subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

FRIABLE MATERIAL — Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable material after such previously nonfriable material

becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

GOOD CONDITION — That the premises are in a proper state for the uses to which they were intended to be used.

GOOD REPAIR — That the premises are in conformance with the governing rules, regulations and codes.

HABITABLE SPACE — One or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

IMPERVIOUS TO WATER — Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Code Enforcement Officer, and having tight-fitting joints.

INFESTATION — The sustained presence of household pests, vermin, or rodents.

LIVING ROOM — A room used primarily for living, dining, or cooking purposes.

LODGING HOUSE — A dwelling containing lodging rooms that will accommodate five or more persons not members of a family.

LODGING ROOM — A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

MIXED OCCUPANCY — Occupancy of a building in part for residential use and in part for some other use not accessory thereto.

NONCOMBUSTIBLE MATERIAL — Material that cannot be burned.

NOXIOUS WEEDS — As defined in the Wisconsin Statutes.

OCCUPANT — The owner or owners in fee or a lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

OPERATOR — Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

OWNER — Any firm, partnership (or individual member thereof, corporation, business organization of any kind, or public or quasi-public entity, or person who, alone or jointly or severally with others:

- A. Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner without accompanying actual possession thereof. Any such person thus representing the actual owner shall be bound to comply with the provision of this chapter and of rules

and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON — Any individual, firm, corporation, association, or partnership.

PREMISES — Lot, plot or parcel of land, including the buildings or structures thereon or any part thereof.

PROPERLY — As deemed proper by the Code Enforcement Officer under the regulations of this chapter or deemed proper by an authority designated by law or this chapter.

PROVIDED — Furnished, supplied, paid for or under control of the owner.

RAT-PROOFING — A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods as set forth in the United States Public Health Service Publication: "Control of Domestic Rats and Mice," Pratt, Bjornson and Letting, July 1977, HEW Publication No. (CDC)77-8 141; and "Rodent-Borne Disease Control Through Rodent Stoppage," Scott and Borom, USPHS Reprint 1976.

REASONABLY TIGHT — That the item so described shall fit so as to exclude wind, rain or moisture or vermin, pests, bugs, insects, rodents or other similar items.

REASONABLY WELL — That normal conditions exist.

REFUSE — Debris as heretofore defined.

RESIDENTIAL BUILDING —

A. A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings (including apartment hotels).
- (4) Lodging houses.
- (5) Fraternity and sorority houses.

B. (For the purpose of this article, any building containing any of the above uses together with other uses shall be considered a residential building.)

ROOM — A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space,

especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than 1/3 of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

ROOMING HOUSE — See "lodging house" and "lodging room."

RUBBISH — Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard clippings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.

SANITARY — The promotion of hygiene which creates an environment which facilitates the prevention of diseases.

SLEEPING ROOM — A room used primarily for sleeping purposes.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

SUPPLIED — Paid for, furnished by, provided by, or under the control of the owner, operator or agent.

UNDEFINED WORDS — Words not specifically defined in this chapter and which are defined in the Building Code, shall have the same meaning ascribed to them in the Building Code, and further other words shall have the common definition set forth in a standard dictionary.

VARIANCE — A departure from the strict compliance with this chapter upon a showing of hardship.

WORKING DAY — Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the Town as a legal holiday. Also referred to as "business day." References to days in this chapter shall mean calendar days unless the reference is to working days.

§ 424-2. Legislative findings.

The Town Board of the Town of Koshkonong, Jefferson County, Wisconsin hereby finds that there exists, and may in the future exist, within the Town buildings or structures that are likely to affect, by reason of their maintenance or lack of it the health, safety and general welfare of the citizens of this community. To prevent or correct the existence of such adverse conditions and to achieve and maintain such levels of building environmental quality as will protect and promote health and safety and general welfare, it is herewith declared that there is needed, for the establishment of certain standards relating to the maintenance and repair of buildings, structures and surrounding areas. It is further declared that

failure to maintain buildings or other structures in a reasonable state of repair or to keep the exterior of buildings and structures in a reasonably attractive condition affects the value of other properties in the area and adversely affects the environment and living conditions in the area and that each of the aforesaid conditions creates a public nuisance.

§ 424-3. Purpose of chapter.

It is the purpose of this chapter to assist in preventing property deterioration and the creation of sub-safety conditions in all buildings and structures by requiring an adequate level of maintenance and repair thereof.

§ 424-4. Applicability.

- A. The provisions of this chapter shall apply uniformly to the maintenance of all buildings or structures and areas surrounding the same, irrespective of when or under what condition or conditions such buildings were originally constructed. Every residential or mixed occupancy building and every commercial/industrial building, regardless of zoning classification or location in the Town, and the land on which they are situated, shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks and manufactured housing.
- B. These standards apply, but are not limited to, all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.
- C. The exterior maintenance requirements of this chapter shall also apply to agricultural buildings when their condition presents a public nuisance.

§ 424-5. Title of chapter.

This chapter shall be known and may be cited as the "Property Maintenance Code" and may be hereinafter referred to as "this ordinance."

§ 424-6. Responsibilities of owner or occupant.

No owner or other person shall occupy or let to or permit another person to occupy any dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all the applicable legal requirements of the State of Wisconsin and the Town of Koshkonong.

§ 424-7. Public areas of buildings.

Every owner of a building shall maintain the shared or public area of the building in a clean and sanitary condition.

§ 424-8. Lead paint prohibited.

No owner or occupant shall apply a lead-based paint to any surface in any dwelling or dwelling unit.

§ 424-9. Building maintenance requirements.

No person, firm or corporation shall allow or permit any building or structure, whether dwelling or nondwelling or accessory, on their property to remain in or deteriorate to a condition that is not in accord with the following provisions:

- A. General requirement. Every premise shall be maintained in a clean, sanitary and safe condition and comply with all applicable legal requirements of the State of Wisconsin, Jefferson County and Town of Koshkonong.
- B. Exterior walls and foundations.
 - (1) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls, or to the occupied spaces of the building.
 - (2) Every foundation and exterior wall shall be reasonably weathertight, rodent-proof, insect-proof and shall be kept in a reasonably good state of maintenance and repair, as determined by the Building Inspector or Code Enforcement Officer. The foundation elements shall adequately support the building at all points.
- C. Roofs and drainage.
 - (1) All roofs shall be maintained so as not to leak, and all water shall be so drained and conveyed therefrom so as not to cause damage to the exterior walls, eaves, soffits or foundation, or damage adjacent properties or public facilities.
 - (2) Gutters and downspouts, when provided, shall be adequately secured, kept free of obstruction and in a reasonably good state of repair.
- D. Porches, railings, stairways, decks and patios. Every outside stair, every porch, deck, patio and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting loads to which it is subjected as required by the building code and shall be kept in sound condition and in good repair.

- E. Doors, windows and basement hatchways.
- (1) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in sound condition and good repair. Every window sash shall be fully supplied with glass window panes or any approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame.
 - (2) Every exterior door, door hinge and door latch shall be maintained in good condition. Exterior doors, when closed, shall fit reasonably well within their frames.
- F. Kitchen facilities. Kitchen facilities shall be kept in a sanitary condition, with major appliances functioning properly.
- G. Paint and other preservatives. In a building or structure, the exterior surface of which has been painted or other preservatives applied, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner that adequately coats or stains such exterior surfaces when its condition is a serious blighting influence on surrounding property. All exterior wood surfaces shall be protected by paint, stain or other water and weather-resistant treatment.
- H. Fence and retaining wall requirements. No person, firm or corporation shall allow or permit any fence or retaining wall to deteriorate to a condition that is not in accord with the following provisions:
- (1) All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a serious blighting influence on surrounding property.
 - (2) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause the repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.
- I. Exterior area requirements. No person, firm or corporation shall allow or permit exterior areas of their property to remain in a condition that is not in accord with the following provisions:
- (1) All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible material, debris and refuse or any similar material which could or may cause fire, safety or health hazards or a serious blighting influence upon surrounding properties. No owner of a dwelling shall accumulate or permit the accumulation of rubbish, boxes, lumber, inoperable or unlicensed vehicles, scrap metal, or any other materials or refuse in such a manner that may provide in or about the shared or public areas of a dwelling or its premises a

vermin harborage, menace to the public health and safety, deterioration of property values or that which may impair the ability of emergency vehicles to respond to the premises. The provisions of this section shall not apply to materials stored in conjunction with any mercantile, manufacturing or normal residential use, provided such materials are neatly stored, provide no rodent harborage and meet applicable fire and zoning restrictions.

- (2) Sidewalks, walks, drives and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in good repair. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow, and excretion of pets and other animals on private and public paths, walks, driveway, parking lots and parking areas, and other parts of the premises which are accessible to holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited upon the adjacent public or private property shall be corrected.
 - (3) Exterior areas in a natural state shall be kept free of diseased or fallen trees, branches, brush, debris and noxious weeds.
 - (4) Whenever erosion of the soil repeatedly causes the same to spill over on the sidewalk, street, alley or adjoining property, the condition shall corrected by the construction of a suitable retaining wall, grading or sodding and/or planting of grass or other suitable groundcover.
- J. Accessory structures. Accessory structures, as defined in the pertinent zoning code governing the property, present or provided by the owner, agent, or tenant occupant on the premises of a principal structure shall be structurally sound, maintained in good repair, and be adequately painted/stained. Accessory structures shall not obstruct a safe means of access to any building or structure shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures which are in deteriorated condition and which are not repairable shall be removed.
- K. Rodent or insect infestation.
- (1) When the occupant's unit is the only one substantially infested with insects and rodents, the occupant shall be responsible for their extermination. Where such infestation is caused by the owner's failure to maintain the building in a rodent-free or reasonably insect-free condition it shall be the owner's responsibility.
 - (2) Where rodent or insect infestation exists in two or more units in building or in the shared or public parts of any premise containing

two or more units, or in one unit where the infestation is caused by the owner's failure to maintain the premise in a rodent-free or reasonably insect-free condition, the owner shall be responsible for their extermination.

- L. Improperly maintained landscaping. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property. Trees, bushes and hedges shall also be kept trimmed, or be removed, in compliance with Town and County vision clearance regulations along public rights-of-way and at intersections. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions, disease, or storm damage, constitute a hazard to persons in the vicinity thereof shall be removed by the owner. Trees shall be kept pruned and trimmed to prevent such conditions.

§ 424-10. Vacant, abandoned or undeveloped land requirements.

- A. Whenever the Building Inspector, Fire Inspector or other authorized Town Inspector shall, upon inspection of any vacated building within the Town of Koshkonong, find that the building is in danger of vandalism or neglect, such Inspector shall order the owner-occupant thereof to make the building secure against vandalism and/or dilapidation in a workmanlike manner.
- B. No vacated building for which the owner has been given an order for compliance with this chapter shall be occupied before an occupancy permit has been issued by the Building Inspector. Such occupancy permit may be issued only up compliance with all orders and requirements of the Town of Koshkonong, the payment of the required permit fees, and the cost of reinspection, and any expenses incurred by the Town in the enforcement of this chapter.

§ 424-11. Inspections.

- A. The Building Inspector, or other authorized Town Inspector, is hereby authorize to cause such exterior inspections as are deemed necessary in response to complaint verified by the Building Inspector without giving notice to the property owner, provided that the inspection can be conducted from a location not on the owner's property. If it becomes necessary to perform an inspection which requires the Building Inspector to go on the owner's property, the Building Inspector shall provide a minimum of five calendar days' notice to the owner or agent prior to conducting the inspection. Said notice shall be sent, in writing, to the owner and shall state the alleged violations. The five-calendar day notice requirement shall not apply when the Building Inspector has probable cause to believe that a violation exists which if not corrected immediately could be life threatening and/or result in serious sickness or injury.

- B. If any owner, occupant, or other person in charge of a dwelling, dwelling unit of a multiple dwelling fails or refuses to permit free access and entry to the structure or premises under his control or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the Building Inspector, upon a showing that probable cause exists for the inspection, may obtain the necessary warrant from a court of competent jurisdiction to conduct the inspection.

§ 424-12. Notice of violation.

- A. Whenever the Building Inspector, or other authorized Town Inspector, determines that any dwelling or dwelling unit, or the premises surrounding them, fails to meet the requirements set forth in this chapter or in applicable rules and regulations issued pursuant thereto, the Building Inspector shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:
- (1) Be in writing.
 - (2) Set forth the alleged violations of this chapter or of applicable rules and regulations issued pursuant thereto.
 - (3) Describe the dwelling or dwelling unit where the violations are alleged exist or to have been committed.
 - (4) Specify a specific date for the correction of the violation. The date correction shall be at the discretion of the Building Inspector based on the circumstances of each violation, however, in non-life-threatening situations a minimum of 30 days shall be allowed to correct the violation. No violation shall be permitted to exist beyond a maximum of 120 days.
 - (5) Be served upon the owner, occupant, operator, property manager or agent of the dwelling or dwelling unit, personally, or by certified mail, return receipt requested, addressed to the owner, occupant, property manager operator or agent. If one or more persons to whom such notice addressed cannot be found after diligent effort to do so, service may be made upon such person by posting the notice in or about the dwelling, dwelling unit, described in the notice, or by causing such notice to be published in a newspaper or general circulation.
- B. At the end of the period time allowed for the correction of any violation alleged, the Building Inspector (or other Town inspector) shall reinspect the dwelling or dwelling unit in the notice.
- C. If upon reinspection the violations are determined by the Building Inspector (or other Town inspector) not to have been corrected, the Town Board shall initiate legal proceedings for the immediate correction of the alleged violations.

§ 424-13. Emergencies.

Whenever, in the judgment of the Building Inspector (or other Town inspector), an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Building Inspector (or other Town inspector) may act to correct or abate the emergency. Following the issuance of a citation, the case will be scheduled for trial in municipal or circuit court.

§ 424-14. Conflict of ordinances.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this Town, county, or state, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

§ 424-15. Variances and exceptions.

- A. Where, in the judgment of the Building Inspector (or other Town inspector), it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Building Inspector (or other Town inspector) may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made, in writing, by the property owner, stating fully all facts relied upon the petitioner, and shall be supplemented with any additional data which may aid the Building Inspector (or other Town inspector) in his analysis of the requested variance.
- B. The Building Inspector (or other Town inspector) shall not grant variations or exceptions to the regulations of this chapter unless he shall make findings based upon the evidence presented to him in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

- C. The Building Inspector (or other Town inspector), if he approves of the variance, shall do so, in writing, within 10 days of the filing of the variance request.
- D. The decision of the Building Inspector to deny a variance may be appealed by filing an appeals request with the Building Inspector (or other Town inspector) within 14 days of his decision. A public hearing on the appeal shall be scheduled within 30 days by the Town Board. All parties may be represented by counsel. The Town Board shall consider all relevant information and shall render a decision which shall be binding.

ARTICLE II

**Specific Property Maintenance Problems
[Adopted as Title 15, Ch. 2, Art. B, of the 1996 Code]****§ 424-16. Purpose of regulations.**

The purpose of the regulations contained in this article is to address specific property maintenance concerns. These regulations are intended to serve as alternative and/or additional enforcement procedures to those prescribed in Article I of this chapter.

§ 424-17. Junked vehicles and appliances on private property.

A. Storage of automobiles restricted. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, machinery, vehicle parts, tires, or appliances, or construction refuse/debris, shall be stored outside upon private residential property or unenclosed within a building upon nonresidential property within the Town of Koshkonong for a period exceeding 10 days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance or be detrimental to an area's appearance and property values.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS — As used in this section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, machinery, buses or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects. This term shall include junked, disassembled or inoperable farm machinery in public view.

INOPERABLE APPLIANCE — Is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

MOTOR VEHICLE — Is defined in § 340.01(35), Wis. Stats.

UNLICENSED - MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS — As used in this chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.

C. Exceptions. This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and in a

manner that does not present a nuisance in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the ordinances of the Town. In other situations the Town Board may issue temporary permits permitting an extension of not to exceed an additional 30 days' time to comply with this section where exceptional facts and circumstances warrant such extension.

D. Enforcement.

- (1) Whenever the Code Enforcement Official shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in violation of this section within the Town, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this section. If said vehicle, part thereof or appliance is not removed within five days, the Code Enforcement Official shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
- (2) If such vehicle or appliance is not removed within 20 days after issuance of a citation, the Code Enforcement Official shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Subsection F by the Code Enforcement Official or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found or refuses to comply with requirements to abate the nuisance, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll pursuant to § 66.0627, Wis. Stats.

