MUNICIPAL CODE

TOWN OF NORWAY

(Last Update No. 2026-02; October 2026)

TOWN OF NORWAY

CODE OF ORDINANCES

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CHAPTER 1
LEGAL STATUS AND ORGANIZATION OF TOWN

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
1.01	Legal Status		
1.02	General Powers of Town		
1.03	Governance by Town Board and Ordinances		
1.04	Five Person Board		
1.05	Powers of Town Board		
1.06	Posting and Publication of Notices		
1.07	Destruction of Obsolete Public Records		
1.08	Disposal of Abandoned or Unclaimed Property		

1.01 Legal Status

The Town of Norway is a body corporate and politic.

Sec. 60.01(1) Stats.

1.02 General Powers of Town

(1) The Town of Norway has all the powers granted by law. The town may:

A. Sue and be sued.

B. Acquire and hold real and personal property for public use and convey and dispose of property.

C. Enter into contracts necessary for the exercise of its corporate powers.

D. Raise money, including levy taxes.

E. Do all things necessary and convenient to exercise powers to promote health, safety and general welfare.

Sec. 60.01(1)(2) Stats.

1.03 Governance by Town Board and Ordinances

(1) The Town Board has charge of all affairs of the town not committed by law to another body, officer or town employee.

Sec. 60.22(1) Stats.

(2) The town is governed by this general code of ordinances, which shall be distributed to necessary public officials and available to citizens.

Municipal Code Preface (1971)

1.04 Five Person Board

The Town Board of the Town of Norway shall consist of five (5) supervisors. They shall include a Chairman and Supervisors numbered 1 through 4. The Chairman and Supervisors No. 1 and 2 shall be elected in odd number years. Supervisors No. 3 and 4 shall be elected in even numbered years. Provided, however, that all five supervisors shall be elected in 1991, with the Chairman and Supervisors No. 1 and 2 for two years each and Supervisors No. 3 and 4 for one year each.

1.05 Powers of Town Board

The Town Board is authorized to exercise all powers relating to villages and conferred on village boards under Chapter 61 of the Wisconsin Statutes.

2.07 Ord. (1971)

1.06 Posting and Publication of Notices

When publication is not required by statute, the Town Board may, in lieu of newspaper publication, post notices pursuant to Section 985.02(2) Wisconsin Statutes. Reso. 1978

1.07 Destruction of Obsolete Public Records

(1) Financial Records

Town officers may destroy the following non-utility records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, 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 Section 16.61(3)(e), Wis. Stats. and then after such shorter period:

A. Bank statements, deposit books, slips and stubs.
B. Bonds and coupons after maturity.
C. Canceled checks, duplicates and check stubs.
D. License and permit applications, stubs and duplicates.
E. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
F. Receipt forms.
G. Special assessment records.
H. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(2) Utility Records

Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, 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 Section 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:

A. Contracts and papers relating thereto.
B. Excavation permits.
C. Inspection records.

(3) Other Records

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 Section 16.61(3)(e), Wis. Stats. and then after such a shorter period:

A. Contracts and papers relating thereto.
B. Correspondence and communications.
C. Financial reports other than annual financial reports.
D. Justice dockets.
E. Oath of office.
F. Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
G. Election notices and proofs of publication.
H. Canceled voter registration cards.
I. Official bonds.
J. Police records other than investigative records.
K. Resolutions and petitions.
L. Assessment rolls and related records, including board of review minutes, except that no assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue.
M. Traffic forfeiture and ordinance violation case files.

(4) 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 Section 19.21(4)(a), Wis. Stats.

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

1.08 Disposal of Abandoned or Unclaimed Property

(1) Methods of Disposal – Except as otherwise provided herein, personal property, other than motor vehicles, that has been abandoned or remained unclaimed for a period of 30 days after the taking of possession of the property by the Town, may be disposed of in a sale open to the public, disposed of in a sale not open to the public subject to the prior approval of the Chief of Police, used in trade on other property to be acquired by the Town, retained for the Town's own use, donated to a charitable entity or deposited into the trash.

(2) Proceeds from Sale – If the property is sold, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the Town treasury.

(3) Inventory Required – Except for property disposed of in a sale to the public, the Chief of Police shall maintain an inventory of property disposed of by the Town under this Section. The inventory shall include a description of the property, the date the Town took possession of the property, the date and method of disposal of the property, the consideration, if any, received for the property, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for two years after disposal of the property.

(4) Dangerous Weapons or Ammunition – The Town may dispose of any abandoned, unclaimed or seized dangerous weapons or ammunition only as provided under Section 968.20, Wis. Stats.

Ord. No. 99.9 (09/01/99)

CHAPTER 2
TOWN BOARD MEETINGS

Section Number	*Title*	*Ordinance Number*	*Date of Ordinance*
2.01	Regular Board Meetings	*2019-01*	*07/08/19*
2.02	Special Board Meetings		
2.03	Place of Meetings		
2.04	Procedure of Board Meetings	*2017-04*	*12/11/17*
2.05	Committees		
2.06	Ordinances and Resolutions		
2.07	Suspension of Rules		

2.01 Regular Board Meetings
Regular meetings of the Town Board shall be held on the second Monday of each month at 6:30 P.M. Any regular meeting falling on a legal holiday shall be held the next following secular day at the same hour and place. Notwithstanding the above, Town Board meeting dates and times may be moved as deemed warranted by the Town Board. All Town Board meetings shall be properly noticed as required by state statute.

2.02 Special Board Meetings

(1) Emergencies
The Town Board may hold an emergency meeting if a call or request is made to the Town Clerk at least 24 hours prior to the meeting stating the time, date, and purpose and:
A. Called by the Town Chairman or
B. Two town supervisors.

(2) Notice
The Town Clerk shall immediately provide written notice of the time, date and purpose of the meeting to each town supervisor personally or by delivery to the supervisor's usual place of abode, to those news media who have filed a written request for notice, to the town's officially designated newspaper and to the public.

(3) Affidavit
The Town Clerk shall file an affidavit of service of the notices served in paragraph (2) in the office of the Town Clerk.
1.01(2) ORD (1971) Sec. 19.84 (1) (3) Stats.

2.03 Place of Meetings
All meetings of the Town Board shall be held in the Norway Town Hall.
1.01(3) ORD (1971)

2.04 Procedure at Board Meetings

(1) Quorum
No business shall be transacted without a quorum. Any three supervisors shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of the absent members. 1.01(4) ORD (1971)

(2) Rules of Order
Order, decorum, deliberations of the Board and decisions on all questions of order and conduct in the proceedings of town meetings shall be in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by statute or these rules. No ordinance, resolution or other motion

shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

1.06(1) ORD (1971)

(3) Presiding Officer

A. Control of Meeting

The Town Chairman shall preserve order and conduct the proceedings of all meetings and hearings, whether on petition or regular or special meetings. A member may appeal from the decision of the presiding officer; such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

B. Absence of Chairman

If the Town chairman is absent at any meeting, the Clerk shall call the meeting to order and preside until the Board selects a supervisor to preside for that meeting.

C. Participation in Debate

The presiding officer may speak upon any question or make any motion if the presiding officer vacates the chair and designates a supervisor to preside temporarily.

D. Presiding Officer to Vote

The presiding officer shall have a vote as a supervisor on all questions properly before the Board.

(4) Order of Business

The business of the Town Board shall be conducted in the following manner:

A. Call to order by presiding officer.
B. Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)
C. Approval of an agenda.
D. Correction and approval of minutes of previous meeting.
E. Treasury Report.
F. Committee and departmental reports, if any.
G. Information.
H. Old business from previous meeting.
I. New Business, including introduction of ordinances and resolutions.
J. Any other business as may legally come before the Board.
K. Approve disbursements.
L. Adjourn meeting.

1.02 ORD (1971)

2.05 Committees

(1) Committee Appointments

The Town Chairman shall designate and appoint all members of any standing and special committees established by the Town Board and shall designate the chairman of any said committee. All committee appointments except designation of chairmen shall be subject to confirmation by a majority vote of the Board.

(2) Committee Report

Each committee established shall at the next regular meeting following such establishment submit a written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be signed by a majority of the committee. Any committee may require any town officer to confer with it and supply information in connection with any matter pending before it.

1.04 ORD (1971)

2.06 Ordinances and Resolutions

Submission to Board

An ordinance shall be in writing and may, at the discretion of the town board, be acted upon at the same meeting it is introduced. Unless requested by a supervisor before final vote is taken, no ordinance need be read in full.

(2) Publication

Posting or publication shall conform to Sec. 60.80 of the Wisconsin Statutes.

2.07 Suspension of Rules

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present.

1.07 ORD (1971)

CHAPTER 3
OFFICIALS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
3.01	Elected Officials		
3.02	Appointed Officials		
3.03	Oath of Office		
3.04	Bond		
3.05	Failure to File Oath or Bond		
3.06	Vacancies		
3.07	Duties of Officials		
3.08	Municipal Court	*2013-004*	*12/09/13*
3.09	Code of Ethics for Officials		

3.01 Elected Officials

(1) Election of Officials

Pursuant to Sections 60.30 and 755.02 of the Wisconsin Statutes at the Spring Election in odd-number years, electors of the Town of Norway shall elect the following town officers:

A. Three (3) supervisors, one of whom shall be designated on the ballot as Town Board Chairperson, as set forth in Ord. 1.04. The remaining two (2) supervisors shall be elected in even-numbered years. The terms for town board supervisors shall commence on the 3rd Tuesday of April in the year of their election.