E. Penalty. Any person who shall interfere with the enforcement of any of the provisions of this section and shall be found guilty thereof shall be subject to a penalty as provided by § 1-3, General penalty. Each motor vehicle or appliance involved shall constitute a separate offense. **[Amended 3-13-2019 by Ord. No. 1]**

F. Removal, storage, notice or reclaimer of vehicles.

- (1) Storage and reclaimer. Any vehicle which has been impounded under this section shall be retained in storage for a period of 14 days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Code Enforcement Official or his designee determines an abandoned vehicle to have a value of less than \$100, or that the cost of towing and storage charges for impoundment will exceed the value of the

vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be deemed as having a value of less than \$100. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Code Enforcement Official or his designee to prove an ownership or secured party interest in said vehicle. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) Notice to owner or secured party. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the impounded vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
 - (a) That the vehicle has been impounded by the Town of Koshkonong;
 - (b) The "determined value" of the abandoned vehicle;
 - (c) If the cost of towing and storage costs will exceed the determined value of the vehicle;
 - (d) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within 14 days of the date of notice, unless the vehicle has been determined to have a value less than \$100 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven days upon the payment of the aforesaid charges; and
 - (e) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.
- (3) Disposal. Any vehicle impounded by the Town which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this section may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(s) of the Wisconsin titled owner and secured

party of record, if known, and the time of sale shall be published before the sale.

- (4) Report of sale or disposal. Within five days after the direct sale or disposal of a vehicle as provided for herein, the Code Enforcement Official or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person or organization which makes a written request for such list to the Town. The Town may charge a reasonable fee for the list.
- (5) Owner responsible for impoundment and disposal costs.
 - (a) The owner of any impounded vehicle, except a stolen vehicle, is responsible for all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.
 - (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.³⁰

§ 424-18. Regulation of length of lawn and grasses.

- A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Koshkonong. Prairie grasses and forbs are exempt from this section. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Public nuisance declared. The Town Board finds that lawns, grasses and noxious weeds on nonagricultural lots or parcels of land, (as classified under the pertinent Zoning Code or by predominant use), within the Town of Koshkonong which exceed 12 inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other

30. Editor's Note: Original Sec. 15-2-22, Abatement of health nuisances, and Sec. 15-2-23, Deposit of deleterious substances prohibited, which originally followed this section, were repealed 3-13-2019 by Ord. No. 1.

land within the Town. For that reason, any nonagricultural lawn, grass or weed on a lot or other parcel of land which exceeds 12 inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area mapped wetland. However, prairie grasses and forbs in excess of the standards in this section may be used in buffer areas adjacent to wooded areas or waterways. **[Amended 3-13-2019 by Ord. No. 1]**

- C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the Town of Koshkonong.
- D. Inspection. The Town Board, Weed Commissioner or designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection B above exists. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Abatement of nuisance.
- (1) If the Weed Commissioner or Town Board shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he shall cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this section in the event the owner fails to comply with this section. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) The notice shall be served at least five days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- F. Appeal hearing. If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Town Board. The request for said hearing must be made, in writing, to the Town Clerk's office within five days of the Weed Commissioner's notice (or that of his/her designee). Upon application for the hearing, the property owner shall deposit a bond per the current Fee Schedule.³¹ The Town Board may amend the amount of the bond pursuant to resolution of the Town Board without amending this section. If a decision is rendered in the property owner's favor, the bond will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board of Appeals shall be held within 10 days from the date of the owner's request not to exceed a maximum of 60 days. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the close of the hearing,

31. Editor's Note: The Fee Schedule is on file in the Town office.

the Town Board shall make its determination, in writing, specifying its findings, facts, and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Town Board shall order their designee or the Weed Commissioner or his/her designee to mow the property in question unless the property has been mowed by the owner within 48 hours of the Town Board's decision. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner or his/her designee shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly. **[Amended 3-13-2019 by Ord. No. 1]**

- G. Town's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection E shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the Town Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under § 66.0627, Wisconsin Statutes.
 - (3) Billing for Town abatement of the nuisance may be in addition to citations issued for violations of this section.

§ 424-19. Rodent control.

- A. Definitions. The following definitions shall be applicable in this section:

HARDWARE CLOTH — Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.

OWNER or MANAGER — Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this section and shall be bound to comply with the provisions of this section to the same extent as the owner, and notice to any such person of any order or decision of the Code Enforcement official or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property,

except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehoused, rooming house, junkyard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

RODENT HARBORAGE — Any place where rodents can live and nest without fear of frequent molestation or disturbance.

RODENT-PROOF CONTAINER — A container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.

RODENT-PROOFING — Shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet metal, hardware cloth or other types of rodent-proofing material approved by the Town.

RODENTS — For purposes of this section, shall not include rabbits, chipmunks, gophers and squirrels.

- B. Elimination of rodent harborage. Except for compost piles permitted under § 424-20, whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal or proper piling, of the materials.
- C. Elimination of rodent-feeding places. Except for compost piles permitted under § 424-20, no person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms or such feed shall be placed to minimize access by rodents; limited ground feeding of birds is permitted in order to properly feed certain species.
- D. Extermination. Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Town, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within 10 days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.

- E. Rodent-proofing. It shall be the duty of the owner or manager of any building in the Town of Koshkonong to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

§ 424-20. Composting regulations.

- A. Purpose and intent. The purpose of this section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMPOSTING — The organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding one inch in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.

- C. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

- (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than 125 cubic feet, and shall be no taller than 42 inches.
- (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Town to proceed under § 424-19.
- (3) All compost bins shall be so maintained as to prevent unpleasant odors.
- (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or Town in general.
- (5) Setback requirements.
 - (a) All compost bins shall be located not less than three feet from a property line or principal building or dwelling.
 - (b) A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Code Enforcement Officer on an annual basis upon the

proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.

- (6) No compost bin shall be located in any yard except a rear yard, as defined in the pertinent Zoning Code. A compost bin may be located in a side yard as defined in the pertinent Zoning Code subject to the annual variance procedure contained in and must be screened from view to the street.
- (7) Those composting bins which existed prior to the adoption of this section shall be given one year to comply with the requirements set forth herein.

D. Ingredients.

- (1) No compost bin shall contain any of the following:
 - (a) Lakeweeds;
 - (b) Cooked food scraps of any kind or type;
 - (c) Fish, meat or other animal products;
 - (d) Manures;
 - (e) Large items that will impede the composting process;
- (2) Permitted ingredients in a compost bin shall include the following:
 - (a) Yard waste,
 - (b) Coffee grounds and used tea leaves;
 - (c) Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - (d) Commercial compost activities.

E. Owner responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section.

Chapter 429
REVIEW REQUIREMENTS

GENERAL REFERENCES

Building construction — See Ch. 218.

Subdivision of land — See Ch. 490.

Licensing and permits — See Ch. 330.

ARTICLE I

Variance Review**[Adopted 8-12-2015 by Res. No. 03-2015]****§ 429-1. Variance requests.**

The Town of Koshkonong will not require the Plan Commission to review variance requests. All variance requests will only be reviewed by the Town Board. There will be no fee for review of variance requests by the Town Board.

ARTICLE II

Conditional Use Permit Review
[Adopted 4-19-2016 by Res. No. 2016-419]

§ 429-2. Conditional use permit requests.

The Town of Koshkonong will not require the Plan Commission to review conditional use permit requests. All conditional use permit requests will only be reviewed by the Town Board. There will be no fee for review of conditional use permit requests by the Town Board.

Chapter 432
RIGHT-OF-WAY ACCESS

GENERAL REFERENCES

Building construction — See Ch. 218.

Streets and sidewalks — See Ch. 478.

Property maintenance — See Ch. 424.

§ 432-1. Driveway permits; culvert requirements.

- A. Purpose. For the safety of the general public, the Town of Koshkonong shall determine the location, size, construction and number of access points to public roadways of the Town within the Town limits. It is the Town's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- B. Culvert requirement. No person shall construct any driveway or private road in a public right-of-way of the Town of Koshkonong without complying to the culvert requirements. Included within the scope of this requirement are commercial driveways. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Driveway permit required; application; fee. **[Amended 3-13-2019 by Ord. No. 1]**
- (1) Permit requirement. No person shall locate, establish, construct, or alter a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway permit from the Town of Koshkonong.
 - (2) Application. Application for such permit may be made to the Town Clerk. The request for such permit shall be in writing signed by the owner of the real estate affected and/or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed right-of-way access and culvert in relationship to the real estate involved and the adjacent road, street, or highway.
 - (3) Review. The Town of Koshkonong or representative shall review all applications using this chapter and the data and findings from the Driveway Inspection Report as shown in § 432-2 in issuing driveway and culvert permits.
 - (4) Fee. At the time of making application for a driveway permit, the applicant shall pay a fee as provided in the Town Fee Schedule.³² At

the time of paying the fee, the applicant shall also post an escrow in the amount of \$450. In the event it is necessary for the Town Engineer to inspect the driveway on more than one occasion, a charge of \$100 per each additional site inspection shall be charged and paid from the escrow fund. Any balance remaining of the escrow at the time of issuance of the permit shall be reimbursed to the applicant within 30 days after issuance of the permit. **[Amended 2-10-2021]**

D. Application provisions. All driveway permit applications shall contain the applicant's statement that:

- (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to the property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
- (2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Town of Koshkonong, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of said driveway within the dedicated portion of the Town road or street. **[Amended 3-13-2019 by Ord. No. 1]**

§ 432-2. Driveway and culvert location, design and construction requirements.

A. General requirements. The location, design and construction of driveways shall be in accordance with the following:

- (1) General design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or

from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- (2) Number. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one, except where deemed necessary and feasible by the Town Board approval for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable. **[Amended 3-13-2019 by Ord. No. 1]**
- (3) Island area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection A(5).
- (4) Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way to limit water that reaches the roadway. **[Amended 3-13-2019 by Ord. No. 1]**
- (5) Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - (a) The filling or draining shall be to grades approved by the Town designee and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner. **[Amended 3-13-2019 by Ord. No. 1]**
 - (b) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required

where the total culvert length is greater than 300 feet and/or where a bend or curve in the pipe is required.

- (c) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
 - (6) Relocation of utilities. Any costs of relocating utilities shall be the responsibility of the property owner. **[Amended 3-13-2019 by Ord. No. 1]**
 - (7) Slope. No land with a slope of more than 25% shall be disturbed for the establishment, construction, improvement, modification or reworking of a driveway. The maximum final slope of the driveway or any portion of the driveway shall be no more than 13%. **[Added 3-13-2019 by Ord. No. 1]**
 - (8) Turnaround. A driveway over 300 feet must have a turnaround with a radius of at least 90° or a fifty-foot turning radius, or a turnaround approximately halfway between the house and road. **[Added 3-13-2019 by Ord. No. 1]**
 - (9) Variances. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical. A variance will not be granted unless the person requesting the variance assumes all responsibility for the deviations from the above requirements and releases the Town from all liability thereof. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Special requirements for commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 30 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
 - (2) Angular placement of driveway. The angle between the center line of the driveway and the curblines or road edge shall not be less than 70°.

- C. Special requirements for residential driveways. The following regulations are applicable to driveways serving residential property:
- (1) Width. Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than 26 feet wide at the curbline or pavement edge and 18 feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than 26 feet wide at the curbline and 24 feet wide at the outer or street edge of the sidewalk.
 - (2) Angular placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curbline or pavement edge.
 - (3) Driveway surface material may not be concrete within three feet of the roadway. **[Added 3-13-2019 by Ord. No. 1]**
- D. Appeal from permit refusal. The permittee may appeal any refused permits to the Town Board within 20 days after such refusal to issue such permit is made. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Prohibited driveways and/or filling.
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Koshkonong except as permitted by this section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in nonconformance with this chapter.
 - (2) No driveway shall be closer than 25 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
 - (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
 - (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

F. Culvert construction standards.

(1) Size. Culverts shall be installed prior to construction work being commenced on the property serviced. No pipe smaller than fifteen-inch diameter (or equivalent elliptical or arched pipe) will be allowed unless otherwise designated during the driveway permit process. All culverts shall be constructed of galvanized steel, reinforced concrete, plastic or/and Town-approved materials, and shall be of new manufacture, unless specifically excepted by the Town Engineer and/or Town Board designee. **[Amended 3-13-2019 by Ord. No. 1]**

(2) Gauge.

(a) The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following:

Pipe Diameter (inches)	Gauge
15 to 24	16
30 to 36	14
42 to 54	12
60 to 72	10
78 to 84	8

(b) The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (feet)	Class of Pipe
0 to 2	IV
2 to 3	III
3 to 6	II

(3) Drainage. The culverts shall be placed in the ditchline at elevations that will assure proper drainage.

(4) Endwalls. Culverts shall be provided with a concrete or metal apron endwalls as directed by the Town Engineer and/or Town Board designee. **[Amended 3-13-2019 by Ord. No. 1]**

(5) Backfill material. Material used for backfill shall be of a quality acceptable to the Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six inches.

- (6) Erosion control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer and/or Town Board designee. **[Amended 3-13-2019 by Ord. No. 1]**
- (7) Cost. The property owner shall install the culvert and be responsible for the cost thereof.
- (8) Appeal. Persons may request a variance from the culvert requirements of this section by filing a written appeals request with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer and/or Town Board designee may be asked to render an opinion on the request. **[Amended 3-13-2019 by Ord. No. 1]**
- G. Enforcement. All costs incurred by the Town relating to the enforcement of this chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. Such costs shall be payable from the permit fee established in § 432-1C(4) above. If a property owner refuses to comply with the chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to § 66.0627, Wis. Stats.

Chapter 447

SEWERS AND SEWAGE DISPOSAL

GENERAL REFERENCES

Building construction — See Ch. 218.

Subdivision of land — See Ch. 490.

Hazardous materials and pollution — See Ch. 291.

ARTICLE I
Wastewater Sludge Management
[Adopted as Title 8, Ch. 4, of the 1996 Code]

§ 447-1. Definitions.

For the purpose of this chapter:

APPLICANT — The person or entity applying for a sludge application permit.

SLUDGE — The accumulated residual solids (usually in liquid form) resulting from the treatment of municipal, industrial or private wastewaters and shall include refuse liquids or water matter of all sorts normally carried off by municipal, industrial or private sewers. The definition of "sludge" may include industrial waste and by-products, chemical sludge, raw sewage, food processing waste, or untreated septage, as determined by the Town Board or experts employed by the Town.

§ 447-2. Permit required.

No person, corporation or entity shall apply or allow to be applied to lands under their ownership, lease or control, or provide sludge, to any land in the Town of Koshkonong, without first having obtained a permit from the Town of Koshkonong. One permit shall be required for each sludge application so long as both the landowner and the provider of sludge are listed on the application.

§ 447-3. Permit application.

Application for permit required under this chapter shall be submitted, in writing, in duplicate, to the Town Clerk. The application shall set forth the following:

- A. The name and address of the applicant (who shall be the owner of the treatment facility generating the sludge). If the applicant be a corporation, the applicant shall set forth the name, address, and registered agent of the corporation.
- B. The name and address of the owner of the site upon which the sludge is proposed to be applied and/or supplied.
- C. A plat, survey, or drawing showing the boundaries of the site to be used.
- D. The names and addresses of any hauling contractors of the sludge, including corporation identity and registered agent if applicable. If such hauling contractors are under written contract a copy of said contract shall be furnished with the application.
- E. The names and addresses of the owners of any other site or sites upon which the applicant is then applying sludge within the corporate limits of the Town of Koshkonong.

- F. A statement of the nature of the proposed operation, including the projected volume of sludge to be applied; a description of the machinery to be used; odor control devices to be utilized, if any; the highways or Town roads to be used for the truck traffic to and from the site; the number and weight of trucks hauling the sludge projected to be used for the site; and the time period within which the applicant intends to apply sludge at the site.
- G. The names and addresses of all property owners within 500 feet of the boundaries of the proposed site or sites.
- H. The content of sludge that is proposed to be applied, including the nutritional aspects of such sludge, as well as a detailed analysis of the sludge metal content.
- I. Disclosure to the Town when municipal wastewater treatment plants have refused septage and why.
- J. The application shall be accompanied by a permit fee as provided in the Town Fee Schedule³³ to defray the cost of publication of notices, investigation, legal expenses, administration costs and public hearings.
[Amended 3-13-2019 by Ord. No. 1]

§ 447-4. Review and public hearing.

- A. Upon receipt of an application submitted as provided above, the Town Board shall inspect the premises for which a permit is requested and shall set a date for public hearing upon such application, which date shall not be more than 60 days after receipt of said application by the Town Clerk.
- B. Within 30 days of the public hearing the Town Board shall either grant or deny said permit on the basis of the information contained in the application, together with the information presented at a public hearing, any independent investigation, and any other information acquired by the Town Board.
- C. A public hearing shall be held by the Town Board at its regular meeting place and a notice of said meeting shall be mailed to all property owners within 250 feet of the site designated in the application. In addition, the Town Clerk shall publish a notice of said meeting in a newspaper of general circulation in the Town at least 10 days before the date of said public hearing.
- D. At such public hearing, the Town Board shall hear all persons interested in the granting or denying of the permit and may, if it sees fit, take testimony relative to the application.
- E. In making such determination, the Town Board shall consider whether the proposed permit will be detrimental to the health, safety and/or

33. Editor's Note: The Fee Schedule is on file in the Town office.

welfare of the public. The Town Board, as a condition to the issuance of a permit, may require conditions, restrictions and sureties as hereinafter set forth and in a form determined by the Town Board, upon the Town Board finding that such condition or conditions are proper for protection of the health, safety and/or welfare of the public.

§ 447-5. Term of permit.

The permit for sludge application shall be issued for the requested period in the application, though such period shall not exceed one year and may be shortened or modified by the Town Board if deemed to be in the health, safety and/or welfare of the public. Permits shall expire annually on January 1st. All sludge to be applied at a site shall be applied within that specified period.

§ 447-6. Requirements and restrictions.

Each permit and applications of sludge governed by such permit shall be subject to the following requirements and restrictions:

- A. Surface spreading prohibited. All liquid sludge will be immediately incorporated into the soil and applied by injection only, unless in caked form. No surface spreading of sludge shall be permitted.
- B. Application of sludge. The sludge shall be applied in accordance with the appropriate regulations of the Wisconsin Department of Natural Resources and with any special requirements incorporated into any approval or permit obtained by the applicant from the Wisconsin Department of Natural Resources and the permit issued by the Town of Koshkonong.
- C. Highways and roads. Movement to the site within the Town of Koshkonong shall be restricted to state and county trunk highways and specifically authorized Town roads. All damages caused by the movement of the sludge hauling vehicles over Town roads shall be repaired by a competent contractor selected by the Town from a list of not less than three, provided by the permittee. The list shall be provided to the Town within 48 hours of the permittee being notified of such damage by its hauling contractor or the Town. If the permittee fails to provide such list to the Town within the designated time period, the Town shall repair the road and the cost thereof shall be charged to and paid by the permittee. The Town Building Inspector or other designated official shall determine the amount of damages and any question concerning the permittee's responsibility in such damage. Such decision shall be reduced to written form and notice thereof shall be mailed to the permittee. Such decision shall be final and binding upon the permittee and the Town of Koshkonong unless the permittee appeals such decision by written notice to the Town Clerk within 10 days of receipt of such notice. Upon receipt of such appeal by the permittee, the Town Board shall set a date for a hearing on such issues not more than 30 days after the receipt of such appeal notice. At such

hearing, the permittee may produce witnesses and evidence as it sees fit relating to the road damage. The Town Board shall also hear evidence in support of the initial determination. After hearing all such testimony and evidence, the Town Board shall render a decision both as to the causation of the damages and the amount of the damages.

- D. Vehicle traffic and parking. Vehicles shall obey all Town traffic and parking ordinances. Such vehicles shall also not be parked on public roads or rights-of-way, except such vehicles may park up to a time period of 10 minutes with prior approval of the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Cleanup of roads. In the event the permittee causes any mud and/or sludge to be deposited or tracked onto any roads or highways within the Town of Koshkonong, the permittee shall remove the same immediately and if the cleanup is not performed to the satisfaction of the Town Board within two hours of the permittee having received notice of the same by telephone or in person, the Town Board may provide for such cleanup and the cost of the same shall be charged to and paid by the permittee. Presentation of the bill to permittee through the United States Mail shall constitute a final and binding decision upon the permittee, unless the permittee appeals such invoice within five days of receipt of the same. If the permittee makes such an appeal, the Town Board shall schedule a hearing as set forth with respect to road damage.
- F. Traffic controls. Adequate traffic controls in the form of warning signs, lights, and personnel shall be maintained by the permittee at all times when sludge-spreading vehicles post any hazard or interference with pedestrian or vehicular traffic.
- G. Application hours. Wastewater sludge application shall not begin prior to one hour after sunrise and shall not continue after 1/2 hour before sunset of each day. Wastewater sludge shall not be applied on Sundays, legal holidays, or Saturdays after noon. The permittee shall file, in writing, with the Town Clerk which roads are to be used for sludge transport.
- H. Liability insurance. The permittee shall file with the Town Clerk satisfactory evidence that the applicant has obtained liability insurance in the amount of at least \$1,000,000.
- I. Surety bond. The applicant shall file with the Town Clerk a cash bond in the sum of \$25,000 as a guarantee that the applicant will fully abide by all of the terms and provisions of this chapter. Each applicant need only file a cash bond once per year, regardless of the number of individual permits that one applicant may seek. The Town shall also require, as a condition of approval, execution of a road use agreement.
- J. Submission of reports. The applicant shall send to the Town Clerk copies of all reports required by the county, state, or the Wisconsin

Department of Natural Resources at the same time the same are submitted to those agencies.

§ 447-7. Operation and inspection fee. [Amended 3-13-2019 by Ord. No. 1]

The permittee shall pay to the Town of Koshkonong at the time of submitting its permit, a permit fee as provided in the Town Fee Schedule per application for each hauler at each site upon which sludge is to be applied, or spread, to defray costs to the Town of Koshkonong in inspecting the applicant's operations and to perform independent testing on the sludge. The permittee shall file with the Town Clerk a list of haulers and equipment/trucks to be utilized. The Town Board shall keep a record of sludge-related expenses with respect to each site. The Town Board may conduct additional soil testings to determine the ability of the soil upon the premises described in the application to absorb sludge in a safe fashion. The Town Board may also require sludge analysis of the sludge being spread upon the soil. The Town of Koshkonong may require at any time that a sufficient sample of sludge be taken and preserved from a truck(s) delivering sludge. The manner and type of such soil test and sludge analysis shall be determined by the Town Board and all costs and expenses for such soil test and sludge analysis shall be paid from the fees set forth herein. The Town Board of the Town of Koshkonong shall annually review such fees and make such adjustments as are necessary so that such fees bear a reasonable relationship to the Town of Koshkonong's sludge-related costs.

§ 447-8. Inspections and testing.

The Town Board shall designate an inspector or inspectors upon the granting of any permit hereunder. It shall be the duty of such inspector or inspectors to monitor the compliance of the permittee and otherwise act on behalf of and at the direction of the Town Board. The permittee shall fully cooperate with the inspector or inspectors in allowing access to the premises upon which the sludge is to be applied. The inspector(s) may require the permittee to conduct soil testing, from time to time, to determine the ability of the soil upon the site to absorb the sludge to be applied. The inspector(s) may also require the permittee to set aside samples as directed hereinbefore and deliver such sealed samples to the inspector(s).

§ 447-9. Violations and penalties. [Amended 3-13-2019 by Ord. No. 1]

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to the penalty provided in § 1-3, General penalty. Each day of noncompliance or violation shall be deemed as a separate and distinct offense.

§ 447-10. Revocation of permit.

If any of the provisions of this chapter are violated by the permittee, the Town Board may advise the permittee, in writing, of its intention to consider the revocation of the permit granted to the permittee, and a time, not less than 72 hours, at which the Town Board will meet for the purpose of determining any such revocation. Such written notice shall include the grounds for considering revocation. The permittee shall be allowed to present witnesses and evidence to the Town Board at such hearing. The determination of the Town Board shall be made, in writing, and delivered to the permittee personally or by certified mail and upon such delivery, such determination shall become effective.

§ 447-11. Limitation of applications.

No parcel of land in the Town of Koshkonong shall be applied with wastewater sludge more than once in any two-year period.

§ 447-12. Exemptions.

A permit shall be required for the commercial/municipal spreading of milorganite.

§ 447-13. Municipal wastewater sludge.

Any person or party seeking to apply municipal wastewater sludge to lands located within the Town may do so only pursuant to this chapter or pursuant to an intergovernmental agreement entered into by and between the Town and the municipality generating such sludge, pursuant to § 66.0301, Wis. Stats. Such intergovernmental agreement shall control, notwithstanding anything to the contrary contained herein.

Chapter 454**SEX OFFENDERS RESIDENCY RESTRICTIONS****GENERAL REFERENCES**

Nuisances — See Ch. 391.

§ 454-1. Definitions.

The following words and phrases shall have the following meanings:

CHILD or CHILDREN — An individual under the age of 18 years.

CRIME AGAINST CHILDREN —

A. Any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

- (1) Wis. Stat. § 940.225(1), First Degree Sexual Assault.
- (2) Wis. Stat. § 940.225(2), Second Degree Sexual Assault.
- (3) Wis. Stat. § 940.225(3), Third Degree Sexual Assault.
- (4) Wis. Stat. § 940.22(2), Sexual Exploitation by Therapist.
- (5) Wis. Stat. § 940.30, False Imprisonment — Victim was Minor and Not Offender's Child.
- (6) Wis. Stat. § 940.31, Kidnapping — Victim was Minor and Not Offender's Child.
- (7) Wis. Stat. § 944.02, Rape (prior statute, now Wis. Stat. § 940.225).
- (8) Wis. Stat. § 944.06, Incest.
- (9) Wis. Stat. § 944.10, Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02).
- (10) Wis. Stat. § 944.11, Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02).
- (11) Wis. Stat. § 944.12, Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07).
- (12) Wis. Stat. § 948.02(1), First Degree Sexual Assault of a Child.
- (13) Wis. Stat. § 948.02(2), Second Degree Sexual Assault of a Child.
- (14) Wis. Stat. § 948.025, Engaging in Repeated Acts of Sexual Assault of the Same Child.

- (15) Wis. Stat. § 948.05, Sexual Exploitation of a Child.
- (16) Wis. Stat. § 948.055, Causing a Child to View or Listen to Sexual Activity.
- (17) Wis. Stat. § 948.06, Incest with a Child.
- (18) Wis. Stat. § 948.07, Child Enticement.
- (19) Wis. Stat. § 948.075, Use of a Computer to Facilitate a Child Sex Crime.
- (20) Wis. Stat. § 948.08, Soliciting a Child for Prostitution.
- (21) Wis. Stat. § 948.095, Sexual Assault of a Student by School Instruction Staff.
- (22) Wis. Stat. § 948.11(2)(a) or (am), Exposing a Child to Harmful Material.
- (23) Wis. Stat. § 948.12, Possession of Child Pornography.
- (24) Wis. Stat. § 948.13, Convicted Child Sex Offender Working with Children.
- (25) Wis. Stat. § 948.30, Abduction of Another's Child.
- (26) Wis. Stat. § 971.17, Not Guilty by Reason of Mental Disease or an Included Offense.
- (27) Wis. Stat. § 975.06, Sex Crime Law Enforcement.

RESIDENCE — A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

SEX OFFENDER — A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of, a "sexually violent offense" or a "crime against children."

SEXUALLY VIOLENT OFFENSE — Shall have the meaning set forth in Wis. Stat. § 980.01(6).

TEMPORARY RESIDENCE — A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or place where the person routinely abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

§ 454-2. Recitals.

The Wisconsin Statutes, including Chapters 940, 944 and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town ("Town") is responsible to maintain the public health, safety, and welfare; and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children. In making this finding, the Town has reviewed a study by the United States Department of Justice finding that sex offenders are four times more likely than non-sex offenders to be arrested for another sex crime after discharge from prison. The study also found that 70% of all men in prison for a sex crime were men whose victims were children. The Town has also reviewed the findings of various legislatures related to sex offender residency as well as the decision of the United States Court of Appeals for the 8th Circuit in *Doe v. Miller*, 405 F.3d 700 (8th Circuit 2005), in which the Court stated that it was "common sense" that limiting contact between sex offenders and areas where children are located is likely to reduce the risk of sex offenses against children. In addition, the Town has reviewed the decision of the Wisconsin Court of Appeals in *City of South Milwaukee v. Todd J. Kester*, Appeal No. 2012 AP 724, in which the Court held that a Wisconsin municipality could regulate through its police power, the location of sex predators within the City.

§ 454-3. Purpose.

The purpose of this chapter is to protect the public health, safety, and welfare of children in the Town of Koshkonong by limiting contact between sex offenders and children to reduce the risk that sex offenders will re-offend.

§ 454-4. Residency restriction.

A. Except as otherwise provided in this chapter, a sex offender shall not establish a residence or temporary residence within 1,000 feet of any real property upon which there exists any of the following uses:
[Amended 12-8-2017]

- (1) A school or any other facility for children.
- (2) A public park, park facility, pathway or recreational trail where children routinely congregate.
- (3) A day-care licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground or public recreational area.
- (6) A public athletic field used by children.
- (7) A residential care center for children.

(8) A public swimming pool.

- B. For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the sex offender's residence or temporary residence is located to the closest boundary line of the real property of the applicable use.

§ 454-5. Residency restriction exceptions.

A sex offender residing within an area otherwise prohibited by § 454-4 is not in violation of this chapter if any of the following apply:

- A. The person is required by court order or other governmental authority to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- B. The person had established a residence at the location prior to the effective date of this chapter.
- C. The use enumerated in § 454-4 was established after the sex offender established a residence at the location and registered that residence as required by law.
- D. The sex offender is a minor or ward under guardianship.

§ 454-6. Safety zones.

No sex offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- A. A school or any other facility for children.
- B. A public park, park facility, pathway, or recreational trail where children routinely congregate.
- C. A day-care licensed by the State of Wisconsin.
- D. A public library.
- E. A public playground or public recreational area.
- F. A public athletic field used by children.
- G. A residential care center for children.
- H. A public swimming pool.
- I. Any public building during the time it is being used for educational or recreational activities by children.

§ 454-7. Safety zone exceptions.

A sex offender present in an area otherwise prohibited by § 454-6 is not in violation of this chapter if any of the following apply:

- A. The property supporting a use enumerated in § 454-6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
- (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 - (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- B. The property supporting a use enumerated in § 454-6 also supports a use lawfully attended by the sex offender's natural or adopted child or children, which child's use reasonably requires the attendance of the sex offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- C. The property supporting a use enumerated in § 454-6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
- (1) The sex offender is eligible to vote.
 - (2) The polling location is the designated polling location for the sex offender.
 - (3) The sex offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- D. The property supporting a use enumerated in § 454-6 also supports a school lawfully attended by the sex offender as a student, provided that the sex offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- E. The property supporting a use enumerated in § 454-6 also supports a police station, Town Hall, or other governmental building, provided that the sex offender vacates the property immediately after completing the activity that required his or her presence at the property.

§ 454-8. Enforcement.

- A. Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Any person violating this chapter is declared to be creating a public nuisance which may be abated in the manner provided for in § 391-6 of the Code of the Town of Koshkonong.

§ 454-9. Severability.

The terms and provisions of this chapter are severable. Should any term or provision of this chapter be found invalid by a court of competent

jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Chapter 466

SOLID WASTE AND RECYCLING

GENERAL REFERENCES

Open burning — See Ch. 225.

Nuisances — See Ch. 391.

Littering — See Ch. 338.

§ 466-1. Definitions.

For the purpose of this chapter:

BIMETAL CONTAINER — A container for carbonated malt beverages that is made primarily of a combination of steel and aluminum.

COLLECTOR or HAULER — The person authorized by the Town Board to collect, transport, and dispose of garbage, rubbish, solid waste, or recyclable material.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

GREEN BOX RECYCLABLE MATERIAL FACILITY — Recyclable material containers placed by the Town, its agents or its contractor(s) to be used by the service recipients in the Town for the temporary collection of recyclable material.

HDPE — High density polyethylene, labeled by the SPI Code #2.

LDPE — Low density polyethylene, labeled by the SPI Code #4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, boilers, humidifiers, clothes washer, dishwasher, freezer, microwave oven (with capacitor removed), oven, refrigerator or stove.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

OTHER RESINS or MULTIPLE RESINS — Plastic resins labeled by the SPI Code #7.

PERSON — Any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI Code #1.

POST-CONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI Code #5.

PS — Polystyrene, labeled by the SPI Code #6.

PVC — Polyvinyl chloride, labeled by the SPI Code #3.

RECYCLABLE MATERIALS — 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 bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 466-2. Title.

The title of this chapter is the Town of Koshkonong "Recycling Ordinance."

§ 466-3. Purpose.

- A. The purpose of this chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program in the Town and to allow the Town to comply with Chapter 287, Wis. Stats., and Ch. NR 544, Wis. Adm. Code, or their successor provisions.

- B. In addition, the purpose of this chapter is to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing and disposal regulations, as authorized and provided in § 287.09(2) and 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code, or their successor provisions.

§ 466-4. Statutory authority.

This chapter is adopted as authorized under § 287.09(3)(b), Wis. Stats., or its successor provision. Any changes in the State of Wisconsin's recycling laws or statutory requirements relative to qualifications for State grant applications shall be deemed immediately adopted and incorporated into this chapter.