ORD 2012-001 (3/12/2012)

B. Municipal Judge

2.01(1) ORD (1971) ORD No 94-1 (4/11/94)
Ord. 01-2004 (7/12/04)

(2) Qualifications for Office

No person not an elector of the Town of Norway shall hold any town office and no person shall hold the offices of treasurer and assessor at the same time.

2.01(1) ORD (1971)

(3) Salaries

A. The compensation of elected town officials, except municipal judges, shall be established at the annual town meeting except the town board may establish the compensation of elected officers other than the board if authorized by the annual town meeting under section 60.10(2)(k) of the Wisconsin Statutes. Compensation may be changed during the term of office but changes shall be established prior to the latest date for filing nomination papers for the office. After that date no change may be made in the compensation of the office that applies to the current term of office.

Sec. 60.32 Stats. 2.01(2) ORD (1971)

B. An elected municipal judge shall receive a salary determined by the Town Board and which will be in lieu of fees and costs. The salary shall not be reduced during the term of office.

Ord No. 94-01 (04/11/94)

C. A municipal judge who has been designated or appointed to fill a vacancy shall receive a salary determined by

contract with the Town Board. No such judge may serve until the contract is entered into.

ORD No. 94-1 (4/11/94)

3.02 Appointed Officials

(1) Appointment

Except as otherwise specifically provided, appointed officials shall be appointed at the April regular meeting of the Town Board by the Town Chairman, subject to confirmation by a majority vote of the Board for the terms as set forth. The Town Chairman shall not vote on confirmation except in case of a tie vote. All terms commence on the day following the appointment. The appointed officials to which this applies and terms shall be as follows:

Town Clerk	Not to exceed 3 years
Town Treasurer	Not to exceed 3 years
Health officer	2 years
Weed commissioner	2 years
5 Plan commissioners	3 years

ORD 01-2004 (7/12/04)

(2) Salaries

Appointed town officials shall receive such compensation as set by the Town Board.

2.02 ORD (1971)

3.03 Oath of Office

(1) Taking and Filing

Every town official, except municipal judges, whether appointed or elected, before entering upon the duties of the office shall take and file the oath of office in the office of the Town Clerk, except that the Town Clerk shall file his/her oath in the office of the Town Chairman. Any person re-elected or re-appointed to the same office shall take and file an official oath for each term of office. The Town Board by a majority vote may waive the requirement of taking and filing an oath for appointed officials, provided the oath is not required by law.

2.03 ORD (1971)

(2) When Oath Taken

Every town official shall take and file the oath within five (5) days after notification of election or appointment except an elected assessor shall take and file the oath at any time between May 27 and May 31.

2.03 ORD (1971) Sec. 60.31(1)(3) Stats.

(3) Form of Oath

Every town official, whether appointed or elected shall take and file the oath prescribed in Section 19.01 Wis. Stats.

Sec. 60.31(1)(3) Stats.

(4) Oath for Municipal Judges

The municipal judge shall, within ten (10) days after notice of election, designation or appointment, execute and file with the Clerk of Circuit Court for Racine County, the official oath prescribed by Section 757.02(1) Wis. Stats.

ORD No. 94-1 (4/11/94)

3.04 Bond

(1) Executing and Filing

Upon entering the duties of office, every town clerk, and town treasurer, shall execute and file a bond. The bonds shall be filed with the Town Clerk except that the Town Clerk's bond shall be filed in the office of the Town Treasurer.

(2) Amount of Bond
The bond shall be in such amount as set by the Town Board and, if none is fixed, then in the amount of the last incumbent of the office. Official bonds shall have at least two sufficient sureties, not natural persons. The bond may be furnished by a surety company under Section 632.17(2) of the Wisconsin Statutes.
2.03 ORD (1971) Sec. 60.31 Stats.

(3) Form of Bond
Any bond required by 3.04 (1) ORD. shall be in the form prescribed by Section 19.01 of the Wisconsin Statutes.
Sec 755.03 Stats.

(4) Bonding of Town Treasurer
Pursuant to Section 70.67 of the Wisconsin statutes the Town Board of the Town of Norway hereby obligates the Town for all taxes required by law to be paid to the County Treasurer of Racine County in case the Town Treasurer shall fail to pay such taxes.
2.08 ORD (1971)

(5) Bonding Municipal Judge
The Municipal Judge shall, within ten (10) days after notice of election, designation or appointment, file an official bond in the amount of $1,000.00 in accordance with Section 755.03 Wis. Stats. The cost of the bond shall be paid by the Town.
ORD No. 94-1 (4/11/94)

3.05 Failure to File Oath or Bond
Neglect to file an oath or bond as and when required by Chapter 3 Ord. or Wisconsin Statutes shall be deemed a refusal to serve in such office.
2.03 Ord. (1971)

3.06 Vacancies
(1) Temporary Vacancies
If any town officer, other than a supervisor, is absent or temporarily incapacitated from any cause, the Town Board may appoint a suitable person to discharge the duties of the office until the officer returns. Temporary vacancies of a municipal judge shall be filled pursuant to Sections 751.03(2) and 800.06(!) Wis. Stats. Appointees shall file any official oath and bond required.
2.03(4) ORD (1971)
Sec. 17.25 Stats.
Sec. 800.06 Stats.

3.07 Duties of Officials
The duties of all elected or appointed official or employees of the Town of Norway shall be as prescribed by the applicable Wisconsin Statutes, these Ordinances and such additional duties and responsibilities as set forth from time to time by the Town Board.

3.08 Municipal Court
(1) Jurisdiction
The Municipal Court shall have jurisdiction as provided in Section 755.045 and 755.05, Wis. Stats., and any amendment hereto.

(2) Procedure
A. The Municipal Court for the Town of Norway shall be open at times to be determined by the order of the Town Board of the Town of Norway.
B. The Municipal Judge shall keep office and hold court in the Town of Norway Municipal Building.

C. Except as provided by law, the procedure in Municipal Court shall be as set forth in Chapter 800, Wis. Stats.

D. All forfeitures, fines and taxable costs collected as a result of any action or proceeding in Municipal Court shall be paid to the Town Treasurer no later than the seventh (7) day of the month succeeding the receipt thereof.

E. Every Judge shall file and keep together all papers in an action, separate from all other papers.

(3) Municipal Court Employees

The Town Board may authorize the Municipal Judge to appoint clerk(s) as necessary to the efficient functioning and operation of the Municipal Court. The Judge shall in writing appoint such clerk(s) as authorized, and each such appointment shall expire at the end of the Municipal Judge's term in office. The salaries of the clerk(s) shall be fixed by the Town Board. Before entering upon the duties of the office, each clerk shall execute and file with the Town Clerk the oath prescribed by law in Section 19.01, Wis. Stats. The Town Board may also require the clerk(s) to give a bond in an amount to be determined by the Town Board and paid by the Town.

(4) Repealed – Ordinance No. 2013-004.

(5) Alternative Juvenile Disposition and Sanctions

A. For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in Sections 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

B. For a juvenile adjudged to have violated a condition of a dispositional order of the court under Section 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in Section 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

ORD No. 99.8 (9/1/99)

3.09 Code of Ethics for Officials

(1) Applicability

A. This ordinance shall apply to the Town of Norway officers and to the employees set forth below and members of the immediate families of such officers and employees. This ordinance shall also apply to candidates for any elected office of the Town of Norway along with the immediate family members of such candidates.

Town Officers	Town Employees
Chairman	Building Inspector
Supervisors	Department of Public
Clerk	Works
Treasurer	All part-time employees
Assessor	Zoning Commissioners

(2) Definitions

For purpose of this ordinance, the following terms shall have the following definitions:

A. "Immediate family members" consist of spouse, children, stepchildren, parents and stepparents.

B. An "organization with which he/she is associated" means an organization in which such person is one or more of the

following: (a) Officer, (b) Partner, (c) Associate, or (d) Shareholder.

C. "Conflict of interest" includes any situation in which a Town of Norway official or employee is involved or is about to be involved in the discharge of his/her official duties for the Town of Norway whenever the action or failure to act by the Town of Norway official or employee could be reasonably expected to produce a substantial benefit, directly or indirectly, for such Town of Norway official or employee or his/her immediate family or an organization with which he/she is associated.

(3) Standards of Ethical Conduct

All persons subject to this ordinance shall comply with the following standards of conduct.

A. Use of Office for Private Gain

1. Not use his or her office or public position to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family or for an organization with which the person is associated.

2. Not use or attempt to use his/her office or his/her public position in the Town of Norway to influence or gain any unlawful benefits, advantages or privilege for himself/herself or other persons.

B. Disclosure of Information

Not intentionally use or disclose information gained in the course of or by reason of his or her office or public position in the Town of Norway in any way that results in the receipt of anything of value for himself or herself, for his/her immediate family or for any other person, if the information has not been circulated to the public or is not public information.

C. Use of Former Office or Position

1. For twelve (12) months following the date on which he/she ceased to hold the above offices or positions, for compensation and on behalf of any person other than a government entity, not make any formal or informal appearance before, or negotiate with, any officer or employee of the Town of Norway with which he/she was associated as a Town of Norway officer or employee.

2. Not make any formal or informal appearance before or negotiate with any officer or employee of the Town of Norway in connection with any judicial or quasi-judicial proceeding, application, contract, claim or charge which might give rise to a judicial or quasi-judicial proceeding which was under that person's responsibility as a Town of Norway officer or employee within twelve (12) months prior to the date in which he/she ceased to be a Town of Norway officer or employee.

3. Not act on behalf of any party other than the Town of Norway, the Town Board of the Town of Norway, its committees, commissions, boards or any other special government unit in the Town of Norway for compensation, in connection with any judicial or quasi-judicial proceedings in which that person participated personally

and substantially as a Town of Norway officer or employee, regardless of the duration of time since such person was a Town official or employee.

Conflict of Interest
Not engage in any business or transaction or act in regard to a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or otherwise when he/she has a conflict of interest.

(7) Enforcement

A. Violations of this section may be prosecuted for recovery of forfeitures as set forth herein or as otherwise provided by law.

B. To the extent permitted by law, this section may be enforced in the name and on behalf of the State of Wisconsin by actions of the district attorney:

1. To recover forfeiture based upon the verified complaint of any person.

2. Either separately or in conjunction with subparagraph 1 hereof, to obtain such other legal or equitable relief as may be appropriate under the circumstances.

C. If the district attorney fails or refuses to commence an action to enforce the provisions of this ordinance, as authorized in Sec. 19.59(8), Wis. Stats., within twenty (20) days after receiving a verified complaint, the person making the complaint may petition the attorney general to act on the complaint, in which case the attorney general may bring an action as provided in paragraph B hereof.

D. In addition and supplementary to any above actions, an action may be commenced separately or in conjunction thereto to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

E. Penalties
Any person who violates any provision of this ordinance shall be required to forfeit not more than $500.00 for each violation.

ORD No. 95-3 (10/9/95)

CHAPTER 4
ELECTIONS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
4.01	Election Officials		
4.02	Voting		
4.03	Registration		
4.04	Polling Times		
4.05	Polling Places		

4.01 Election Officials

(1) Appointment

Pursuant to the provisions of Section 7.30(4) Wisconsin Statutes, the Town Chairman shall nominate to the Town Board no later than the last regular meeting in December in each odd numbered year, the necessary election officials and alternates, if any, for each poll. The Town Board shall immediately approve or disapprove the nominees and, if any is disapproved, the Town Chairman shall submit another name.

2.04(1) ORD (1971) Sec. 7.30(4) Stats.
2006-005 12/11/2006

(2) Qualifications

Every election official shall be a qualified elector in the Town of Norway, able to read and write the English language understandingly, and not be a candidate for election at such election.

2.04(1) ORD (1971) Sec. 7.30(2) Stats.

(3) Notice and Oath

Within five (5) days after the appointment, the Town Clerk shall notify the appointees of their appointment and inform each that he/she must file an oath of office within ten (10) days after mailing the notice and shall instruct each regarding the duties of office.

2.04 ORD (1971) Sec. 7.30(5) Stats.

(4) Vacancies

Vacancies shall be filled in the manner provided in Section 7.30 Wisconsin Statutes.

Sec. 7.30 Stats.

(5) Number; Oversight

a) The Town Clerk is authorized to determine the number of poll workers needed on each Election Day. There shall be an odd number of election officials, numbering at least three, not counting special registration deputies.

b) The Town Clerk is authorized to set working hours for each Election Day. A split shift is allowed to accommodate the flow of electors as well as the election official schedule.

c) There shall be at least 1 (one) trained Chief Election Inspector available at each election. The Chief Election Inspector is in charge of the activities of the polling place on Election Day.

Ord. 2006-005 12/11/2006

4.02 Voting

The Town of Norway adopts and incorporates by reference as though fully set forth herein, all provisions of Chapter 7 Wisconsin Statutes as pertain to town elections and/or elections held within a town. Any future amendments, revisions or modifications of the Statutes incorporated herein are intended to be made part of this code.

2.04 ORD (1971) Chap. 7 Stats.

4.03 Registration

When registration of voters is required under Section 6.27 Wisconsin Statutes, the Town Clerk shall have control of voter registration. The Town Clerk shall prepare, maintain and revise the registry.

2.04(c) ORD (1971) Sec. 6.27 Stats.

4.04 Polling Times

The polls shall open at 7:00 a.m. and close at 8:00 p.m. for all elections.

2.04(a) ORD (1971) Sec 6.78(2) Stats
2006-005 12/11/2006

4.05 Polling Places

(1) Wards

The voting wards shall be established from time-to-time by resolution of the Town Board as required by the Wisconsin Statutes.

(2) Districts

There shall be two (2) voting districts, one of which shall include all territory within the boundaries of the Waterford Union Free High School District and number two of which shall include all territory within the boundaries of the Muskego-Norway Joint School District. Voting wards shall be established by resolution of the Town Board and their boundaries may be adjusted from time to time based on results of the most recent census and redistricting requirements pursuant to the Wisconsin Statutes. The polling place or places for the Town shall be established by resolution of the Town Board.

(3) Ballots

Combined voting wards may use a common paper ballot and electronic counting device, except as otherwise required by Sections 5.62 and 5.64 of the Wisconsin Statutes. There shall also be available a machine to allow special needs voters access to same day voting. This machine shall not be limited to special needs usage.

CHAPTER 5
VEHICLES AND TRAFFIC

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
5.01	State Traffic Laws Adopted		
5.02	Speed Limit		
5.03	Parking and Other Limitations	*2013-01*	*03/11/13*
		2015-01	*05/11/15*
		2016-02	*09/12/16*
		2024-01	*01/12/24*
5.04	Erection of Official Signs and Signals		
5.05	Weight Limitations		
5.06	Bicycle Regulations		
5.07	Use and Ownership of Bicycles		
5.08	Operation of Bicycles		
5.09	Operation of Snowmobiles and All-Terrain Vehicles	*2021-03*	*08/09/21*
		2026-01	*09/23/26*
5.10	Operation of Skateboards and In-Line Skates		
5.11	Snowmobile Races and Derbies		
5.12	Penalties Relating to Snowmobile Operation		
5.13	Disorderly Conduct with a Motor Vehicle		
5.19	Enforcement of Chapter 5		

5.01 State Traffic Laws Adopted

(1) Adoption

Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 through 348 of the Wisconsin Statutes and the regulatory provisions in Chapter MVD 5 of the Wisconsin Administration Code describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and be reference made a part of this code as if fully set forth herein. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on the highways, street and alleys of the State of Wisconsin.

3.01 ORD (1971) Sec. 349.06 Stats.
Wisconsin Uniform Traffic Code Annotated (1979)
ORD No. 93-2

(2) Penalty

Forfeitures for violations of traffic regulation set forth in the Wisconsin Statutes adopted by reference in this code, 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, the costs of prosecution and the penalty assessment imposed by Section 165.87 Wis. Stats., where applicable. Payment of the judgment may be suspended for not more than 60 days. Any person who fails to pay the amount of the forfeiture, costs, assessments and penalty imposed for violation of any provision of this code may, upon order of the court, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

3.06 Ord. (1971)

(3) Other Sanctions

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 or to order the Defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

Wisconsin Uniform Traffic Code Annotated (1979)

5.02 Speed Limits

(1) General: State Speed Limits Adopted

The provisions of Sections 346.57, 346.58 and 346.59 of the Wisconsin Statutes, relating to the maximum and minimum speed of vehicles are hereby adopted as part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of the Statutes incorporated herein are intended to be made a part of this code.

3.02 ORD (1971)

(2) Specific Speed Limits

Pursuant to Section 349.11(3)(c) of the Wisconsin Statutes, the Town Board determines that the statutory speed limits on the following highways are unreasonable, unsafe and imprudent and the speed limits set forth in Section 346.57 through 346.59 Statutes are changed as hereinafter set forth, all roads or highways being in the Town of Norway, Racine County. The speed limit stated is for the entire length of the road or highway unless otherwise stated.

A. South Wind Lake Road

1. Thirty-five miles per hour from its intersection with State Trunk Highway 36, easterly to its intersection with West Wind Lake Road.
2. Twenty-five miles per hour from its intersection with West Wind Lake Road, easterly to a point 300 feet east of its intersection with Breezy Point Road.

B. Pioneer, Settler & Homestead

Thirty-five miles per hour from its intersection with Town Line Road, easterly to its intersection with South Loomis Road.

C. Rainer Road

Twenty-five miles per hour.

D. Park Ridge (Rainer Subdivision)

Twenty-five miles per hour.

E. Eden Place

Twenty-five miles per hour.

F. Park Lane

Twenty-five miles per hour.

G. North Wind Lake Road

Thirty-five miles per hour.

H. South Denoon Road

Twenty-five miles per hour from its intersection with County Trunk Highway Y, westerly for a distance of 0.75 of a mile.

I. Hart Drive

Twenty-five miles per hour.

J. Oak Ridge Drive

Twenty-five miles per hour.

K. Lakeview Drive

Twenty-five miles per hour.

L. Meadow Lane
Twenty-five miles per hour.

M. Long Lake Road
Thirty miles per hour from its intersection with South Loomis Road, westerly for a distance of 0.75 of a mile.