§ 466-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to 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 Ch. NR 544, Wis. Adm. Code, or its successor chapter and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code, standards or its successor chapter 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.

§ 466-6. Applicability.

The requirements of this chapter apply to all persons in the Town of Koshkonong.

§ 466-7. Administration.

The provisions of this chapter shall be administered by the Town Board of the Town of Koshkonong or its designee.

§ 466-8. Effective date.

The provisions of this chapter shall take effect on September 30, 1994.

§ 466-9. Separation of recyclable materials.

The owner or occupant of each residence, residential unit, place of business, industry, institution or other place providing foods or services of any type shall cooperate in the recycling of recyclable material by performing the following:

- A. Except as provided in Subsections B and C below hereafter, all recyclable material shall be separated from other solid waste. Recyclable materials shall be placed in appropriate recycling containers for collection in the same manner as regular solid waste according to the collection schedule. Recyclables shall not be placed in containers with solid waste.
- B. Newspapers and mixed paper shall be placed in the appropriate container and placed at the curb with solid waste on the designated collection date for collection by the Town's solid waste collector. Bundles or separated newspapers shall not be placed in containers with solid waste. No newspapers or mixed paper, except contaminated paper or paper otherwise rendered useless for recycling purposes, shall be disposed of with solid waste.
- C. Owners of multifamily dwellings and commercial properties must contract separately with the hauler of their choice for garbage and recycling hauling and disposal services. Owners of such properties, shall notify tenants or employees as to the requirements of this Town of Koshkonong recycling ordinance, including, but not limited to, the preparation of recyclable materials in order to meet the processing requirements of this chapter, and the prohibition for the placement of recyclables in containers with solid waste.
- D. Rimless tires, lead-acid batteries, and used oil shall be kept separate from other solid waste materials and shall be placed for collection in the same manner as regular solid waste on the designated collection date. These items may also be recycled at private businesses where they are purchased or at private recycling centers.
- E. Owners of nonresidential facilities must provide separate containers for recyclable materials and regular collection of those containers, and must notify all users of these facilities semiannually of reasons to reduce and recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements of the responsible unit's or out-of-state unit's recycling program, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- F. All nonresidential facilities and multifamily dwellings shall have on file with the Town a description of their individual recycling programs. The Town may conduct annual audits and inspections to insure compliance with this recycling chapter.

§ 466-10. Separation requirements exempted.

The separation requirements of § 466-9 do not apply to any occupants of the Town regarding the following:

- A. Occupants of single-family and two-to-four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Resources that recovers the materials specified in § 466-9 from solid waste in as pure a form as is technically feasible. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Solid waste from these occupants which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material of these occupants specified in § 466-9 for which a variance has been granted to the Town by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or NR 544.14, Wis. Adm. Code, or their successor provisions.
- D. A recyclable material for which the Town Board has obtained the above variances from the DNR under § 287.11(2m), Wis. Stats., or its successor provision, and the Town Board does not require separation of this recyclable material from post-consumer waste.

§ 466-11. Residential collection schedule.

- A. The Town Board and Town's collector shall establish the time of collection of solid waste, including recycling materials, and the Town shall publish the collection schedule at least twice a year and, in addition, at any time the collection schedule is changed.
- B. Solid waste containers and recycling containers shall be placed as herein required at the required collection point not sooner than 4:00 p.m. of the day before the regularly-scheduled collection and by 6:00 a.m. of the collection day, and no person shall permit solid waste or containers thereof to accumulate or remain at the curblin after 7:00 p.m. of the regularly scheduled collection time or until serviced. **[Amended 3-13-2019 by Ord. No. 1]**

§ 466-12. Placing of solid waste for residential collection.

- A. Except as specifically directed or authorized by the Town under Subsection B, solid waste and recycling containers from all residential premises shall be placed not more than five feet from the curblin or travel portion of road adjacent to the road designated in the published collection schedule. In addition, solid waste containers and recycling containers shall be placed five feet apart.
- B. The Town may direct or authorize the placing of solid waste and recycling containers in a manner different from the manner provided herein in order to facilitate a more reasonable mode of collection from particular premises.

§ 466-13. Preparation of solid waste for residential collection.

- A. All garbage or rubbish placed for collection shall be well drained, wrapped and deposited in watertight containers or watertight bags as per the current contract. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.

§ 466-14. Dumping prohibited.

- A. No person shall place any garbage on any street, alley, sidewalk or other public or private property unless the same shall be placed in containers or bags for Town collection at the times and in the manner as herein provided.
- B. No person shall place for collection any solid waste at the curblin or alley adjacent to any premises not owned or occupied by such person or dispose of waste at any unauthorized site.

§ 466-15. Items prohibited for residential collection by the collector.

- A. Construction and/or demolition materials, such as large amounts of stone, concrete, lumber, roofing materials, earth or sod.
- B. Containers per contract. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Tree stumps, roots, and shrubs with intact root balls over six inches in diameter and/or greater than 40 pounds.
- D. Hazardous, toxic and infectious waste.
- E. Yard waste.

§ 466-16. Public information and education program.

The Town, with the assistance of the recycling committee, and the designated recycling contractor, shall conduct an ongoing public information and consumer and youth education program concerning local and state recycling and waste reduction efforts.

§ 466-17. Prohibited disposal of recyclables.

No items which have been separated for recycling shall be disposed of in a solid waste disposal facility or burned in a solid waste treatment facility.

§ 466-18. Violations and enforcement.

- A. Forfeiture. Any person, owner, occupant, corporation, person in charge or operator who shall violate any provision of this chapter shall, upon conviction, be subject to the penalties provided in § 1-3, General penalty. Each day or incident of violation shall be deemed a separate offense. **[Amended 3-13-2019 by Ord. No. 1]**

- B. Noncollection. The Town's collector shall refuse to pick up any solid waste containing recyclable material not separately contained or bundled as provided in this chapter.
- C. Inspection. For the purpose of ascertaining compliance with the provisions of Ch. NR 544, Wis. Adm. Code, or its successor chapter and compliance with this chapter, any authorized officer, employee or representative of the Town may, pursuant to § 66.0119, Wis. Stats., or its successor chapters, and pursuant to Ch. NR 544, Wis. Adm. Code, or its successor provisions, inspect recyclable materials in the Town separated for recycling, inspect post-consumer waste in the Town intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the Town, including any collection areas for single-family, two to four residential dwelling units, multiple-family dwelling units and nonresidential facilities and properties that are controlled by any occupants, any contractor of the Town any permittee collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.
- D. Prohibited major appliance disposal. Notwithstanding any other provisions in the Town of Koshkonong Code of Ordinances, major appliances may not be disposed of at any landfill in the Town of Koshkonong. Such appliances shall include residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens (unless the capacitor has been removed), ovens, refrigerators, stoves, boilers, residential and commercial furnaces, dehumidifiers and water heaters.

§ 466-19. Assessment for collection services. [Amended 3-13-2019 by Ord. No. 1]

The Town Board will annually review the amounts paid for garbage and recycling hauling and disposable services and allocate the same to all residential properties in the Town of Koshkonong, regardless of whether their usage and occupancy is year-round or seasonal. Such assessment shall be placed in equal amounts on all such residential tax bills. The assessments for each year shall be made and contained on the tax bills issued each December for the preceding year, such that the initial assessment levied in December 2018, shall be for the 2018 calendar year.

Chapter 478

STREETS AND SIDEWALKS

GENERAL REFERENCES

Property maintenance — See Ch. 424.

All-terrain vehicles — See Ch. 528.

Subdivision of land — See Ch. 490.

Vehicles and traffic — See Ch. 535.

ARTICLE I

**Laying Out and Construction of Town Highways and Roads
[Adopted as Title 6, Ch. 2, of the 1996 Code]****§ 478-1. Application to lay out and construct highway. [Amended 3-13-2019 by Ord. No. 1]**

An application under this chapter to lay out and construct a new Town highway, other than as part of to a new subdivision or plat, may be filed by six or more resident freeholders of the Town. Said application must in writing and it may be delivered to the Town Clerk. The application shall contain a complete description and a survey map of the property in question. New streets and roads in subdivisions and plats shall be constructed pursuant to Chapter 490, Subdivision of Land, and this chapter where it is not in conflict with Chapter 490.

§ 478-2. Restrictions on laying out highways.

- A. No Town highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery.
- B. No Town highway shall be laid through or upon any structure, yard or enclosure used for educational or charitable purposes.
- C. No Supervisor shall act in laying out, altering, widening or discontinuing any highway in which he/she may be personally interested.

§ 478-3. Procedure after application is filed.

- A. On application made pursuant to § 478-1 above, the Town Board shall prepare a notice fixing therein a time and place at which they will meet and decide upon the application.
- B. The notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the tracts of land through which the highway passes.
- C. If the application is for discontinuance, the notice shall specify the tracts of land abutting on the highway which will be benefited or injured by such discontinuance.
- D. When the description in the aggregate exceeds 200 words in length, the notice may state that such descriptions are contained in the application as provided in § 82.10(1), Wis. Stats., and shall give the name and address of the Town Clerk to whom the application has been delivered.

§ 478-4. Duties of applicants after application is fixed.

- A. Applicants shall at least 10 days prior to date of hearing give notice by registered mail to all occupants and owners of record of lands through which the highway may pass.

- B. Applicants shall give notice to the Wisconsin Department of Natural Resources by registered mail.
- C. Applicants shall give notice to the Board of Soil and Water Conservation District by registered mail.
- D. Applicants shall publish the notice as a Class 3 notice under Ch. 985 of the Wisconsin Statutes. **[Amended 3-13-2019 by Ord. No. 1]**
- E. Failure of applicants to comply with this section will invalidate the entire proceeding.

§ 478-5. Proceedings after notice. [Amended 3-13-2019 by Ord. No. 1]

- A. The Town Board or designee shall meet at the time and place stated in the notice pursuant to § 478-3A.
- B. The Town Board or designee is to be satisfied that all notices as required by this chapter and the laws of the State of Wisconsin have been complied with.
- C. The Town Board or designee shall personally examine the highway which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- D. The Town Board or designee shall, after complying with Subsections A, B and C above, decide upon the application and shall grant or refuse the same as they deem best for the public good.
- E. The Town Board or designee may adjourn said hearing from time to time, not exceeding in all 30 days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Town Clerk.

§ 478-6. Order, award and recording.

- A. When the Town Board lays out, alters, widens or discontinues any highway, it shall make and sign an order therefor, incorporating therein a description of the highway and cause survey thereof to be made when necessary. **[Amended 3-13-2019 by Ord. No. 1]**
- B. The order and award of damage shall be filed and recorded in the office of the Town Clerk within 10 days after the date fixed by the notice or adjournment for deciding upon the application.
- C. If the Town Board fails to file the order and award within 10 days, they shall be deemed to have decided against the application. **[Amended 3-13-2019 by Ord. No. 1]**
- D. A certified copy of the order shall be transmitted by the Town Clerk to the Jefferson County Highway Commissioner.

§ 478-7. (Reserved)³⁴**§ 478-8. Appeals.**

A. Appeal from highway order shall be pursuant to § 82.12(1), Wis. Stats.

§ 478-9. Payment of construction expenses.

All expenses involved in the preparation, construction and dedication involved in highway construction under this chapter shall be borne by the applicant(s).

§ 478-10. Preliminary inspection.

Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Koshkonong, the applicant shall notify the Town Chairperson or Town Clerk. An on-site meeting will then be arranged to be attended by the Town Board, the Town Engineer and the applicant. Plans must be provided in order for the Town Engineer to check the design and the drainage.

§ 478-11. Surety.

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch, and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to 1 1/4 times the Town Engineer's estimated cost of the required improvements. If the required improvements are not complete within the eighteen-month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for any additional period not to exceed one year; however, the initial bond shall be required to run one year beyond the initial date of acceptance of improvements.

§ 478-12. Roadway specifications.

The road construction specifications for plats prescribed in Chapter 490, Subdivision of Land, shall be applicable for both new roads ordered constructed under this chapter and for roads required as a condition of new plat approval.

34. Editor's Note: Section 478-7, Damages, was repealed 3-13-2019 by Ord. No. 1.

§ 478-13. Final inspection.

Upon completion of the proposed highway, the Town Engineer will proceed to make final inspection, accepting or rejecting road as the case may be. After all of the provisions of this chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by Town Board, upon the Town Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

ARTICLE II
Excavations and Openings
[Adopted as Secs. 6-3-1 and 6-3-2 of the 1996 Code]

§ 478-14. Excavations of streets, alleys, public ways and roads.

A. Permit required.

- (1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause to be made any opening or excavation in any public street, public road, public alley, public way, public ground, public sidewalk or Town-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Town of Koshkonong without a permit therefor from the Town Chairperson or Clerk, Town Board, or their designee. Such permit shall be valid for one month.
- (2) The utility or contractor shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open out or auguring, provisions of restoration and whatever the Town would deem necessary for review and consideration. In being issued a permit the utility or contractor agrees to be bound by the regulations of this section and § 478-15.

B. Fee. The fee for an excavation or opening permit shall be as provided in the Town Fee Schedule³⁵. The fee shall be paid to the Town Clerk, who shall issue a receipt therefor. **[Amended 3-13-2019 by Ord. No. 1]**

C. Insurance required. A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$1,000,000 per one person, \$1,000,000 for one accident and property damage coverage of not less than \$1,000,000.

D. Bond.

- (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Town of Koshkonong and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such

35. Editor's Note: The Fee Schedule is on file in the Town office.

condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one year, and that he/she will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Town Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such statement shall also guarantee that if the Town shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

- (2) In addition to the aforesaid statement required under Subsection D(1) hereof, the applicant shall also file with the Town Clerk, prior to the issuance of the permit, a surety bond naming the Town as the obligee, in such amount as the Town Board may reasonably determine to cover the cost of the proposed work, in order to insure the performance of the aforesaid obligations of the permit holder. Upon completion of the excavation, the restoration of the street or public way and the acceptance of the work by the Town Board, the amount of such surety bond shall be reduced to \$1,000 during the one year guarantee period provided for above.
- (3) Whenever the Town Board shall find that any such work has become defective within one year of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

§ 478-15. Regulations governing excavations and openings.

- A. Frozen ground. No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town Chairperson or Town Clerk, or their designee.
- B. Removal of paving. In any opening or excavation, all paving materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- C. Protection of public.
 - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials.

Except by special permission from the Town, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet where pipe or conduit has been laid. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- D. Replacing street surface. In opening any public street, public alley, public sidewalk, public way, public easement or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Town, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be laid in layers not more than six inches in depth and each layer mechanically rammed or tamped to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. Trenches shall be compacted to 95% Modified Proctor, with test results certified by the contractor and filed with the Town Engineer. The Town may elect to have the opening for any street or sidewalk repaired by the Town, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- E. Notice. It shall be the duty of the permittee to notify the Town Chairperson and/or Town Clerk, or the Town Engineer when requested by the Town, and all private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Clerk and/or Chairperson, or the Town Engineer when requested by the Town, shall also be notified at least four hours prior to backfilling and/or restoring the surface.
- F. Validity of permit. Unless the work shall be commenced within 30 days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.
- G. Backfilling. Reconstruction shall be in accordance with the current cross-section or according to Town standards, whichever is stricter. If

the surface is not restored as required, the Town may restore the surface and bill the permittee therefor; the Town shall perform such work and bill the cost thereof to the permittee.

- H. Emergency excavation. In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.
- I. Excavation in new streets limited. Whenever the Town Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 90 days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five years after the date of improvement or repaving unless, in the opinion of the Town Board, an emergency exists which makes it absolutely essential that the permit be issued.
- J. Exception. The provisions of this section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town except that the safety precautions under Subsection C hereof shall be complied with.

ARTICLE III
Street Use Permits
[Adopted as Title 7, Ch. 7, of the 1996 Code]

§ 478-16. Purpose.

The streets in possession of the Town are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Town Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this chapter is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the Town can be protected and maintained.

§ 478-17. Application.

A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the Town Clerk and shall be filed with the Town Clerk. The application shall set forth the following information regarding the proposed street use:

- A. The name, address and telephone number of the applicant or applicants.
- B. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
- C. The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
- D. The date and duration of time for which the requested use of the street is proposed to occur.
- E. An accurate description of that portion of the street proposed to be used.
- F. The approximate number of persons for whom use of the proposed street area is requested.
- G. The proposed use, described in detail, for which the street use permit is requested.

§ 478-18. Representative at meeting.

The person or representative of the group making application for a street use permit shall be present when the Town Board gives consideration to the granting of said street use permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

§ 478-19. Denial of street use permit.