N. West Lake Drive
Twenty-five miles per hour.

O. Katherine Street
Twenty-five miles per hour.

P. Julia Street
Twenty-five miles per hour.

Q. Waubeesee Lake Drive
Twenty-five miles per hour.

R. Fritz Street
Twenty-five miles per hour from its intersection with Long Lake Road, southerly to it intersection with Waubeesee Lake Drive.

S. Church Street
Twenty-five miles per hour from its intersection with Long Lake Road, southerly to its intersection with Julia Street.

T. Fries Lane
Twenty-five miles per hour.

U. Sandy Point Road
Twenty-five miles per hour.

V. U. S. Highway 45, North Cape, Racine County
1. Thirty-five miles per hour on U. S. Highway 45 from a point 0.35 of a mile north of County Trunk Highway K southerly to a point 0.15 of a mile north of County Trunk Highway K.
2. Forty-five miles per hour northbound traffic only from a point 1 mile south of the Racine-Milwaukee County line to the Racine-Milwaukee County line.
3. Forty-five miles per hour southbound traffic only from the Racine-Milwaukee County line, southerly to a point 1 mile south of said County line.

W. Loomis Road
1. Forty-five miles per hour from a point North Wind Lake Road's junction with West Loomis Road for 8 miles west.
2. Thirty-five miles per hour from the junction with North Wind Lake Road to junction with Highway 36.

X. County Trunk Highway S
Thirty-five miles per hour from its junction with Loomis Road to Sandy Point Road.

Y. Rasmusson Road
Thirty-five miles per hour.

Z. County Trunk Highway K, North Cape
Twenty-five miles per hour to a point 700 feet west of U. S. Highway 45.

AA. South Loomis Road
1. Thirty-five miles per hour from State Highway 36 to a point 1,000 feet southwest of the junction with Heg Park Road.
2. Forty-five miles per hour from a point 1,000 feet southwest of Heg Park Road to Town Line Road.

AB. East Frontage Road of State Trunk Highway 36
Thirty-five miles per hour from its intersection with Fries Lane, north to its intersection with West Loomis Road.
3.02 ORD (1971) Sec. 349.11 Stats.

AC. North Britton Road
Forty-five miles per hour between Bennett Road and CTH K.
Ord. 2009-004 9/14/2009

AD. Jacobs Road
Forty-five miles per hour from the junction with Apple Road, Hwy. K, to junction with Dover Line Road.

AE. Gunderson Road
Forty-five miles per hour from the junction with Malchine Road to the junction with Apple Road, Hwy. K.

AF. Burmeister Road
Forty-five miles per hour from junction with East Wind Lake Road, Hwy. S, to junction with Olson Road.
Ord 2012-003 08/29/2012

(3) Penalty
Forfeiture for violations of traffic regulation set forth in the Wisconsin Statutes adopted by reference in this code, 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, the costs of prosecution and the penalty assessments imposed by Statute, where applicable. Payment of the judgment may be suspended for not more than 60 days. Any person who fails to pay the amount of the forfeiture, costs, assessments and penalty imposed for violation of any provision of this code may, upon order of the court, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.
3.06 ORD (1971)

5.03 Parking and Other Limitations

(1) Offenses
A. Except as authorized under Section 346.50 Statutes, there shall be no parking on any roadways in the Town of Norway where such prohibition is indicated by official signs of the Town.
B. Parking on private property of another is prohibited without the express consent of the owner or occupant of the land.
C. Parking is prohibited on all town roads and roadsides in the Town of Norway between the hours of 12:00 a.m. and 6 a.m. from November 15 through March 15.
D. No parking shall be permitted on either side of public right-of-way access to Long Lake between Hart Drive and Long Lake.
E. No parking shall be permitted on either side of the public right-of-way on W. Wind Lake Road north of Fries Lane for approximately 1,225 feet in the northerly direction.

1. Exception. Parking on east side of the roadway on W. Wind Lake Road north of Fries Lane shall be allowed for School Events at Lakeview School only.

   a. A "School Event" is defined as an event or function apart from normal school day, where a large group of people are present at the school.

(2) Clear Zone

A. "Clear zone" is defined as that roadside border area starting at the edge of and outside the traveled or paved portion of the road right-of-way, which is available for safe use by errant vehicles.

B. The following restrictions shall apply to clear zones along town roads in the Town of Norway:

1. No obstructions shall be permitted within three (3) feet of the traveled or paved portion of the road.
2. No unnecessary or hazardous obstructions shall be permitted within ten (10) feet of the traveled or paved portion of the road.
3. All necessary obstructions shall be made of break-away materials, e.g., 4" x 4" wood post, 2" I.D. metal pipe, #3 steel U channel or smaller.
4. All obstructions or objects which cannot be removed shall be marked or barricaded in accord with Wisconsin Transportation Bulletin No. 12.
5. The entire road right-of-way may be cleared if reasonably required for snow removal or turnarounds.

(3) Removal

Upon finding a vehicle parked in violation of this Ordinance, the officer is authorized to remove the vehicle. Such removal may be performed under the direction of the officer. The charges for removal, moving, towing and storage shall be those charges customarily charged by the person doing the work for such work and services.

(4) Snow Emergencies

A. Whenever the accumulation of snow within a twenty-four (24) hour period exceeds four (4) inches as measured on the level at the Town of Norway Department of Public Works Building, 4021 E Wind Lake Rd., Union Grove WI, the Town Chair or his/her designee or the Town Administrator or his/her designee is authorized to declare a snow emergency.

B. Once a snow emergency has been declared, the Chair, Town Administrator or his/her designee will notify radio station WTMJ and WISN and Television Channels 4, 6, 12, and 58 with the request to broadcast the snow emergency.

C. One hour after the radio and television stations are notified, parking on any town road is prohibited. The police may cause to be removed any vehicle parked thereon that impedes the operation of the Department of Public Works in dealing with the snow emergency. However, at least one-half hour before removal of the vehicle, a reasonable effort shall be made to notify the vehicle owner or an adult member of the household, either by phone or in person, that removal is required.

Ord. 2010-005 09/13/2010

(5) Penalty

Upon conviction, any person who violates the parking limitation or snow emergency in 5.03 ORD. shall pay a forfeiture of not less than fifty ($50) nor more than two hundred and fifty ($250) dollars, fees, assessments, costs of towing and storage and in default of payment may be imprisoned in the county jail for up to ninety (90) days.

3.03 and 13.04 ORD (1971)
Ord 2010-005 09/13/2010

5.04 Erection of Official Signs and Signals

The Town of Norway Highway Department is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation giving such notice of the provisions of this chapter as required by state law. Signs shall also be erected in such locations and manner as authorized by the governing body as to give adequate warning to users of the street, road, highway or alley in question.

3.04 and 13.03 ORD (1971) Sec. 349.065 Stats.

5.05 Weight Limitations

(1) Class B Highways

Except as herein otherwise specifically provided, all roads, streets, highways and alleys in the Town of Norway and under the jurisdiction of the Town of Norway are designated as Class B Highways, and the weight limitations established in Section 348.16 of the Wisconsin Statutes as amended are adopted.

3.04 ORD (1983) Sec. 349.15 Stats.

(2) Special Limitations

Pursuant to Section 349.16 Statutes, the highway department supervisor is authorized to impose special or seasonal weight limitations on roads, bridges or culverts due to weakness of the roadbed, deterioration, climatic conditions or other special or temporary conditions which would damage or destroy the road without weight limitations. Such limitations shall be imposed by posting a sign sufficient to give reasonable notice.

3.04 ORD (1983) Sec. 349.16 Stats.

(3) Penalty

Upon conviction any person who violates weight limitations set forth in 5.05 shall pay a forfeiture as set forth in Section 348.21(3) Statutes, fees, and costs and in default of payment may be imprisoned in the county jail for up to ninety (90) days. The Court may grant up to 60 days to pay. The Court shall report all convictions to the Department of Transportation pursuant to Section 348.22 Statutes.

Sec. 348.21(3) Stats.

5.06 Bicycle Regulation

(1) Bicycle Defined

Bicycle means every device propelled by the feet acting upon pedals having two wheels with a seat tube of not less than 12 inches measured from the top of the seat downward to the point at which the seat tube intersects the top of the bottom bracket shell.

3.08(a) ORD (1979)

(2) Registration Required

No person shall operate a bicycle upon any street in the Town of Norway unless the bicycle is registered and tagged as provided herein.

(3) Registration Procedure

Registration shall be made by filing with the Police Department the name and address of the owner, together with a complete

description of the bicycle on forms provided by the Police Department. Registrations shall be serially numbered and kept in the Department as a public record. Upon such registration, the Department shall cause an identification tag to be fixed to the bicycle registered, serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by the Department for cause or for retagging upon re-registration. In case of theft or loss, a duplicate tag shall be issued.

(4) Identification Tag
"Identification Tag" shall be a numbered tag which shall be attached to the bicycle by the owner, parent or guardian, affixed firmly upon the vertical portion of the frame below the seat, shall not be obstructed and shall remain affixed during the period of registration. All such numbered tags shall be reflectorized. No person shall willfully remove, deface or destroy any identification tag.

(5) Registration Suspended for Unsafe Condition
No bicycle shall be registered which is in unsafe mechanical condition. The Chief of Police may suspend the registration of and remove the identification tag from any bicycle-operated contrary to any state law, this code or while in unsafe mechanical condition. Such suspension and removal may continue for a period not to exceed 10 days, provided that such registration shall not be reinstated or such identification tag be replaced while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided.