An application for a street use permit may be denied if:

- A. The proposed street use is primarily for private or commercial gain.
- B. The proposed street use would violate any federal or state law or any ordinance of the Town.
- C. The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- D. The application for a street use permit does not contain the information required above.
- E. The application requests a period for the use of the street in excess of eight hours.
- F. The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a street use permit shall be denied, as hereinabove set forth, the Town Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

§ 478-20. Permit fee. [Amended 3-13-2019 by Ord. No. 1]

Each application for a street use permit shall be accompanied by a fee as provided in the Town Fee Schedule. The applicant shall be responsible for obtaining state-approved barricades from a private firm that supplies such equipment and pay the cost thereof.

§ 478-21. Consent to issuance of street use permit. [Amended 3-13-2019 by Ord. No. 1]

In addition to the fee required by the previous subsection, each application for a street use permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than 75% of the residents over 18 years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

Petition for Street Use Permit

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

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

§ 478-22. Insurance.

The applicant for a street use permit may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Town on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Town of Koshkonong. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 478-23. Termination of street use permit.

A street use permit for an event in progress may be terminated by law enforcement officers if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Town of Koshkonong. Law enforcement officers have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Chapter 490
SUBDIVISION OF LAND

GENERAL REFERENCES

Blasting — See Ch. 207.

Building construction — See Ch. 218.

Construction site erosion control — See Ch. 249.

Driveways — See Ch. 257.

Mobile homes and mobile home parks — See Ch. 380.

Sewers and sewage disposal — See Ch. 447.

Streets and sidewalks — See Ch. 478.

Zoning — See Ch. 560.

ARTICLE I
Definitions

§ 490-1. Definitions.

The following definitions shall be applicable in this chapter:

ALLEY — A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET — A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.

BLOCK — An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

COLLECTOR STREET — A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

COMMISSION — The Plan Commission created by the Town Board pursuant to § 62.23 of the Wis. Stats.

COMPREHENSIVE PLAN — A Comprehensive Plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CUL-DE-SAC — A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND — Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.

EASEMENT — The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public private utilities and corporations, foreign and domestic. **[Amended 3-13-2019 by Ord. No. 1]**

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities.

FINAL PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

FRONTAGE STREET — A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET — A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

LOT — A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

LOT LINES — The peripheral boundaries of a lot as defined herein.

LOT WIDTH — The width of a parcel of land measured along the front building line.

LOT, AREA — The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.

LOT, CORNER — A lot abutting intersecting streets at their intersection.

LOT, REVERSED CORNER — A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.

MAJOR THOROUGHFARE — A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

MINOR STREET — A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."

MINOR SUBDIVISION — The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites, including parent parcel. **[Amended 3-13-2019 by Ord. No. 1]**

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

PEDESTRIAN PATHWAY — A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

PLAT — The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.

PRELIMINARY PLAT — The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan

Commission/Town Board for their consideration as to compliance with the Comprehensive Plan and these regulations along with required supporting data.

PROTECTIVE COVENANTS — Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

REPLAT — The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

SHORELANDS — Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SUBDIVIDER — Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

SUBDIVISION — The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres or less in area, or where the act of division creates five or more parcels or building sites by successive division within a period of five years, whether done by the original owner or a successor owner.

TOWN — The Town of Koshkonong, Jefferson County, Wisconsin.

WETLANDS — An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions [§ 23.32(1), Wis. Stats.].

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by § 35.93 and Ch. 227 of the Wis. Stats., including subsequent amendments to those rules.

ARTICLE II

Adoption; Introduction**§ 490-2. Introduction and purpose.**

A. Introduction. In accordance with the authority granted by § 236.45 of the Wis. Stats. and for the purposes listed in §§ 236.01 and 236.45 of the Wis. Stats., the Town Board of the Town of Koshkonong, Jefferson County, Wisconsin, does hereby ordain as follows:

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Koshkonong.

(2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

B. Purpose. The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Koshkonong.

§ 490-3. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 490-4. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in

favor of the Town of Koshkonong and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 490-5. Severability.

If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.

§ 490-6. Title.

This chapter shall be known as, referred to, or cited as the "Town of Koshkonong Subdivision Ordinance" or "Town of Koshkonong Land Division and Subdivision Ordinance."

ARTICLE III
General Provisions

§ 490-7. General provisions.

- A. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:
- (1) The provisions of Ch. 236 and § 82.18, Wis. Stats.
 - (2) The rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, for subdivisions not served by public sewer. **[Amended 3-13-2019 by Ord. No. 1]**
 - (3) The rules of the Department of Transportation contained in Ch. Trans 233, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street. **[Amended 3-13-2019 by Ord. No. 1]**
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive Plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and Official Mapping ordinances.
 - (7) The Town of Koshkonong Comprehensive Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Town.
 - (8) Applicable provisions of the Jefferson County Code of Ordinances.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.
- B. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Koshkonong. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed 10 years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the

lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

- C. Certified survey. Any division of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.
- D. Building permits. The Town of Koshkonong, or its authorized agent, shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the Town of Koshkonong on or after the effective date of this chapter until the applicant has complied with all of the provisions and requirements of this chapter.
- E. Applicability to condominiums. This chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to § 703.27(1), Wis. Stats. For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

§ 490-8. Land suitability.

- A. Suitability. No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- B. Existing flora. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- C. Additional considerations.
 - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.

- (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (3) Suitability of land for private sewerage systems shall be determined in accordance with Ch. SPS 383, Wisconsin Administrative Code.

§ 490-9. Condominium developments.

A. Purpose.

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (a) Additional population density;
 - (b) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - (c) Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - (d) Additional traffic and street use.

B. Portions of chapter applicable to condominium developments. The following sections of this chapter shall apply to condominium developments:

- (1) Section 490-8, relating to land suitability and construction practices;

- (2) Sections 490-10 through 490-12, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in § 490-16 shall not apply, since condominiums have separate technical standards set forth in Ch. 703, Wis. Stats.
 - (3) Section 490-14, relating to fees for review;
 - (4) Article VI, relating to required improvements;
 - (5) Article VII, relating to design standards for improvements;
 - (6) Article VIII, relating to dedication requirements.
- C. This section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this chapter to a condominium after the effective date of this chapter.

ARTICLE IV
Plat Review and Approval

§ 490-10. Preliminary consultation.

Before filing a preliminary plat or certified survey, the subdivider is encouraged to consult with the Town Board (and Plan Commission and/or Park Commission, if created and so authorized by the Town Board) and the Jefferson County Zoning Administrator and County Planning Office for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

§ 490-11. Submission of preliminary plat.

- A. Submission. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 12 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file copies of the plat and the application as required by this section with the Town Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall submit a copy of the preliminary plat to the Plan Commission and to the Town Engineer for review and written report of his recommendations and reactions to the proposed plat.
- B. Public improvements, plans and specifications. Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Town Clerk 12 complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- C. Property owners association; restrictive covenants. A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to § 236.293, Wis.

Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the preliminary plat with the Town Clerk. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the Town.)

- D. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.
- E. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:
 - (1) Use statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) Area plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Town Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- F. Street plans and profiles. The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- G. Soil testing. The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in § 490-8, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- H. Referral to other agencies.
 - (1) The subdivider shall, within two days after filing, transmit two copies to the appropriate sanitary district, four copies to the County Planning Agency, two copies to the Department of Administration, additional copies to the Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the

Wisconsin Department of Safety and Professional Services if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as objecting agencies. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) In lieu of the procedure under Subsection H(1), the subdivider or the subdivider's agent may submit the original plat to the Department of Administration which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Administration. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department. **[Amended 3-13-2019 by Ord. No. 1]**
 - (3) Within 20 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection H(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-day limit it shall be deemed to have no objection to the plat. Sanitary or utility districts within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.
- I. Drafting standards. The subdivider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Ch. 236 of the Wis. Stats. copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed

subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

§ 490-12. Preliminary plat review and approval.

A. Plan Commission recommendation.

- (1) The procedures pertaining to review and recommendation by the Town Plan Commission in this Subsection A and § 490-13B shall only be followed if a Town Plan Commission is created; if not created, the review procedure shall commence with Subsection B.
- (2) After review of the preliminary plat or certified survey map and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the preliminary plat or certified survey within 40 days of the filing date. [Note: § 236.11(1)(a), Wis. Stats., states that extensions of time or a decision to hold a matter in abeyance may only be made by agreement of the subdivider and Town Board, not the Plan Commission.]
- (3) The Town Clerk shall give notice of the Plan Commission's review of the preliminary plat or certified survey by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.

B. Board review; public hearing. The Town Clerk shall schedule a public hearing on the preliminary plat before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the preliminary plat or certified survey by listing it as an agenda item in the Board's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.

C. Development agreement. Prior to approval of the preliminary plat, the subdivider shall submit, for the Town Board's approval, a development contract that addresses issues such as, but not limited to, drainage, road access, etc. The development agreement should preferably be submitted as part of the preliminary consultation. (See also § 490-20.)

D. Board action. After receipt of the Plan Commission's recommendation, the Town Board shall, within 90 days of the date the preliminary plat was filed with the Town Clerk, approve, approve conditionally or reject such preliminary plat or survey map and shall state, in writing, any

conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Town Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. In reviewing the proposed land division, Town officials may utilize the "Preliminary Check for Environmental Assessment of Land Divisions," found in Appendix A.³⁶ The Town Clerk shall communicate to the subdivider the action of the Town Board. If the plat or map is approved, the Town Clerk shall endorse it for the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**

- E. Effect of preliminary plat approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- F. Preliminary plat amendment. Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

§ 490-13. Final plat review and approval.

- A. Filing requirements.
 - (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 12 copies of the plat and the application with the Town Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall give notice of the Plan Commission's meeting in the manner prescribed in § 490-12A(3). The owner or subdivider shall file eight copies of the final plat not later than 36 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested, in writing, by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant. **[Amended 3-13-2019 by Ord. No. 1]**

36. Editor's Note: Said appendix is included as an attachment to this chapter.

- (2) The subdivider shall, within two days after filing, transmit two copies to the appropriate sanitary district, four copies to the County Planning Agency, two copies to the Department of Administration, additional copies to the Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for service has not been made, and the original final plat and adequate copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as objecting agencies. **[Amended 3-13-2019 by Ord. No. 1]**
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by § 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Town Clerk 12 copies of the final plans and specifications of public improvements required by this chapter.
- (5) The Town Clerk shall refer two copies of the final plat to the Plan Commission, one copy to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Town Attorney for his examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within 30 days of the filing of the final plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify, in writing, to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Town Engineer shall return them to the owner and so advise the Plan Commission.

B. Plan Commission review.

- (1) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all applicable ordinances, rules, regulations, Comprehensive Plans and Comprehensive Plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Town Board.

- (2) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. **[Amended 3-13-2019 by Ord. No. 1]**
- (3) If the final plat is not submitted within 36 months of the last-required approval of the preliminary plat, the Town Board may refuse to approve the final plat. **[Amended 3-13-2019 by Ord. No. 1]**
- (4) The Plan Commission shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

C. Board review and approval.

- (1) The Town Board shall, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Town Board may not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.
- (2) The Town Board shall, when it determines to approve a final plat, give at least 10 days' prior written notice of its intention to the Municipal Clerk of any municipality within 1,000 feet of the final plat.
- (3) Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (4) After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within 12 months of last approval

and 36 months of first approval. **[Amended 3-13-2019 by Ord. No. 1]**

- (5) The subdivider shall file eight copies of the final plat with the Town Clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- D. Partial platting. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

§ 490-14. Administrative fees.

- A. General. The subdivider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- B. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.
- C. Administrative fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.
- D. Preliminary consultation. The subdivider shall pay a fee for preliminary consultations in an amount set forth in the Fee Schedule adopted by the Town Board.³⁷
- E. Preliminary plat review fee.
- (1) The subdivider shall pay a fee in an amount set forth in the Fee Schedule adopted by the Town Board plus an additional fee for each dwelling unit within the preliminary plat or certified survey map to the Town Clerk at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review, as set forth in the Town Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) A reapplication fee in an amount set forth in the Fee Schedule adopted by the Town Board shall be paid to the Town Clerk at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

37. Editor's Note: The Fee Schedule is on file in the Town office.

- (3) The fees shall not apply to review of certified survey maps pursuant to § 490-18. **[Added 2-10-2021]**
- F. Final plat review fee.
- (1) The subdivider shall pay a fee in an amount set forth in the Fee Schedule adopted by the Town Board plus an additional fee for each dwelling unit within the final plat to the Town Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review, as set forth in the Town Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) A reapplication fee in an amount set forth in the Fee Schedule adopted by the Town Board shall be paid to the Town Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.
 - (3) The fees shall not apply to review of certified survey maps pursuant to § 490-18. **[Added 2-10-2021]**
- G. Fee schedule. The amount of all fees referenced herein will be set forth in a Fee Schedule adopted by resolution of the Town Board. The Fee Schedule may be adopted and amended pursuant to resolution of the Town Board without amending this section.

§ 490-15. Replat.

- A. Except as provided in § 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44 of the Wis. Stats. The subdivider or person wishing to replat shall then proceed, using the procedures for preliminary and final plats.
- B. The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.
- C. Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the chapter.

ARTICLE V

Technical Requirements for Plats and Certified Surveys**§ 490-16. Preliminary plats.**

- A. General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, scale and North point.
 - (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- B. Plat data. All preliminary plats shall show the following:
- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the United States Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) Location. Right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way, driveways, culverts, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) Type. Width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center line elevations.

- (6) Location. Size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the United States Department of Natural Resources Conservation Service.
- (14) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with the rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, and delineation of areas with three-foot and six-foot groundwater and bedrock levels where the

subdivision will not be served by public sanitary sewer service.
[Amended 3-13-2019 by Ord. No. 1]

- (15) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with the rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, for subdivisions not served by public sewer. **[Amended 3-13-2019 by Ord. No. 1]**
 - (16) Location. Width and names of all proposed streets and public rights-of-way such as alleys and easements.
 - (17) Approximate dimensions of all lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (18) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (19) Approximate radii of all curves.
 - (20) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable. **[Amended 3-13-2019 by Ord. No. 1]**
 - (22) Where the Plan Commission, Town Board or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request, in writing, such information from the subdivider.
- C. Additional information. The Plan Commission and/or Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

§ 490-17. Final plats.

- A. General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats., and this chapter.
- B. Additional information. The final plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., the following:
 - (1) Exact length and bearing of the center line of all streets.

- (2) Exact street width along the line of any obliquely intersecting street.
 - (3) Exact location and description of streetlighting and lighting utility easements.
 - (4) Railroad rights-of-way within and abutting the plat.
 - (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (6) Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
- C. Deed restrictions. Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the final plat.
- D. Property owners association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.
- E. Survey accuracy.
- (1) Examination. The Town Board shall examine all final plats within the Town of Koshkonong and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) Maximum error of closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1:10,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) Street, block and lot dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of 1:5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
 - (4) Plat location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by § 236.20(3)(b), Wis.

Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

- F. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.
- G. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- H. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 490-18. Certified survey land divisions; review and approval.

- A. Certified survey requirements. For any land division creating up to four parcels, which includes the parent parcel, of five acres or less in size, such map shall not contain more than four parcels, which includes the parent parcel, which are five acres each or less, or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with § 236.34, Wis. Stats., and this chapter. The subdivider must also comply with the requirements set forth in Appendix B, "Pre-Conference Checklist."³⁸
[Amended 3-13-2019 by Ord. No. 1]
- B. Submission and review. The subdivider shall file two copies of said survey map with the Town Clerk. The Town Board shall review, and within 90 days approve, approve conditionally or reject the map. The subdivider shall be notified, in writing, of any conditions of approval of the reasons for rejection. **[Amended 3-13-2019 by Ord. No. 1]**
- C. Additional information. The Certified Survey Map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

38. Editor's Note: Said Appendix B is included as an attachment to this chapter.

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) Setbacks or building lines required by the Town ordinances and the Jefferson County Zoning Code.
 - (3) All lands reserved for future acquisition.
 - (4) Date of the Map.
 - (5) Graphic scale.
 - (6) Name and address of the owner, subdivider and surveyor.
 - (7) Square footage of each parcel.
 - (8) Present zoning for the parcels.
- D. State plane coordinate system. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- E. Certificates. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- F. Street dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a) of the Wis. Stats.
- G. Development agreement. The development agreement required by §§ 490-12C and 490-20 shall also be submitted by the certified survey applicant for approval by the Town Board as a condition of certified survey approval.
- H. Recordation.
- (1) The subdivider shall record the map with the Jefferson County Register of Deeds within 12 months after the date of the last approval of the map, pursuant to § 236.34(2)(b)1, Wis. Stats., and within 36 months after the date of the first approval of the map by the Town Board and any other approving agencies. Failure to do so

shall necessitate a new review and reapproval of the map by the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**

- (2) Three additional copies of the final approved map shall be forwarded to the Town of Koshkonong. The volume and page number of the recording file shall be noted on the final approved map copies.
- I. Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than 1 1/2 acres or 300 feet in width.