(6) Registration Changed or Canceled for Change in Owner; Dismantling
Within 10 days after any registered bicycle has changed ownership or been dismantled and taken out of service or operation, the person in whose name the bicycle has been registered shall report such information to the Police Department. In case of change of ownership the registration shall thereupon be changed to show the name of the new owner. In case of dismantling and taking out of service or operation the registration shall be canceled and identification tag returned to the Police Department.

3.08 ORD (1979)

5.07 Use and Ownership of Bicycles

(1) Consent of Owner to Use
No person shall intentionally take and ride a bicycle without the consent of the owner.

(2) Proof of Ownership
Proof of ownership must be shown by the operator when demanded by a law enforcement officer.

3.08 Ord. (1979)

5.08 Operation of Bicycles

(1) State Statutes Adopted
The following Sections of the Wisconsin Statutes relating to bicycles and their operation are hereby adopted and made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein is required or prohibited by this ordinance. Any future amendments, modifications or revisions of the Statutes incorporated herein are intended to be made part of this code. Adopted sections of the Wisconsin Statutes are:

340.01(5)(e) Bicycle lane definition.
340.01(5)(m) Bike route definition.
340.01(5)(s) Bicycle way definition.
346.075 Overtaking and passing bicycles.
346.34 Turning movements and required signals on

turning and stopping.

346.79 Special rules applicable to bicycles.
346.80 Riding bicycles on roadway.
346.802 Riding bicycle on bicycle lane.
346.803 Riding bicycle on bicycle way.
347.24 Lamps on non-motor vehicles and equipment.

(2) Racing
No person operating a bicycle shall participate in any race, speed or endurance contest with any moving vehicle on a Town street, unless granted permission by the Norway Police Department.

(3) Stunting
No rider of a bicycle shall practice any fancy or acrobatic riding or stunts while operating such bicycle on any public highway or public property except the Chief of Police may authorize such riding to qualified individuals for specified periods of short duration as part of special events or exhibitions in the Town.

(4) Parking
No bicycle shall be parked upon any roadway in such a manner as to interfere with free passage of the public.

(5) Stop Signs
Bicycles shall stop for traffic stop signs and automatic traffic signals.

(6) Riding on sidewalks
The following regulations shall apply to bicycle riding on sidewalks.

A. No person shall ride a bicycle on a sidewalk in a business district.

B. No person 10 years or more of age shall ride a bicycle on a sidewalk in any district.

C. Persons under the age of 10 years may ride bicycles on sidewalks in any district except a business district.

D. Where conditions of health or physical disability warrant, individuals over ten years of age may ride on any sidewalk after receiving special permission from the Police Department to ride on sidewalks in other than business districts, on condition, however, that they shall yield to all pedestrians, give audible signals when overtaking or passing such pedestrians and conform to any additional conditions which the Chief of Police shall prescribe.

(7) Mechanical Operation
Bicycles which are not mechanically safe shall not be operated on the streets of the Town.

(8) Age of Operator
No person under 8 years of age shall operate a bicycle on Town streets, except when a street in other than a business district has no sidewalk, the operator may ride in the roadway along the outer edge of the proper lane of travel for vehicular travel.

(9) Responsibility of Parent or Guardian
No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 5.07, 5.08 and 5.09 ORD.

(10) Penalties

A. Forfeitures for violations of any regulation set forth in the Wisconsin Statutes and adopted by reference in this code shall conform to the forfeiture penalty permitted to

be imposed for violations of the comparable State Statute including fees, costs and penalty assessment where applicable.

Sec. 346.82 Stats.

B. Other

1. Under age 16

Any person under 16 years of age violating any provision of 5.06 - 5.08 ORD. shall, at the discretion of the Judge, or such other persons designated by him, be subject to the suspension of the registration tag of his bicycle for 10 days for a first offense, 20 days for a second offense and 30 days for a third offense.

3.09 ORD (1979)

2. Over age 16

Upon conviction, any person 16 years of age or older who violates and provision of 5.06 - 5.08 ORD shall forfeit up to $20.00 plus costs and fees and in default of payment may be imprisoned in the County jail for up to 90 days.

4.05 ORD (1971) Sec. 350.04 Stats.

5.09 Operation of Snowmobiles and All-Terrain Vehicles

(1) State Laws Adopted

The statutory provisions described and defining regulations with respect to snowmobiles and all terrain vehicles in the State of Wisconsin, and any amendment thereto, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation thereof, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the Wisconsin Statutes incorporated herein by reference is required or prohibited by this ordinance.

4.01 ORD (1971)

(2) All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) routes and use regulation in the Town of Norway

A. Title and Purpose

Town of Norway ATV/ATU Route Ordinance.
The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATVs/UTVs in the town.

B. Authority

The Town Board of the Town of Norway, Racine County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under s. 23.22 (8) (b) and (11), Wis. stats.

C. Adoption of the Ordinance

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate ATV/UTV routes in the town and to regulate the use of those routes and ATV/UTV in the town, designate ATV/UTV routes in the town and provides for the regulation of the use of those routes and of ATVs/UTVs in the town.

D. Operation of All-Terrain Vehicles and Utility Vehicles

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided ins. 23.33 (4), Wis. stats., no person may operate an ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATVs/UTVs on a roadway in the town that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

E. Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes

1. The following routes are designated ATV/UTV routes in the town: All town roads, regardless of speed limit, and also those county highways with a speed limit of 35 miles per hour or slower are designated to be ATV/UTV routes within the town.

F. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes

Pursuant to s. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

1. Routes shall be marked with uniform ATV/UTV route signs in accordance withs. 23.33 (8) (e), Wis. Stats., ands. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town ATV/UTV vehicles routes:

   a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

   b. Possess any uniform ATV/UTV route and trail sign or standard of the type established by the department for the warning, instructions, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV vehicle route or trail sign for standard creates a rebuttable presumption of illegal possession.

2. All operators and all passengers on ATVs and UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules related to the operation of ATVs and UTVs, including but not limited to, Section 23.33 and Chapter 346 of the Wisconsin Statues and Wisconsin Administrative Code NR 64.

3. A copy of this ordinance shall be sent by the town clerk to the Department of Natural

Resources, the Racine County Sheriffs Department, the Norway Police Department and any other law enforcement agency serving the Town of Norway jurisdiction.

4. In addition to the provisions of s. 23.33, Wis Stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

   a. All ATV/UTV operators shall ride single file.

   b. All ATV/UTV operators on public roads must have a valid driver's license.

   c. All ATV/UTV operators born after January 1, 1988 must obtain and carry while operating a Wisconsin Department of Natural Resources ATV/UTV safety certificate, as required by § 23.33(5)(b).

   d. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required by 347.485(1)(a), and with the chin strap properly fastened, unless the person is at least 18 years old, subject to the exceptions in § 23.33(3g).

   e. ATVs and UTVs may not be operated on town ATV/UTV routes between 11:00 p.m. and 4:00 a.m.

   f. Every person who operates an ATV/UTV on a town-designated ATV/UTV route, and every ATV / UTV operated on a town-designated ATV/UTV route, shall carry general liability insurance or other insurance with the same minimum liability coverage amounts for property damage and injury or death as are required by state law for the operation of a motor vehicle on a public highway, and shall also carry proof of such insurance.

   g. All ATVs and UTVs must be registered with the Wisconsin Department of Natural Resources.

   h. No open intoxicants of any kind are allowed to be carried on an ATV/UTV, or to be carried by any person while operating or riding on an ATV/UTV.

   i. The owner of an ATV/UTV shall be liable all violations committed by, and/or all damages caused by, anyone operating or riding the owner's ATV/UTV. It shall be an affirmative defense to this provision that the ATV/UTV in question was stolen or taken without the owner's consent, provided that the owner had taken reasonable precautions to secure the ATV/UTV. An ATV/UTV owner shall not be responsible for any violation committed by an operator or rider of the owner's ATV/UTV if the owner cooperates in identifying the actual operator or rider who committed the violation.

j. Only lighting that is allowed and/or required by state law for vehicles operated on public roads (excluding, for example, spotlights or light bars) may be used while an ATV/UTV is being operated on a public road.

5. All signage shall be ordered and installed by the town, and shall be paid by the individual, club or association requesting route, prior to ordering signs.

G. Enforcement

This ordinance may be enforced by any law enforcement office authorized to enforce the laws of the state of Wisconsin and additionally as stated in the Town's citation authority ordinance adopted per s.66.0113

H. Penalties

The penalties under s. 23.33 (13), Wis. Stats., are adopted by reference.

I. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

J. Effective Date

This ordinance shall take effect upon adoption and posting as required by law.

5.10 Operation of Skateboards and In-Line Skates

(1) Prohibition

No person shall use, operate, ride or propel a skateboard or in-line skates (a/k/a "roller blades") on any portion of the following described roadways:

A. That portion of Denoon Road from Racine Avenue west to Town Line Road.
B. That portion of Racine Avenue from Muskego Dam Road south to South Loomis Road.
C. That portion of South Loomis Road from Highway 36 south to Town Line Road.
D. Highway 36 in its entirety within the Town of Norway.
E. That portion of West Loomis Road from Highway 36 northeast to 8 Mile Road.
F. The entire portion of North Wind Lake Road.
G. The entire portion of South Wind Lake Road.
H. The entire portion of Heg Park Road.
I. The entire portion of East Wind Lake Road.
J. The entire portion of West Wind Lake Road.
K. The entire portion of Fries Lane.
L. The entire portion of Long Lake Road.
M. The entire portion of Pioneer Road.
N. The entire portion of Settler Avenue.
O. The entire portion of Homestead Road.
P. All other roadways designated as State and County highways within the boundaries of the Town of Norway.