ARTICLE VI
Required Improvements

§ 490-19. Improvements required.

- A. Payment for improvements. The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- B. General standards. The following required improvements in this chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer.

§ 490-20. Required agreement providing for proper installation of improvements.

- A. Contract. Prior to installation of any required improvements and prior to the meeting at which the final plat is approved, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Town Engineer.
- B. Financial guarantees.
- (1) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish an irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to 120% of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection or otherwise determined by the Town Board.
[Amended 3-13-2019 by Ord. No. 1]
 - (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit, letter of credit shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under deposit or letter of credit, shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall

be returned to the owner or subdivider. The Town Board, at its option, may extend the deposit or letter of credit, period for additional periods not to exceed two years each period. **[Amended 3-13-2019 by Ord. No. 1]**

- (3) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall be a component of the contract.
- (4) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Planner, and Attorney, as well as other costs of a similar nature.

§ 490-21. Required construction plans; Town review; inspections.

- A. Engineering reports, construction plans and specifications. As required by § 490-11, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer and the ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the final plat with the Town Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:
 - (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

Such plans shall comply with the County's or Town's Erosion Control Ordinance.

- (6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by Town officials.
- B. Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- C. Construction and inspection.
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued until all improvements required by this chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the preliminary plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
 - (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- D. Record plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall be prepared on the original Mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond

assuring their completion. Two copies shall be retained by the Town and one copy of such record plans shall be forwarded to the appropriate sanitary district.

§ 490-22. Street improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this chapter:

- A. Street construction standards. The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of §§ 490-33 and 490-34.
- B. Grading.
- (1) With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - (2) Proposed grades will be reviewed by the Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.
 - (3) After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (4) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way to conform to the approved plan. **[Amended 3-13-2019 by Ord. No. 1]**
 - (5) The bed for the roadways in the street rights-of-ways shall be graded to subgrade elevation.
 - (6) The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- C. Street construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, where required by the Town, the subdivider shall construct and dedicate, as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by §§ 490-33 and 490-34. Construction shall be to Town standard specifications for street improvements.

D. Completion of street and sidewalk construction.

- (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the Town Engineer and accepted by the Town Board. Contractors who damage Town roads during construction shall be liable for such damage.
- (2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Town Board.
- (3) The subdivider requesting a waiver shall do so, in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

§ 490-23. Curb and gutter.

After the installation of all required utility and stormwater drainage improvements, the subdivider, when required by the Town Board where determined to be necessary by the Town Engineer, shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

§ 490-24. Sidewalks.

Sidewalks may be required by the Town Board in high traffic areas and areas in the vicinity of schools, commercial areas and other places of public assemblage. The Town Board may require the construction of sidewalks if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

§ 490-25. Sanitary sewerage system.

- A. There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Town Board and/or sanitary district.
- B. The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey parcel or land division.
- C. Subdivisions and certified survey parcels in a designated urban service area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.

- D. Land divisions created by certified survey outside areas served by public sewer service may be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with the rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, and with the Jefferson County Sanitation Ordinance. Service laterals shall be provided to all lots served by public sewer. **[Amended 3-13-2019 by Ord. No. 1]**
- E. The subdivider shall pay all the costs of all sanitary sewer work, including the bringing of the sanitary sewer from where it exists to the subdivision in question, as well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.

§ 490-26. Water supply facilities (urban service areas).

- A. The subdivider shall make adequate domestic water supplies available, and pay for such improvements, for each lot within the subdivision or land division in a designated urban service area.
- B. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or land division. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all lots served by public sewer.

§ 490-27. Stormwater drainage facilities.

- A. The subdivider must prepare a stormwater drainage plan containing the matters set forth in Subsection B that is approved by the Town and its engineer unless the Town waives such requirements in writing. The stormwater drainage plan may not be amended without the consent of the Town.
- B. Pursuant to § 490-37, the subdivider shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten-year storm; culverts shall be designed to accommodate the ten-year storm and shall be sized so that the twenty-five-year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, stormwater swales and ditches may be sized for from twenty-five-year to one-hundred-year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all stormwater

drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four-inch diameter storm sewer shall be paid by other users connecting to the system.

§ 490-28. Other utilities.

- A. The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:³⁹
- (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- B. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

§ 490-29. Street signs.

The subdivider shall install all necessary traffic control signs and at the intersections of all streets proposed to be dedicated, a street name sign of a design and installation specified by the Town Engineer.

§ 490-30. Erosion control.

Pursuant to the County's or Town's Construction Site Erosion Control Ordinance, the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

§ 490-31. Partition fences.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements

39. Editor's Note: Original § 14-1-59(a), which immediately preceded this subsection, was repealed 3-13-2019 by Ord. No. 1.

of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

§ 490-32. Easements.

- A. Utility easements. The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area. The Town shall have access to the easement to maintain if the develop and/or property owner fail to. **[Amended 3-13-2019 by Ord. No. 1]**
- B. Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
- (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be ensured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one-hundred-year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- C. Easement locations. Such easements shall be at least 12 feet wide, or wider where recommended by the Town Engineer, and may run across

lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission and Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

ARTICLE VII
Design Standards

§ 490-33. General street design standards.

- A. Compliance with statutes. In laying out a subdivision, the owner shall conform to the provisions of Ch. 236, Wis. Stats., and all applicable Town regulations. In all cases where the requirements of this chapter are different from the requirements of Ch. 236, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided in this chapter and § 490-22. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to Official Maps adopted by the Town Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- C. Compliance with Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Plan or Official Map and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- D. Areas not covered by plan. In areas not covered by a Town Comprehensive Plan, or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- E. Street classifications. Streets shall be classified as indicated below.
 - (1) Arterial streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and

other concentrations of population and to the major streets into which they feed.

- (3) Minor streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) Proposed streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- F. Reserve strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- G. Alleys. Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare or federal, state or county trunk highway.
- H. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.
- I. Minor streets. Minor streets shall be so laid out so as to discourage their use by through traffic.
- J. Number of intersections. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two. Wherever practicable, the distance between such intersections should not be less than 1,320 feet.
- K. Frontage roads. Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous

to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

- L. Private streets. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- M. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections.
- N. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets. Whenever there is a deflection angle of more than 10° in the alignment of a street, a curve shall be introduced with the required radius.
- O. Street grades.
 - (1) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum center line grade of any street or public way shall not exceed the following:
 - (a) Arterial streets: 6%.
 - (b) Collector streets: 8%.
 - (c) Minor streets, alleys and frontage streets: 10%.
 - (d) Pedestrian ways: 8% unless steps of acceptable design are provided.
 - (e) The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%.
 - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
- P. Radii of curvature. When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
 - (1) Arterial streets and highways: 350 feet.
 - (2) Collector streets: 200 feet.
 - (3) Minor streets: 150 feet.
- Q. Half streets. Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

R. Intersections.

- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet or of a greater radius where the Town Engineer considers it necessary.
- (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (3) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

S. Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Town Board.

T. Culs-de-sac.

- (1) Culs-de-sac. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum inside curb radius of 40 feet. The use of culs-de-sac should be avoided where possible and are allowed only where specifically permitted by the Town Board.
- (2) Temporary dead-ends or culs-de-sac. All temporary dead-ends shall have a maximum length of 800 feet and a temporary cul-de-sac shall have a minimum right-of-way radius of 66 feet and a minimum inside curb radius of 40 feet.

U. Limited access highway and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- (1) Subdivision lots. When lots within the proposed subdivision back up on the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."
- (2) Commercial and industrial districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

- (3) Streets parallel to a limited access highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

§ 490-34. Specifications for preparation, construction and dedication of streets and roads.

A. General requirements.

- (1) Construction standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this chapter, whichever is more restrictive. The design requirements of this section and § 490-33 shall be applicable to all streets and roads that are to be dedicated to the Town regardless of whether such streets or roads are part of a new subdivision or land division.
- (2) Project costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
- (3) Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Koshkonong, the applicant shall notify the Town Clerk. An on-site meeting will then be arranged to be attended by the Town Engineer and/or Town Board and the applicant. Plans must be provided in order for the Town Engineer and/or Town Board to check the design and the drainage.
- (4) Material slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Town before the Town approves the final construction.
- (5) Required inspections.
 - (a) Although the Town Engineer and/or Town Board may conduct inspections as necessary at any state of construction, the Town

Engineer and/or Town Board shall be contacted for required inspections after the following phases of construction:

- [1] Subbase grading;
- [2] Crushed aggregate base courses;
- [3] Bituminous surface course;
- [4] Shouldering; and
- [5] Placement of erosion control measures (soil stabilization and stormwater retention/detention measures).

B. Any deficiencies found by the Town Engineer and/or Town Board shall be corrected before proceeding to the next phase of construction.

- (1) Tests of materials. The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (2) Pavement samples. Samples of bituminous concrete may be required to be taken by the Town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
- (3) Town board approval. The finished roadway shall meet with the approval of the Town Board, upon the recommendation of the Town Engineer, since the Town will include this road work in their annual request for highway aid.

C. Construction standards. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Town Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Town Board and/or Town Engineer, or his designee. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following construction standards, except to the extent that state standards are more stringent, in which case those standards apply:

Urban Cross Section	
Type of Street* *	Right-of-Way Width to Be Dedicated
Statewide principal primary or standard arterial streets	180 feet
Statewide minor arterial or area wide high or low collectors	100 feet

Urban Cross Section	
Type of Street* *	Right-of-Way Width to Be Dedicated
Local Streets	66 feet
Pedestrian Ways	12 feet***
Type of Street* *	Pavement Width (Face of Curb to Face of Curb)
Statewide Principal Primary or Standard Arterial Streets	*
Statewide Minor Arterial or Area wide High or Low Collectors	*
Local Streets	32 feet
Pedestrian Ways	6 feet***

Rural Cross Section	
Type of Street**	Right-of-Way Width to Be Reserved or Dedicated
Statewide Principal, Primary, Standard, Arterial	*
Local Street	66 feet
Area wide High and Low Collectors	100 feet
Type of Street**	Pavement Width (Edge to Edge)
Statewide principal, primary, standard arterial	*
Local street	66 feet
Area-wide high and low collectors	100 feet
Type of Street* *	Pavement Width (Edge to Edge)
State-wide principal, primary, standard, arterial	*
Area-wide high and low collectors	*
Local streets and town roads	22 feet

* To be determined by the Town Board with advice from the Highway Commissioner.

** From Page 30 of the Jurisdictional Highway Planning Study For Jefferson County, Wisconsin, 1970, and Candeub, Fleissig and Associates.

*** The construction standards for pedestrian ways may be modified by obtaining a variance from the Town Board.

- (1) Roadway alignment details. As specified in the Jefferson County Code of Ordinances.
- (2) Roadway grading; ditches. Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a 4:1 back slope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Roadside ditches shall be a minimum of 26 inches below the finished roadway center line elevation, or as approved by the Town Board, upon the recommendation of the Town Engineer. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of 3:1 ditch from the edge of the shoulder to the bottom of the ditch slope of 1% and 2:1 on the back slope.
- (3) Concrete curbing. When deemed necessary due to the physical characteristics of the site, the Town Board may require the installation of concrete curbing, at the cost of the subdivider, as an alternative to the use of roadway ditches.
- (4) Roadway base thickness.
 - (a) Residential and rural roads and streets shall have a minimum roadway base thickness of 12 inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level. **[Amended 3-13-2019 by Ord. No. 1]**
 - (b) On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of 12 inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of 1 1/2 inches and no greater than 10% by weight passing a No. 200 sieve or No. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either 3/4-inch crushed gravel, well-graded with no greater than 10% passing a No. 200 sieve, or 3/4 inch-traffic-bound crushed rock. **[Amended 3-13-2019 by Ord. No. 1]**
 - (c) In the case of commercial, arterial or other heavy-use roads, the Town Board may, in the alternative to the above standards, have the Jefferson County Highway Department and/or Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - (d) In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to.

- (e) In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (5) Roadway subgrade quality.
 - (a) All subgrade material shall have a minimum California Bearing Ratio (CBR) of three. Subgrade material having a CBR less than three shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
 - (b) Stable and nonorganic subbase material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low bearing capacity when wet, an under-drain system shall be installed to keep the water level five feet below the pavement surface. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Town Engineer and/or Town Board.
- (6) Pavement width. Minimum of 36 feet gutter edge to gutter edge for urban service area minor streets, 40 feet gutter edge to gutter edge for collector streets or streets serving commercial or industrial areas, 22 feet for rural roads, without curb and gutter, and wider when required by the "Town Road Standards" as noted § 82.50, Wis. Stats., or by the Town Subdivision Ordinance, the more restrictive of which shall apply. Rural roads shall comply with the specifications for urban service area minor streets if they are located in an area that in the Town Board's opinion might be annexed to an urban service area within five years.
- (7) Pavement thickness. Residential and rural roads shall have a minimum of three inches thick compacted bituminous concrete pavement, placed in two layers — a binder course of 1 1/2 inches thick and a surface course of 1 1/2 inch. On commercial, arterial or other heavy-use roads, there shall be a minimum of 3 1/2 inches of bituminous concrete pavement, placed in two layers — a binder course of two inches thick and a surface course of 1 1/2 inches thick. In the case of commercial, arterial or other heavy-use roads, the Town Board may, in the alternative to the above standards, have the Jefferson County Highway Department and/or Town Engineer and/or Town Board provide specifications for paving such roads

after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to.

- (8) Shoulder width. Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in § 82.50, Wis. Stats.
 - (9) Shoulder thickness. Minimum of 2 1/2 inches of compacted in-place crushed aggregate base course — gradation No. 2 or No. 3 over a minimum of eight inches of compacted in-place crushed aggregate base course.
 - (10) Roadway culverts and bridges. Roadway culverts and bridges shall be constructed as directed by the Town Engineer and sized utilizing the TR 55 standards listed in Ch. 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron end walls.
 - (11) Driveway culverts. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, plastic, metal or landscape timber end walls. **[Amended 3-13-2019 by Ord. No. 1]**
 - (12) Topsoil, grass, seed, fertilizer and mulch. All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality seed, fertilizer and mulch in accordance with the seeding requirements in Wisconsin Department of Transportation Standards. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved by the Town Engineer and/or Town Board.
 - (13) Extra turn surface. The radius required shall be 25 feet for minor/local streets; heavy traffic/collector street radius shall follow manual standards.
 - (14) Drainage improvements. In the case of all new roads and streets, the Town Engineer and/or Town Board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
 - (15) Post-construction traffic limited. No vehicular traffic shall be permitted on the pavement for a minimum period of between 24 and 72 hours following paving, as determined necessary by the Town Engineer to protect the new pavement.
- D. Statutory requirements. The laying out of highways and roads shall be as provided in Chs. 82 through 86, Wis. Stats., except that in the case of

subdivisions and certified surveys, the provisions of § 236.29(2), Wis. Stats., shall apply.

E. Bond; final inspection.

(1) Upon completion of the proposed highway, the Town Engineer and/or Town Board will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the Town Board, upon the Town Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

(2) The subdivider shall be responsible for one year from the date of the completion of the work required by this chapter and shall file a written guarantee or surety bond to that effect with the Town in an amount determined by the Town Board.

(3) Whenever the Town Board shall find that any such work has become defective within one year of the date of completion, it shall give written notice thereof to the subdivider or to his/her surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board to be reasonably necessary to complete said work. After receipt of such notice, the subdivider or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

F. If the construction standards required by the state are more stringent than the requirements set forth herein, the state standards shall be applicable.

§ 490-35. Block design standards.

A. Length; arrangement. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 750 feet in length. Blocks shall be so designated as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.

- B. Pedestrian pathways. Pedestrian pathways, not less than 12 feet wide, may be required by the Town Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

§ 490-36. Lot design standards.

A. Size.

- (1) Access. Every lot shall front or abut on a public street for a distance of at least 66 feet. In unique hardship cases where it is impossible for a lot to abut a public street, a private way may be used for access purposes provided a statement is included on the face of the plat indicating that the lot is served by a private way and that the Town or County has no responsibility for the maintenance of the private way. Any such private way is subject to applicable County zoning or platting ordinances, if any.
- (2) Area and dimensions of lots shall conform to the requirements of the Wisconsin Administrative Code and the applicable zoning code requirements. **[Amended 3-13-2019 by Ord. No. 1]**
- (3) Area.
 - (a) Sewered lots shall have a minimum of 30,000 square feet, unless otherwise provided by applicable Town or County Zoning ordinances. **[Amended 3-13-2019 by Ord. No. 1]**
 - (b) Lot areas in rural subdivisions not served by public sewers shall be sized according to said suitability and the need for mounded septic treatment, as follows:
 - [1] Entire septic field and tank installed without changing existing prior contours. Minimum lot area: 30,000 square feet.
 - [2] Subsoil conditions require additional fill above prior ground elevations or mounding of zero to four feet. Minimum lot area: 40,000 square feet.
 - [3] Subsoil conditions require mounded systems mounded or filled more than four feet above prior surface elevations. Minimum lot area: 1.25 acres.
 - (c) Whenever a tract is subdivided into large parcels, such parcels may be arranged and dimensioned so as to allow further division of those parcels into normal lots if and when those lots become sewered, in accordance with the provisions of this chapter.