(2) Exception

Any person may ride upon in-line skates while directly crossing any of the above described roadways by the shortest distance.

(3) Penalty for Violation
Any person found to be in violation of this section, upon conviction, shall forfeit not less than $10.00 nor more than $25.00, plus the costs of prosecution.

ORD 97-7 7/14

5.11 Snowmobile Races and Derbies

(1) Permits
The Town Board of Norway may grant permits to block off the streets of the Town for the purpose of allowing snowmobile races or derbies but the Town of Norway shall not be responsible for any injury suffered by anyone in connection with, or arising out of any such race or derby unless the injury is caused by the negligence of the Town. Application for a permit shall be made to the Town Clerk upon a form to be supplied and payment of a $25.00 fee. No state trunk highway or connecting street or part thereof, shall be blocked off for any snowmobile race or derby.

(2) Notice
The Town Clerk of Norway shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile race or derby which may result in any street or part thereof of the ton being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to enforce provisions of this chapter.

(3) Other
Any person who operates a race or derby without a permit and any person who authorizes an underage operator to operate shall forfeit $100.00 including costs of prosecution, fees and penalty assessment. The Court may allow up to 60 days to pay. Any person who fails to pay may, upon order of the Court, be imprisoned for up to 90 days.

4.11 ORD (1971)

5.12 Penalties Relating to Snowmobile Operation

(1) State Statute Adopted
Forfeitures for violations of any snowmobile regulation set forth in the Wisconsin Statutes and adopted by reference in this code shall conform to the forfeiture permitted to be imposed for violations of the comparable State Statute, including fees, the costs of prosecution and the penalty assessment imposed by Sec. 156.87 Statutes, where applicable. The court may allow up to 60 days to pay. Any person who fails to pay may, upon order of the Court, be imprisoned for up to 90 days.

4.11 ORD (1971) Sec. 350.11 Stats.

(2) Other
Any person who operates a race or derby without a permit and any person who authorizes an underage operator to operate shall forfeit $100.00 including costs of prosecution, fees and penalty assessment. The Court may allow up to 60 days to pay. Any person who fails to pay may, upon order of the Court, be imprisoned for up to 90 days.

4.11 ORD (1971)

5.13 Disorderly Conduct with a Motor Vehicle

(1) Prohibitions

A. No vehicle shall be operated in such a manner as to produce a loud and unnecessary squealing of tires.

B. No vehicle shall sound its horn, bell or other signaling devise except as a danger or cautionary warning. Such

warning shall only be sounded for a reasonable and necessary period of time.

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

D. No vehicles shall be operated in such a manner that emits unnecessary and loud muffler noises.

(2) Penalty

Any person who violates any of the prohibitions of sub. (1) shall be subject to a forfeiture of not less than $50.00 nor more than $500.00, together with any applicable fees, costs of prosecution, and assessments.

Ord. 2001-01 (2/12/2001)

5.19 Enforcement of Chapter 5

Chapter 5 of this Code shall be enforced under the procedures set forth in this section.

(1) Duty of Town Police Officers

It shall be the duty of the Town Police Officers to enforce the provisions of this chapter. The Police are authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter, provided that in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, Police may direct traffic as conditions may require.

3.10 ORD (1979)

(2) Other Officers May Enforce

In addition to all Town Police Officers authorized by law to commence prosecution or bring an action for violation of the provisions of this chapter, any deputy sheriff or other peace officer is hereby authorized to make complaint and to commence an action on behalf of the Town of Norway for a violation of this chapter by filing a complaint or affidavit for and on behalf of the Town which alleges such violation and any such deputy sheriff or other peace officer is hereby authorized to appear on behalf of the Town and testify on behalf of the Town.

(3) The Wisconsin Uniform Traffic Deposit Schedule as adopted by Racine County is hereby adopted by reference.

(4) Citations

A. Uniform Citation and Complaint

The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this code except those provisions which describe or define nonmoving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

B. Parking Citations

The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this code. When approved by the Town Board such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this code, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference and all provisions of Sections 5.03 of this code. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying

with this Section. Non-moving traffic citations may be issued by law enforcement officers.

(5) Deposits and Stipulations

A. Uniform Traffic Offenses

1. Who May Make

Persons arrested or cited for violation of moving traffic offenses created by this code shall be permitted to make deposits and stipulations of no contest or release by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes.

2. Delivery or Mailing of Deposit and Stipulation

The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Racine County Clerk of Courts.

3. Receipt Required

The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator.

B. Non-Moving Traffic Offenses

1. Direct Payment of Penalty Permitted

Persons cited for violation of non-moving traffic offenses described and defined in this code may discharge the penalty thereof and avoid court prosecution by forwarding within 10 days of the issuance of the citation the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 20 days of the date of the citation to the above named office the amount of $15.00. When payment is made as provided in this paragraph, no court costs shall be charged.

2. Court Prosecution

If the alleged violator does not deliver or mail a deposit as provided in sub. 1 within 20 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Municipal Attorney for prosecution pursuant to law.

3. Deposits Returned to Treasurer

Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Town Treasurer within 30 days of receipt. Such payment shall be accompanied by an itemized statement for reach deposit of the offense charged and the name of the depositor.

3.07 ORD (1971) Sec. 346.62 Stats.
Wisconsin Uniform Traffic Code Annotated (1979)

CHAPTER 6
PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
6.01	Disorderly Conduct		
6.02	Animals	*2014-003* *2015-004* *2023-01*	*11/12/14* *11/09/15* *03/13/23*
6.03	Firearms		
6.04	Concealed Weapons		
6.05	Storage and/or Parking of Motor Vehicles		
6.06	Dumping and Storage of Rubbish, Refuse and Garbage		
6.07	Recycling		
6.08	Weeds and Grasses		
6.09	Public Nuisances		
6.10	Reckless Use of Weapons		
6.11	Outdoor Burning	*2016-01* *2023-04*	*08/08/16* *11/13/23*
6.12	Sale and Discharge of Fireworks Restricted		
6.13	Offenses Against Person		
6.14	Offenses Against Property		
6.145	Residential and Business Picketing Prohibited		
6.15	Interfering with Fire Fighting		
6.16	Smoking in Schools Prohibited		
6.17	Curfew		
6.18	Possession of Marijuana		
6.19	Drug Paraphernalia		
6.20	Sale To and Use of Tobacco Products by Minors		
6.21	Offenses Involving Alcohol Beverages by Underage Person		
6.22	Theft of Rental Property		
6.23	Issuance of Worthless Checks		
6.24	Regulation of Sale, Application and Use of Lawn Fertilizer		
6.245	Key Lock Box System	*2014-001* *2017-03* *2023-04*	*04/14/14* *12/11/17* *11/13/23*
6.25	Smoking Prohibited Under Certain Conditions		
6.26	Fair and Open Housing	*2015-002*	*06/03/15*
6.30	Penalty		

6.01 DISORDERLY CONDUCT

No person within the Town of Norway shall commit or cause to be committed any of the following acts:

(1) Disturb Peace
In any public or private place engage in violent, abusive, indecent, profane, boisterous, loud or otherwise disorderly conduct which tends to cause or provoke a disturbance of public order.

(2) Fighting
Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(3) Annoying Phone Calls
With intent to annoy another, make a telephone call, whether or not a conversation ensues.

(4) Intoxication
Be drunk or intoxicated so as to disturb the good order and quiet of the Town or be found in any place within the Town in such a state of intoxication that he/she is unable to care for his/her own safety or for the safety of others.

(5) False Fire Alarm
Give or send in any manner any fire alarm which the person knows to be false.

(6) Resisting
Resist or in any way interfere with any officer of the town while such officer is doing an official act with lawful authority.

(7) Impersonation
Impersonate a police officer or town official.

(8) Loitering
Loaf or loiter about the streets, highways or any place of public assembly or obstruct the entrance to any place, stairway, business building or structure.

(9) Aid Escape
Intentionally aid any prisoner or person to escape from the lawful custody of a town policeman.

(10) House of Ill Fame
To keep or maintain any disorderly house or house of ill fame; be an inmate of any such house; contribute to the support of any such house; or lease or let any building, knowing it is to be used or occupied for such unlawful purpose.

6.02 ANIMALS

(1) Licenses

A. Dogs

1. A person who owns a dog, which is or will become five months of age or older during any license year, shall obtain a license for each such dog every license year by making application to the Town Clerk under the terms and conditions contained in this section.

2. The dog license tax shall be $15.00 for each dog, except that upon presentation of evidence showing that a female dog is spayed or a male dog is neutered, then the license tax for each such dog shall be $10.00.

3. No dog license shall be issued unless the applicant presents a valid certificate of vaccination obtained in accordance with Sec. 6.02(2)(I) ORD.

B. License Year
The license year under this article commences on January 1 and ends the following December 31.

C. Late Fees
The Town Clerk shall, in addition to the license tax provided for in this section, assess and collect a late fee of $5.00 for every application for a license for a dog more than 5 months of age, unless such application is made prior to April 1 of any calendar year unless such application is made within thirty (30) days of acquiring ownership of a licensable dog, whichever is later.

D. Kennel License Required

1. No person shall keep more than 3 dogs more than 5 months of age in the Town without obtaining a license as herein provided. The application for a dog kennel license shall be filed in writing with the Town Clerk disclosing the name and address of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel, and such other information as the Town Board may require.

2. By the filing of such application, the applicant shall be deemed to have consented to an inspection prior to issuance of such license, by the Town Board, a Town Health Officer or any other Town officer for the purpose of determining whether or not such license should be granted. The Town Board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare.

3. No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. All buildings and dog yards from the kennel shall be enclosed in a secure woven wire fence of not less than 6 feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public.

E. Kennel License Tax

Any person who keeps or operates any kennel may, instead of the license tax for each dog required by this section, pay for the license year a license tax of $35.00 for a kennel of 12 or fewer dogs and an additional $3.00 for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over five months are currently immunized against rabies, the Town Clerk shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

F. Kennel License Tags

The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from on 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 dog during competition or training, to a dog securely confined indoors, to a dog while hunting 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 purpose of hunting, breeding, trial, training or competition.

(2) Care and Control

A. Cats or Dogs Running at Large

No person owning or possessing any cat or dog shall permit such animal to run at large. "Run at large" means the presence of a cat or dog at any place except upon the premises of the owner, unless on a leash held by a person physically able to control the animal, or unless the animal is in an automobile of a person with the consent of the owner of the cat or dog.

1. Penalties. A person who violates this section shall be subject to a forfeiture of not less than $50.00 for the first offense; $75.00 for the second offense; and, $100.00 for the third and subsequent offenses, together with the cost of prosecution, and, upon default of payment, be subject to further penalties, including imprisonment in the County jail, all in accordance with State law.

Ord. 2006-01 4/10/2006

B. Limitation on Number of Cats or Dogs

No owner or occupant of any residential unit in the Town shall permit anyone to own, harbor or keep more than 3 cats or 3 dogs over 5 months of age at any one residential unit within the Town at any time, except if the person obtains a kennel license for dogs only.

C. Barking Dogs or Crying Cat

1. Prohibition

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 to the discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood, who are of ordinary sensibilities.

2. Warning

Any adult person, alone or together with other adults, may seek relief from animals which habitually disturb the peace, by contacting the health department or other person designated by the town, setting forth the specific date and approximate time the animal of a particular owner was habitually howling, crying, barking, yelping and disturbing the peace. The health department or other person designated by the town shall notify the owner or person having possession or control of the animal, in writing, of the alleged violation.

3. Form of Complaint

If the warning given to the person alleged to be keeping an animal as set forth above is ineffective, then a verified complaint of at least two adults, not from the same family, may be presented to the health department or other person designated by the Town for such commencement of prosecution to obtain compliance with this section. Such written petition shall contain the following:

(a) Name and address of complainant;
(b) Description of animal and its location;
(c) Dates and times violations were noted;
(d) Date first reported to the health department or other person designated by the Town;

(e) Statement that complainants would be willing to appear and testify in court.

4. Notice

The health officer or other person designated by the town shall inform the owner or person possessing or controlling the animal that a complaint has been received and may cite such person for the violation if in the Town's discretion prosecution is warranted.

D. Wild or Vicious Animals

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

(a) "Vicious animal" means any animal which has attacked or bitten one or more persons or domestic animals, without reasonable cause, or which has behaved in such a manner that the owner or custodian of such animal knows or should have reasonably known that the animal has tendencies to attack or bite persons or domestic animals.

(b) "Wild animal" means any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

2. No person shall keep or permit to be kept on his/her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. No person shall keep or permit to be kept any wild animal as a pet.

3. The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless.

4. It shall be unlawful for any person to harbor or keep a vicious animal within the Town. Any vicious animal may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of such animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

5. No person shall keep or permit to be kept on his/her premises any wolf-dog hybrid or coyote-dog hybrid, which was not currently registered and licensed by the Town of Norway as of July 8, 1996.

E. Animals, Neglected or Abandoned; Police Powers

1. No person may abandon any animal.

2. Any law enforcement officer may remove, shelter and care for any 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 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.

F. Providing Proper Food and Drink to Confined Animals

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

1. Food

The food shall be sufficient to maintain all animals in good health.

2. Water

Water shall be made available to the animals at all times, and in sufficient quantity for the health of the animal.

G. Providing Proper Shelter

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

1. Indoor Standards

Minimum indoor standards of shelter shall include:

(a) Ambient Temperatures

The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation

Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

2. Outdoor Standards
Minimum outdoor standards of shelter shall include:

(a) Shelter from Sunlight
When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(b) Shelter from Inclement Weather

1. Animals Generally
Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. Dogs
If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

3. Space Standards
Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) Structural Strength
The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space Requirements
Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

H. Cruelty

1. Cruelty – General
No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by any act, or omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injuries or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the humane society for proper disposal.

2. Use of Poisonous and Controlled Substances
No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal for the purpose of harming the animal. This subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance in accepted veterinarian practice or in research by persons or organizations regularly engaged in such practice.

3. Use of Certain Devices Prohibited
No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle burr, tack burr or like device, or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed, nails, tacks or other sharp points.

4. Shooting at Caged or Staked Animals
No person may instigate, promote, aid or abet, as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or other deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man made shelter, regardless of size.

5. Leading an Animal From a Motor Vehicle
No person shall lead any animal upon a highway from a motor vehicle, or from trailed or a semi-trailer drawn by a motor vehicle.

I. Rabies Control

1. The owner of a cat or dog shall have such animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches 4 months of age and revaccinated within 1 year after the initial vaccination. The owner shall further have any such animal revaccinated against rabies by a veterinarian before the date any such immunization expires, as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

2. Unless otherwise exempted in this chapter, it shall be unlawful to own, harbor or keep any cat or dog which has not received such vaccination.

J. Report of Biting Incidents

1. Anyone having knowledge or reason to believe that any animal in the Town has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner of the animal and circumstances of such bite. Such report shall be made to the Town Clerk, who shall communicate this information to the

health department, sheriff's department or other applicable agency.

2. Whenever any domesticated animal has bitten a person, it shall be confined in such place as the health officer, or other person designated by the Town Board, may direct and for such period of observation as in his/her judgment may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be killed and the head shipped to the state laboratory of hygiene for rabies examination.

3. Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the state laboratory of hygiene under refrigeration but not frozen, for rabies examination.

K. Trapping Animals

1. In the interest of public health and safety, it shall be unlawful for any person, in or on Town-owned land within the Town of Norway, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.

2. All such traps set, placed or tended on Town-owned land shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.

3. Nothing in this section shall prohibit or hinder the Town of Norway or its employees or agents from performing their official duties.

L. Dognapping and Catnapping

No person shall take the cat or dog of another from one place to another without the owner's consent or cause such a cat or dog to be confined or carried out of the Town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

M. Vehicle Accidents

The operator of any vehicle involved in an accident resulting in injury to or death of a cat, dog or other domesticated animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the Town.

N. Care of Horses

1. Responsibility

The owner of a horse shall be responsible at all times for the care and welfare of such horse or horses.

2. Shade in Pastures

All horses kept in pastures without access to barn facilities during the months April to October inclusive, shall have access to an area shaded from direct sunlight.

3. Barns
The stalls wherein horses are kept shall be kept reasonably clean. An adequate supply of bedding of straw or comparable material shall be kept in the stalls at all times.

4. Food and Water
Proper feed of an adequate amount and adequate water shall be provided to horses at all times. When the usual water supply becomes frozen, water shall be provided to horses twice a day in such amounts as will permit each horse to drink its fill.

5. Defects
A horse adjudged by a law enforcement officer, or other person designated by the Town Board, to be sick, lame or injured shall not be used for work or recreation.

O. Injury to Property
No person owning or possessing a dog shall permit it to go upon any public or private property without the permission of the owner or to injure, break, bruise, tear up, crush or destroy any lawn, garden, plant, shrub, tree, fence, or any other part of such premises, or to defecate thereon.

P. Waste Product Accumulation
No person owning or possessing a dog shall cause or permit such dog to be on public or private property not owned or possessed by such person unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This subsection shall not apply to a person who is visually or physically handicapped.

Q. Keeping of Livestock in Residential Areas Prohibited

1. Definition
'Livestock' means cattle, horses, donkeys, swine, sheep, goats, farm-raised deer and other such animals susceptible of commercial use, including any domesticated fowl, such as turkeys, geese, ducks and guineas, but excluding chickens, which shall be regulated under 6.02(2)(T).

2. Prohibition
a. No person shall keep livestock on any parcel of land in an area zoned for residential use in the Town of Norway.
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b. Variance Procedure
Any person who shall be denied the use of property for the keeping of livestock may apply to the Town Board for a variance of this ordinance upon an application which shall set forth the following:
1. The name and address of the applicant.

2. Description of the premises.

3. Owner of record.

4. Location of buildings on the premises.

5. Types and numbers of animals.

6. Names and addresses of adjacent landowners for a distance of three hundred (300) feet in each direction from the boundaries of the applicant's land.