- (d) Deed restrictions may be required to regulate the placement of buildings on these lots.
- B. Soil testing. For unsewered plats of 10 lots or less, every lot must be fully tested, with the septic systems located and shown on, or with the preliminary plat. For plats of more than 10 lots, every third lot must be fully tested, as that then is defined by applicable Jefferson County ordinance or state requirements.
- C. Depth. Lots shall have a minimum depth of 100 feet. Depth of lots or parcels reserved for commercial or industrial use shall be adequate to provide for screened, off-street service and parking required by the use contemplated, and the area zoning regulations for such use. An extra 10 feet in depth and width may be required for said lots to be restricted for planting of shrubs and trees to screen said parking or to screen proposed industrial lots.
- D. Corner lots. Corner lots for residential use shall have extra width of 10 feet to permit building setback from both streets, as required by the Jefferson County Zoning Code.
- E. Butt lots. Butt lots will be permitted by the Town Board only in exceptional cases. Permitted butt lots shall be platted at least five feet wider than the average width of interior lots in the block.
- F. Side lots. Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.
- G. Double and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- H. Natural features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- I. Land remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- J. Building setback lines. Building setback lines shall conform to the requirements which may be established in a Town Building Ordinance, but shall not be less than those established by Jefferson County Building or Zoning Ordinances. Where not otherwise controlled by ordinance, setback lines appropriate to the location and type of development contemplated shall be established as may be required by the Town Board or County planning agency, to achieve the purpose and intent of this chapter.

§ 490-37. Drainage system.

- A. Drainage system required. As required by § 490-27, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the Town Board, upon the recommendations of the Plan Commission and Town Engineer.
- B. Drainage system plans.
- (1) The subdivider shall submit to the Town at the time of filing a preliminary plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - (a) Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
 - (b) Quantities of flow at each inlet or culvert.
 - (c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Town Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.
- C. Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
- (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading, including use of culverts, shall be completed by one or more of the following methods:

- (a) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets. However, there shall be no on-street drainage.
 - (b) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - (c) Draining across rear or side lot lines may be permitted, provided that drainage onto adjoining properties is skillfully controlled.
- D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section.
- (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
 - (2) Off-street drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.
- E. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to 1% shall be seeded; those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)
- F. Developer and/or association shall maintain drainage system. If they fail to adequately maintain the drainage system, the Town shall do the necessary maintenance and charge the actual cost to the property owners. **[Added 3-13-2019 by Ord. No. 1]**

§ 490-38. Nonresidential subdivisions.

A. General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.

- (2) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Comprehensive Plan or the Jefferson County Zoning Code.
- B. Standards. In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer and stormwater drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE VIII
Park and Public Land Dedications

§ 490-39. General park and public land dedication requirements.

- A. Dedication requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- B. General design. In the design of a subdivision, any land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, green spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat, and shall comply with the Town of Koshkonong Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- C. Fees in lieu of land. In lieu of land dedication as required herein, the Town may require the developer to pay fees to the provisions of § 490-43.

§ 490-40. Land dedication.

- A. Dedication calculation. All subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainage ways, at a rate of 0.05 acres per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainage ways, designated in the Comprehensive Plan or Comprehensive Plan component of the Town of Koshkonong is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon the recommendations of the Plan Commission, shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainage ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- B. Shoreland.
 - (1) Lake and stream shore plats. All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low water mark so that there will be public access, which is connected to existing public roads, at not more than 1/2 mile intervals as measured along the lake or stream

shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by Circuit Court action. This subsection does not require the Town to improve land provided for public access.

- (2) Lake and stream shore plats. The lands lying between the meander line, established in accordance with § 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- C. Unknown number of dwelling units. Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Jefferson County Zoning Chapter and this chapter.
- D. Deeded to the Town. Land dedicated for public purposes shall be deeded to the Town at the time the final plat is approved.
- E. Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- F. Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

§ 490-41. Reservation of additional land.

When public parks and sites for other public areas as shown on the Comprehensive Plan or Comprehensive Plan component lie within the proposed area for development and are greater in area than required by § 490-40, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one year of final plat approval unless extended by mutual agreement.

§ 490-42. Development of park area.

- A. When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and

- (3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 at a rate of seven pounds per 1,000 square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
- B. The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.
- C. Development of parklands is to be completed as soon as 10% of the planned lots in the subdivision are sold, as determined by the Town Board.
- D. If the subdivider fails to satisfy the requirements of this section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

§ 490-43. Fees in lieu of land.

- A. Method of calculation. Where, in the opinion of the Town Board, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the Town's Comprehensive Development or Park Plan, or Town officials determine that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute a cash payment in lieu of land. The amount of cash payment shall be according to the Town Fee Schedule.⁴⁰ **[Amended 3-13-2019 by Ord. No. 1]**
- B. Park fund. Funds paid to the Town under any fees-in-lieu-of-land provision or contributed from other sources for park development and improvement are to be placed in a separate account designated for park development and improvement projects. The Town Board shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period.

40. Editor's Note: The Fee Schedule is on file in the Town office.

ARTICLE IX
Variances; Penalties and Violations

§ 490-44. Variations and exceptions.

- A. Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made, in writing, by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Town Board in the analysis of the proposed project.
- B. The Plan Commission shall not recommend nor shall the Town Board grant variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- C. Any recommendations by the Plan Commission shall be transmitted to the Town Board. The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the Plan Commission and the subdivider.
- D. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the Town in accordance with any Town Comprehensive Plan or component thereof, this chapter, or Zoning Code of Jefferson County. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the Board.
- E. The Town Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on

condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

§ 490-45. Enforcement, penalties and remedies.

- A. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.
- B. Penalties.
- (1) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided in § 1-3, General penalty. Each day a violation exists or continues shall constitute a separate offense. **[Amended 3-13-2019 by Ord. No. 1]**
 - (2) Recordation improperly made has penalties provided in § 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in § 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in § 236.32, Wis. Stats.
 - (5) Assessor's plat made under § 70.27 of the Wis. Stats. may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
- C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Chapter 503**TRANSIENT MERCHANTS****§ 503-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Includes any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.

CLERK — The Town Clerk of the Town of Koshkonong, or his designee.

MERCHANDISE — Includes personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.

PERMANENT MERCHANT — Any person who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- A. Has continuously operated an established place of business in the Town; or
- B. Has continuously resided in the Town and now does business from his residence.

PERSON — All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

TRANSIENT MERCHANT — Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of the State of Wisconsin.

§ 503-2. Registration required.

It shall be unlawful for any transient merchant to engage in direct sales within the Town of Koshkonong without being registered for that purpose as provided herein.

§ 503-3. Exemptions.

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

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling merchandise at wholesale to dealers in such merchandise;
- C. Any person selling Wisconsin agricultural products which the person has grown;
- D. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- E. Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- G. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- H. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Town Clerk proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 202.12, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter.
- I. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Town Clerk that such person is a transient merchant, provided that there is submitted to the Town Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business within a five mile radius of the Town for at least one year prior to the date complaint was made.
- J. Any individual licensed by an examining board as defined in § 15.01(7), Wis. Stats.
- K. This chapter does not apply to transient merchants while doing business at special events authorized by the Town Board.

- L. Minors under 18 years of age who are residents of the school district(s) in the Town.

§ 503-4. Registration.

- A. Registration information. Applicants for registration must complete and return to the Town Clerk a registration form furnished by the Clerk which shall require the following information:

- (1) Name, permanent address and telephone number, and temporary address, if any;
- (2) Height, weight, color of hair and eyes, and date of birth;
- (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
- (4) Temporary address and telephone number from which business will be conducted, if any;
- (5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
- (6) Proposed method of delivery of merchandise, if applicable;
- (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
- (8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business just prior to making this registration.
- (9) Place where applicant can be contacted for at least seven days after leaving this Town;
- (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.

- B. Identification and certification. Applicants shall present to the Town Clerk for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required;
- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated

not more than 90 days prior to the date the application for license is made.

C. Registration and investigation fee.

- (1) At the time of filing applications, a registration fee as provided in the Town Fee Schedule shall be paid to the Town Clerk to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) The applicant shall sign a statement appointing the Town Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fees and the signing of said statement, the Town Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in § 503-5B below.

D. License; fees. Except as provided by § 503-3, no person shall conduct any activity as a transient merchant without a license. Every applicant for a license shall pay a license fee as follows:

- (1) Annual license. The fee for an annual license shall be per Fee Schedule which shall be paid to the Town Clerk. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be 1/2 of the amount stipulated for a calendar year if it is issued on or after July 1 of any year. **[Amended 3-13-2019 by Ord. No. 1]**
- (2) Daily license. The daily license fee shall be \$5 per day which shall be paid to the Town Clerk. The license shall set forth the exact days on which such business may be carried out.

§ 503-5. Investigation.

- A. Upon receipt of each application, the Town Clerk may refer it to the Sheriff's Department, or other appropriate law enforcement agency, for an investigation of the statements made in such registration, said investigation to be completed within seven days from the time of referral.
- B. The Town Clerk shall refuse to register the applicant and issue a license if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not

exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of § 503-4B above. **[Amended 3-13-2019 by Ord. No. 1]**

§ 503-6. Appeal.

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

§ 503-7. Regulation of transient merchants.

A. Prohibited practices.

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.
- (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in § 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§ 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 503-8. Revocation of registration.

- A. Registration may be revoked by the Town Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- B. Written notice of the hearing shall be served personally or pursuant to § 503-4C on the registrant at least 72 hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

§ 503-9. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 511

TREES AND SHRUBS

GENERAL REFERENCES

Building construction — See Ch. 218.

Right-of-way access — See Ch. 432.

Property maintenance — See Ch. 424.

ARTICLE I

**Obstruction of Intersections or Signs
[Adopted as Sec. 6-3-3 of the 1996 Code]****§ 511-1. Obstruction of intersections.**

- A. Purpose. No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more roads, streets or alleys in the Town of Koshkonong any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- B. Traffic visibility. On a corner parcel, no fence, wall, hedge, planting or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner parcels and a line joining the points along said street lines 25 feet from the point of intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

§ 511-2. Obstruction of signs.

It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.

§ 511-3. Abatement procedure.

Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Town Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

§ 511-4. Trees on and adjacent to highway.

- A. Removal of fallen trees. If any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. If the tree is not removed by the property owner following notice from the Town, the Town may remove from any highway any fallen tree or trees therein and charge the cost thereof to the property owner pursuant to § 66.0627, Wis. Stats.

- B. Planting trees and shrubs in highway. Any person owning or occupying land adjoining any highway may, with the approval of the Town Board, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within 10 feet of his land. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.

§ 511-5. Cutting or injuring trees on highway.

No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owner's land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood.

§ 511-6. Fences.

No person shall build or reconstruct any fence within the public road right-of-way.

ARTICLE II
Injury to Trees and Shrubs
[Adopted as Sec. 6-3-4 of the 1996 Code]

§ 511-7. Permits required for certain actions.

No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:

- A. Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
- B. Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
- C. Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
- D. Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
- E. Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Town may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
- F. Cause or encourage any fire or burning near or around any tree.

§ 511-8. Guarding of trees near excavations or building construction sites.

All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

§ 511-9. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this article shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 528**VEHICLES, ALL-TERRAIN AND OFF-ROAD****GENERAL REFERENCES**

Streets and sidewalks — See Ch. 535.

§ 528-1. State all-terrain vehicle laws adopted. [Amended 3-13-2019 by Ord. No. 1]

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated subsections of § 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the statutory subsections or which are prohibited by such statutory subsections are required to be performed by this section or are prohibited by this section.

§ 528-2. Unauthorized operation of motor vehicles on public or private property.

A. Purpose.

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands, including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

B. Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE — For purposes of this section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, golf carts, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and lawn tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle

which would otherwise be defined as a motor vehicle under this section shall not be so defined while: **[Amended 3-13-2019 by Ord. No. 1]**

- (1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided such operation is by persons having legitimate business on such lands or sites;
- (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
- (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

OFF-ROAD — Any location which:

- (1) Is not a paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

C. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Town streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

§ 528-3. Violations and penalties. [Added 3-13-2019 by Ord. No. 1]

Violations of this chapter shall be subject to the penalty provided in § 1-3, General penalty.

Chapter 535

VEHICLES AND TRAFFIC

GENERAL REFERENCES

Right-of-way access — See Ch. 432.

All-terrain vehicles — See Ch. 528.

Streets and sidewalks — See Ch. 478.

ARTICLE I
General Provisions

§ 535-1. State traffic laws adopted.

A. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Koshkonong, Jefferson County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this section.
[Amended 3-13-2019 by Ord. No. 1]

B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:⁴¹

941.01, Negligent Operation of Vehicle Off Highway

943.11, Entry into Locked Vehicle

943.23, Operating Motor Vehicles Without Owners Consent

941.30, Recklessly Endangering Safety

C. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

§ 535-2. State Administrative Code provisions adopted.

A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code,

41. Editor's Note: Original Sec. 10-1-1(c), Statutes specifically incorporated by reference, which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein.

Trans 305, Standards for Vehicle Equipment

Trans 326, Motor Carrier Safety Requirements for Transportation of Hazardous Materials

Trans 150, Leasing of Vehicles by Private Carriers

Trans 304, Slow Moving Vehicle Emblem

- B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Koshkonong a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 535-1 of this chapter.
- C. Safety checks.
- (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) Authority of officer. Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- D. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code, incorporated herein

by reference, shall be as provided in § 535-12, together with the costs of prosecution and applicable penalty assessment.

§ 535-3. Official traffic signs and control devices; prohibited signs, signals and markers.

- A. Duty to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 535-1, require the erection of traffic control devices for enforcement, the Town Board shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Board, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Town of Koshkonong.
- B. Code numbers to be affixed to official traffic control devices. The Town Board shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A, a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. Prohibited signs and markers in highways. No person other than the Town Board or an official authorized by this chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board or, where applicable, the Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices. The Town Board, or its designee, Chief of Police may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 535-4. Registration record of vehicle as evidence.

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 535-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

ARTICLE II
Street Traffic Regulations

§ 535-5. Operators to obey traffic control devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 535-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

§ 535-6. Vehicle weight and size limitations.

A. Regulation of the weight of vehicles on roads.

- (1) Statement of purpose. In the interest of public safety on Town roads, the roads and streets, or portions thereof, of the Town of Koshkonong are hereby declared to have special weight limitations as set forth herein, because, in the absence of such special limitations, there is a likelihood that they would be seriously damaged or destroyed. Such limitations are adopted pursuant to § 349.16, Wis. Stats., which is hereby adopted by reference and made a part of this section.
- (2) Weight limitation. It shall be unlawful for any person to operate a vehicle in excess of 12 tons on Town roads, streets or portions thereof, except when necessary for the purpose of delivering and moving supplies or other necessary commodities to or from any farm, place of business or residence fronting on any such roads, and except when necessary for the purpose of leaving or returning to a terminal or place of garaging a vehicle; however, such operator shall leave such road and re-enter roads not prohibited by such weight limitation at the point closest to its immediate destination and shall take the most direct route to his/her destination. Town vehicles engaged in official duties shall be exempt from the general weight restrictions of this section.
- (3) Notice; signs. Appropriate weight limitation signs shall be erected on Town roads and/or streets. At all times a map showing the location of the signs shall be on file with the Town Clerk.
- (4) Seasonal weight limitations. In addition to the permanent weight restrictions on Town roads, the Town Board or designee may impose special seasonal weight limitations on any Town road or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations. When such seasonal weight

limitations are in effect, the pickup and delivery exceptions to Subsection A(2) above shall not be applicable, except by permission from the Town Board. **[Amended 3-13-2019 by Ord. No. 1]**

- (5) Penalty for violation. The penalty for violation of any provision of this section shall be a forfeiture as hereinafter provided, together with the costs of prosecution imposed and provided in §§ 345.20 to 345.53, Wis. Stats. The forfeiture for a first violation of any provision of this chapter shall not be less than \$50. The forfeiture for second or subsequent offenses shall not be less than \$100.
 - (6) Enforcement. This section shall be enforced in accordance with the provisions of §§ 345.20 to 345.53, Chapter 800, and § 66.0114, Wis. Stats.
- B. Exempt roads and highways. The following roads and highways maintained by the Town of Koshkonong, Jefferson County, Wisconsin, are exempt from the provisions of Subsection A above:
- (1) Vickerman Road from State Highway 26 to Grogan Road, and
 - (2) Grogan Road from Vickerman Road to the W6919 Grogan Road driveway, **[Amended 3-13-2019 by Ord. No. 1]**
 - (3) Any portion of a highway which is a state trunk highway,
 - (4) Any highway which is designated as a county highway pursuant to county ordinance, and/or which is maintained by Jefferson County as a county highway.⁴²
- C. Miscellaneous provisions.
- (1) The owner of a vehicle who causes or permits such vehicle to be operated on a highway within the Town in violation of this section is guilty of the violations the same as if he/she actually operated the vehicle himself.
 - (2) Limitations on size, weight or load imposed by this section do not apply to road machinery actually engaged in construction, repair, or maintenance of a highway within the limits of the project.
 - (3) The limitations on weight, length and number of vehicles and combination imposed by this section shall not apply to a combination of vehicles in an emergency towing operation in which the towing vehicle is being used to remove a stalled or disabled vehicle or combination of vehicles from the highway to the nearest adequate place for repairs, or in which the towing vehicle is an emergency truck tractor temporarily substituted for a stalled or disabled truck tractor, provided that the limitation and the number of vehicles in combination imposed by this section may be exceeded

42. Editor's Note: Original Sec. 10-1-11(b)(5), which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

only if the vehicles comprising the towed combination of vehicles cannot reasonably be separated as to be transported singly. The vehicle's owner or the owner's agent shall designate the nearest adequate place for repairs for vehicles or combination of vehicles exceeding the length limits or limits on the number of vehicles and combination.

D. Exceptions.

(1) No person shall operate, whether operating under a permit or otherwise, a vehicle in violation of any special weight limitations imposed by the Town Board on particular highways, highway structures, or portions of highways, if signs have been erected as required by § 349.16(2), Wis. Stats., as amended, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded. The annual fee for such permits shall be as provided in the Town Fee Schedule.⁴³
[Amended 3-13-2019 by Ord. No. 1]

(2) Whenever the operator of a vehicle is ordered by the officer or Town official or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or is likely to cause to the highway or the public investment herein, he shall forthwith comply with said order.

(3) Certain vehicles may operate in excess of the gross limitations above specified if said operation is in full compliance with §§ 348.175 and 348.18, Wis. Stats. (which are hereby incorporated herein by reference.)

E. Weight indication. No person shall operate upon any Town road any motor truck, truck tractor, road tractor or motor bus, or a trailer or semitrailer used in connection therewith, unless there is attached to or lettered upon the left side thereof a sign giving its empty weight. A sign in conformity with any regulation or alternate rule which has been designated by the Wisconsin Department of Transportation would be deemed to be in conformity with this section.

F. Permits. Applications for permits shall be made through the Town Clerk and the designated local official, now being the Town Chairperson, countersign, and all permits may be signed by the Town Chairperson or his designee and certified by the Town Clerk. Permits shall be generally subject to the provisions set forth for issuance of such permits as set forth in § 348.25, Wis. Stats.

§ 535-7. Designated landfill routes.

43. Editor's Note: The Fee Schedule is on file in the Town office.

- A. All refuse transported through the Town or to a landfill shall be adequately secured or covered to prevent littering. No loose refuse shall be conveyed within the Town.
- B. Violators shall be considered to be in violation of the prohibitions against littering in Chapter 338, Littering, Article I, Prohibited, of the Code of the Town of Koshkonong. **[Amended 3-13-2019 by Ord. No. 1]**

ARTICLE III
Parking Regulations

§ 535-8. Restrictions on parking; posted limitations.

- A. Forty-eight-hour limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Town of Koshkonong for a period of 48 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- B. Posted limitations.
- (1) The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Town Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have

been placed or erected indicating the particular prohibition, restriction or limitation.

§ 535-9. Stopping or parking prohibited in certain specified places.

- A. Parking prohibited at all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or sidewalk area" means that area between the sidewalk and the nearest curblines running parallel or generally parallel thereto or in the absence of a sidewalk 10 feet beyond the curblines.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a fire station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the Town any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.⁴⁴
 - (13) In a loading zoning.

(14) Within four feet of the entrance to an alley, private road or driveway. **[Amended 3-13-2019 by Ord. No. 1]**

(15) In any municipal park when said park is closed to the public.

- B. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. Vehicles not to block private drive, alley or fire lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- D. No parking on the roadway/pavement in areas where no parking signs have been posted. **[Added 3-13-2019 by Ord. No. 1]**
- E. No parking on the following Town roads as posted: Rock River Road, Bark River Road, Curtis Mill Road, Blackhawk Island Road, Blackhawk Bluff, Pottawatom Trail, Oxbow Bend Vinne Ha Ha Road, Groeler Road, Schwemmer Land and Deerpath Road. **[Added 3-13-2019 by Ord. No. 1; amended 6-12-2019]**

§ 535-10. Parking reserved for vehicles of disabled.

When official traffic signs indicating such restriction have been erected in accordance with § 535-3 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

44. Editor's Note: Original Sec. 10-1-21(a)(13), regarding parking upon any terrace or sidewalk, which immediately followed this subsection, was repealed 3-13-2019 by Ord. No. 1.

ARTICLE IV
Miscellaneous Provisions

§ 535-11. Disturbance of the peace with a motor vehicle.

- A. Unnecessary noise prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Town of Koshkonong.
- B. Unnecessary smoke prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Town.
- C. Unnecessary acceleration and display of power prohibited. It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- D. Disorderly conduct with a motor vehicle.
 - (1) Conduct prohibited. No person shall, within the Town of Koshkonong, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) Definition. "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- E. Avoidance of traffic control device prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- F. Operation in restricted area prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the

roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This section shall specifically include, but not be limited to:

- (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- G. Stopping and parking prohibited. It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this section may be removed or towed by the property owner at the vehicle owner's expense.
- H. No person shall use compression brakes or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this subsection shall not apply to fire, police, EMS and/or other emergency vehicles. **[Added 3-13-2019 by Ord. No. 1]**

ARTICLE V
Enforcement and Penalties

§ 535-12. Violations and penalties.

- A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by §§ 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655, Wis. Stats., 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 shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.
- B. Other sanctions.
- (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.
- (2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- C. Forfeitures for violation of uniform moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 535-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- D. Forfeitures for parking violations.
- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of non-moving traffic regulations adopted by reference in § 535-1 as described in Chs. 341 to 349, Wis. Stats., shall be as found in the

current edition of the Revised Uniform State Traffic Deposit Schedule.

- (2) Penalty for other parking violations. The forfeiture for violation of local parking regulations shall be based on the Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**
- 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 based on the Fee Schedule. **[Amended 3-13-2019 by Ord. No. 1]**

ARTICLE VI
Speed Restrictions
[Added 1-4-2001 by Ord. No. 10-1-23]

§ 535-13. Authority to modify speed restrictions.

Pursuant to the authority conferred upon the Town Board pursuant to the provisions of § 349.11(1), Stats., the Town Board does hereby declare that it has conducted an investigation of certain engineering and traffic matters relating to specific public streets located within the Town of Koshkonong and has determined that the public health and safety requires there be a modification to the speed restrictions otherwise applicable to said streets.

§ 535-14. Reduction of speed limits.

For purposes of this section, the following public streets are hereby declared to have a fixed speed limit of 25 mph:

Name of Street	Location
Woodlawn Subdivision	
Hackbarth Road	From the intersection of Poeppel Road running east for two miles

§ 535-15. Reduction of speed limits.

For purposes of this section, the following public streets are hereby declared to have a fixed speed limit of 35 mph:

Name of Street	Location
Koshkonong Mounds Road	Between Vinnie Ha Ha Road and the Koshkonong Mounds Golf Course

§ 535-16. Forfeitures.

Any person or persons whomsoever or whatsoever, violating any of the speed limits established herein are subject to the penalty provisions set forth in § 535-12C of this Code.

Chapter 560**ZONING****Derivation Table****Chapter DT****DERIVATION TABLE****§ DT-1. Derivation Table of 1996 Code to 2018 Code**

NCM = Not Code material (legislation is not general or permanent in nature).

REP = Repealed effective with adoption of Code; see Ch. 1, Art. II.

NLP = New legislation is pending.

Chapter/Title From 1996 Code	Location in 2018 Code
Title 1, General Provisions	
Ch. 1, Use and Construction	
Secs. 1-1-2, 1-1-3, 1-1-6 and 1-1-7	Ch. 1, Art. I
Secs. 1-1-1, 1-1-4, 1-1-5	NLP; see Ch. 1, Art. II
Ch. 2, Enforcement of Ordinances; Issuance of Citations	Ch. 26
Title 2, Government and Administration	
Ch. 1, General Provisions and Elections	Ch. 73
Ch. 2, Town Meetings	Ch. 154
Ch. 3, Town Board	Ch. 147
Ch. 4, Town Officers and Employees	Ch. 102
Ch. 5, Commissions and Committees	Ch. 17
Ch. 6, Ethical Standards	Ch. 46
Title 3, Finance and Public Records	
Ch. 1, Finance	Ch. 57
Ch. 2, Special Assessments	Ch. 134
Ch. 3, Public Records	Ch. 125
Ch. 4, Public Building Use	Ch. 113
Title 4, Administrative Determinations Review	
Ch. 1, Review of Administrative Determinations	Ch. 9
Title 5, Public Safety	

Chapter/Title From 1996 Code	Location in 2018 Code
Ch. 1, Fire Protection	
Secs. 5-1-1, 5-1-2, Services	Ch. 64
Secs. 5-1-3 through 5-1-9	Ch. 272, Art. I
Sec. 5-1-10, Open Burning	Ch. 225
Sec. 5-1-11, Rescue Call Repayment	Ch. 272, Art. II
Ch. 2, Fire Prevention and Safety Codes	
Secs. 5-2-1 through 5-2-5	Ch. 272, Art. III
Sec. 5-2-6, Investigation of Fires	Ch. 272, Art. I
Sec. 5-2-7, Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks during Existence of Extreme Fire Danger	Ch. 225
Ch. 3, Hazardous Materials	Ch. 291, Art. I
Ch. 4, Emergency Government	Ch. 39
Title 6, Public Works	
Ch. 1, Public Works	
Sec. 6-1-1, Public Works	Ch. 147
Sec. 6-1-2, Payment for Public Works; Special Assessments	Ch. 134
Sec. 6-1-3, Burning or Deposit of Rubbish on Highway Right-of-Ways Prohibited	Ch. 338, Art. II
Ch. 2, Laying Out and Construction of Town Highways and Roads Other Than for New Land Divisions	Ch. 478, Art. I
Ch. 3, Road Excavations; Trees	
Secs. 6-3-1 and 6-3-2, Excavations and Openings	Ch. 478, Art. II
Sec. 6-3-3, Trees and Shrubs Obstructions	Ch. 511, Art. I
Sec. 6-3-4, Injury to Trees and Shrubs	Ch. 511, Art. II
Sec. 6-3-5, Deposit of Rubbish and Stones on Highway Right-of-Way	REP
Sec. 6-3-6, Placement of Rural Mailboxes	Ch. 359, Art. I
Sec. 6-3-7, Mailbox Replacement	Ch. 359, Art. II
Ch. 4, Driveways; Culverts	Ch. 432
Title 7, Licensing and Regulation	
Ch. 1, Licensing of Dogs and Regulations of Animals	Ch. 190

Chapter/Title From 1996 Code	Location in 2018 Code
Ch. 2, Fermented Malt Beverages and Intoxicating Liquor	Ch. 305
Ch. 3, Cigarette Licenses	Ch. 330, Art. II
Ch. 4, Transient Merchants	Ch. 503
Ch. 5, Asphalt and Tar Mix Plants, Concrete Ready-Mix Plants and Target Ranges	Ch. 330, Art. III
Ch. 6, Regulation and Licensing of Fireworks	Ch. 278
Ch. 7, Street Use Permits	Ch. 478, Art. III
Ch. 8, Regulation of Large Assemblies of Persons	Ch. 199
Ch. 9, Explosives and Blasting	Ch. 207
Ch. 10, Regulation of Nonmetallic Mining	Ch. 367
Ch. 11, Licensees to Pay Local Claims; Appellate Procedures	Ch. 330, Art. I
Title 8, Health and Sanitation	
Ch. 1, Health and Sanitation	Ch. 296
Ch. 2, Pollution Abatement	Ch. 291, Art. II
Ch. 3, Recycling	Ch. 466
Ch. 4, Waste Water Sludge	Ch. 447, Art. I
Title 9, Public Utilities	
Ch. 1, Cable Television	REP
Title 10, Motor Vehicles and Traffic	
Ch. 1, Traffic and Parking	Ch. 535
Ch. 2, All-Terrain Vehicles and Off-Road Motor Vehicle Operation	Ch. 528
Title 11, Offenses and Nuisances	
Ch. 1, State Statutes Adopted	Ch. 415
Ch. 2, Offenses Against Public Safety and Peace	
Secs. 11-2-1, 11-2-4, Discharge of Firearms; Disorderly Conduct	Ch. 415
Sec. 11-2-2, Sale and Discharge of Fireworks Restricted	REP
Sec. 11-2-3, Loitering Prohibited	Ch. 344
Sec. 11-2-5, Obscenity	REP
Ch. 3, Offenses Against Property	

Chapter/Title From 1996 Code	Location in 2018 Code
Secs. 11-3-1, 11-3-3, 11-3-4, 11-3-5, 11-3-7, Property Offenses; Abandoned Refrigerators; Trespass; Penalties	Ch. 415
Sec. 11-3-2, Littering Prohibited	Ch. 338, Art. I
Sec. 11-3-6, Cemetery Regulations	Ch. 241
Ch. 4, Offenses Involving Alcoholic Beverages	REP
Ch. 5, Offenses by Juveniles	Ch. 316
Ch. 6, Public Nuisances, <i>except</i>	Ch. 391
Sec. 11-6-8, Outdoor lighting	Ch. 334
Title 12, Parks and Navigable Waters	
Ch. 1, Regulation of Parks and Navigable Waters	Ch. 408
Title 13, Zoning (reserved for future use)	Ch. 560 (reference page)
Title 14, Subdivision and Platting	
Ch. 1, Land Division and Subdivision Code	Ch. 490
Title 15, Building and Property Maintenance Codes	
Ch. 1, Building Code	Ch. 218
Ch. 2, Property Maintenance Code	Ch. 424
Ch. 3, Construction Site Erosion Control	Ch. 249
Ch. 4, Mobile Homes	Ch. 380

Disposition List

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).

REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.

NLP = New legislation is pending.

Enactment	Adoption Date	Subject	Disposition
	7-14-1999	Parks and Navigable Waters Amendment	Ch. 408
Ord. No. 11-6-8	8-20-2001	Outdoor Lighting	Ch. 334
	3-21-2001	Health and Sanitation Amendment	Ch. 296
	3-14-2001	Parks and Navigable Waters Amendment	Ch. 408
	3-21-2001	Moratorium on Wetland Protection	NCM
Ord. No. 10-1-23	1-4-2001	Vehicles and Traffic Amendment	Ch. 535
	3-10-2010	Comprehensive Land Use Plan	NCM
	3-14-2012	Officers and Employees: General Provisions Amendment	Ch. 102, Art. I
	3-14-2012	Officers and Employees: General Provisions Amendment	Ch. 102, Art. I
	5-14-2014	Boards, Commissions and Committees: Board of Review Amendment	Ch. 17, Art. II
	11-12-2014	Sex Offenders Residency Restrictions	Ch. 454
	3-11-2015	Building Construction Amendment	Ch. 218
Res. No. 03-2015	8-12-2015	Review Requirements: Variance Review Amendment	Ch. 429, Art. I
Res. No. 2016-309	3-9-2016	Legal Notice Posting Amendment	NCM
Res. No. 2016-419	4-19-2016	Review Requirements: Conditional Use Permit Review Amendment	Ch. 429, Art. II
	12-8-2017	Sex Offenders Residency Restrictions Amendment	Ch. 454

Enactment	Adoption Date	Subject	Disposition	Supp No.
	2-10-2021	Campgrounds and Camping Resorts	Ch. 232	1
	2-10-2021	Subdivision of Land Amendment	Ch. 490	1
	2-10-2021	Right-Of-Way Access Amendment	Ch. 432	1
	2-10-2021	Town Board Amendment	Ch. 147	1
	6-12-2019	Vehicles and Traffic Amendment	Ch. 535	1