7. Location of buildings on adjacent premises.

The application will be filed with the Town Clerk who shall refer the application to the Town Plan Commission. The Commission shall place the matter on its agenda for a public hearing. The Commission shall notify all property owners within three hundred (300) feet of the applicant's property and any other person or governmental unit that the Commission shall determine to be a party of interest. Such public hearing shall be held on notice by first class mail to interested parties not less than ten (10) days nor more than thirty (30) days after the date of said notice. After such hearing and deliberations by the Commission, the Commission shall make a recommendation to the Town Board to grant the variance, with or without modification, or to deny the application in its entirety.

The Town Board, upon receipt of the Commission's recommendation, shall place the matter on the Board's next agenda and may, in its discretion, hold a public hearing on the application and, after giving consideration to the Commission's recommendations, may grant, modify or deny the application for the requested variance.

3. Penalties

A person who violates this section shall be subject to a penalty as provided in Section 6.30 of the Municipal Code of the Town of Norway, along with other penalties permitted pursuant to Chapter 800 of the Wisconsin Statutes.

R. Horses and Animals on Public Rights-of-Way

1. Prohibition

No person shall ride or lead a horse, or any other animal that can be ridden, on or along any public right-of-way including any public street, highway, sidewalk, or parkway within residential or business zoned districts within the Town.

2. Exceptions

The provisions of this section shall not apply to:

(a) The riding or driving of a horse, or any other animal that can be ridden, in the actual conduct of agricultural or herding operations;
(b) The direct crossing of a public right-of-way;
(c) The owner, or his authorized agent, while riding or transporting a horse, or any other animal that can be ridden, on a direct and planned route to a definite destination for the purpose of stabling the horse or animal.

3. Penalty

Any person who violates this subsection shall be subject to a forfeiture of not less than $100.00 nor more than $250.00 for any single violation. A person who violates this subsection a second time shall be subject to a forfeiture of not less than $250.00 nor more than $500.00. In default of any forfeiture, a person who violates this subsection may be subject to further penalties, including imprisonment in the county jail, in accordance with state law.

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S. Penalties

1. Any person who violates the following subsections shall, upon conviction, be subject to a forfeiture of not more than $250.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with state statutes.

Sec. 6.02(1), Licenses
Sec. 6.02(2)B, Limitation on Number of Cats or Dogs
Sec. 6.02(2)C, Barking Dogs or Crying Cats
Sec. 6.02(2)D, Wild or Vicious Animals
Sec. 6.02(2)I, Rabies Control
Sec. 6.02(2)J, Reporting of Biting Incidents
Sec. 6.02(2)K, Trapping of Animals
Sec. 6.02(2)M, Vehicle Accidents
Sec. 6.02(2)O, Injury to Property
Sec. 6.02(2)P, Waste Products Accumulation
Sec. 6.02(2)Q, Keeping of Livestock in Residential Areas Prohibited

2. Any person who violates the subsections listed below shall, upon conviction, be subject to a forfeiture of not more than $500.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, in accordance with state law.

3. Sec. 6.02(2)E, Animals, Neglected or Abandoned; Police powers
Sec. 6.02(2)F, Providing Proper Food and Drink to Confined Animals
Sec. 6.02(2)G, Providing Proper Shelter
Sec. 6.02(2)H, Cruelty
Sec. 6.02(2)L, Dognapping and Catnapping
Sec. 6.02(2)N, Care of Horses

T. Raising and keeping of chickens

The raising and keeping of chickens is permitted under the following conditions:

1. License

a. Prior to keeping chickens, the owner or occupant must first obtain a license issued by the Town of Norway and pay the license fee set by the Town.

b. If applicant is not the owner, the tenant shall obtain the owner's consent to the keeping of chickens on the property and provide a written copy to the Town upon application for license.

c. The license may be revoked if there are 2 or more violations or complaints within a 12 month period.

d. The license is valid for a period of 2 years.

2. Number of Chickens

a. No more than four chickens may be kept per residential lot.

b. Keeping of roosters is prohibited.

c. Sale of chickens, eggs or other by-products is prohibited.

3. Chicken Coop and Run

a. Chickens shall be provided with a chicken coop, (covered roosting area) and an adjacent covered chicken run.

b. The coop shall be a stand-alone structure located in the rear yard at least 3 feet from all property lines and at least 10 feet from any principal structure.

c. The coop shall not exceed 32 square feet in area nor 10 feet in height.

d. The chicken run shall be at least 3 feet from all property lines.

e. The chicken run shall not exceed 64 square feet in area and the fence surrounding it shall be between 48 and 96 inches in height.

f. Chickens shall not be permitted in any other structure on the lot, including garages, basements, and attics.

g. Chickens are not allowed to roam free on the lot.

4. Manure Management.

a. No accumulation or application of manure or any other material which causes any noxious or offensive odor or dust is permitted.

b. Applicant shall include a written plan for removal, spreading, or disposal of manure.

c. Disposal or storing of manure must not become unsightly or emit odor beyond property lines or become a public nuisance.

d. Adequate drainage facilities must be implemented by property owner so as to protect surrounding properties from surface water discharge containing contaminants or organic waste.

5. Penalty.

a. Any violation of this section shall be subject to license revocation.

b. Complaints from neighboring residents will be investigated and may be subject to license revocation.

U. Humane Officer; appointment

1. Purpose. The purpose of this section is to establish the position of Humane Officer and authorize the Humane Officer to enforce this Section.

2. Issuance of Citations. The Humane Officer shall defer to the Norway Police Department for the issuance of citations for humane issues.

3. Establishment, duties and powers of the Humane Officer. The position of Humane Officer is hereby established. The Humane Officer shall have the powers and duties set forth in Wis. Stat. Chapter 173.

4. Appointment of the Humane Officer. The Town Board shall appoint the Humane officer. The Humane Officer shall serve at the pleasure of the Town Board. The Town Clerk shall report the appointment and termination of the Humane Officer to the Department of Agriculture, Trade and Consumer Protection ("Department"). The Humane Officer shall have proper certification as defined by Wis. Stat. § 173.05. Failure of a Humane Officer to obtain proper certification within the time periods required by the Department shall be grounds for termination of the appointment.

5. Jurisdiction. The Humane Officer shall carry out his or her duties within the boundaries of the Town of Norway pursuant to Wis. Stat. § 173.03(3).

6. Abatement order review. Pursuant to Wis. Stat.§§ 173.03(2) and 173.11(3), the Town Chair or in the absence of the Town Chair, their designee, is authorized to review and affirm, modify, or withdraw abatement orders issued by the Humane Officer.

6.03 FIREARMS

(1) Definitions

"Firearms" means any gun, rifle, pistol, air gun, shotgun, soring gun, cannon or other device or type of firearm of any description whatsoever which expels a missile or missiles by some means or element.

(2) Discharge Restricted

No person shall discharge a firearm within the limits of the Town of Norway, except for any of the following purposes:

A. Any law enforcement officer or their deputies, members of the armed forces in the performance of their duties, or a person in the lawful defense of his person or property.

B. Any person while on a clearly defined target range, supervised shooting gallery, state licensed shoot preserve, state owned lands, or state lands leased for hunting purposes.

C. Any resident of the town while on land upon which he resides, or a person while upon land with the owner's or resident's express permission and consent.

D. No person shall fire a rifle, pistol or other solid ball firearm in any residential, commercial or industrial district within the Town of Norway, within 500 feet of any such district or within 500 feet of any residence or structure used for human habitation except as otherwise provided in Section 6.03(2)B of this chapter. Zoning use districts are those as set forth in the Racine County Zoning Ordinance, as revised.

(3) Carrying Firearms

No person, except a duly authorized law enforcement officer shall have any firearm in his possession or under his control unless it is unloaded and enclosed within a carrying case, except as provided in section 6.03(2). Subsections (2) and (3) of this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries as authorized by the Town Board.

6.04 CONCEALED WEAPONS

No person shall wear, carry under his clothes or concealed about his person any deadly or dangerous weapon; except an officer of the law or such persons as may be authorized to carry such weapons.

6.05 STORAGE AND/OR PARKING OF MOTOR VEHICLES

(1) Definitions

For the purpose of this section, the following definitions shall apply:

Motor Vehicle

The definition as set forth in Sec. 340.01, Wis. Stats. is adopted and incorporated herein by reference.

Motor Vehicle, Abandoned

A motor vehicle which has been left unattended on a public highway for more than 12 consecutive hours or on other property without the permission of the property owner for more than 48 consecutive hours.

Motor Vehicle, Dismantled

A motor vehicle which has parts, accessories or equipment removed there from so that the same cannot be safely or legally operated upon a public highway.

Motor Vehicle, Inoperable

A motor vehicle which due to damage, wreckage or removal of parts is rendered incapable of being safely or legally operated upon a public highway.

Motor Vehicle, Junked

A motor vehicle which has been dismantled, damaged or wrecked in such a manner that it cannot be safely or legally operated upon a public highway and which is not licensed.

Motor Vehicle, Wrecked

A motor vehicle which has been damaged by collision or otherwise and the parts of which have been bent, broken or

detached so that it cannot be safely or legally operated upon a public highway.

(2) Prohibitions

A. No person shall abandon any motor vehicle within the Town or otherwise leave unattended any motor vehicle on any public highway or on any public or private property within the Town for such time and under such circumstances as to cause the motor vehicle to reasonably appear to be abandoned.

B. No person having custody or possession of any abandoned, dismantled, inoperable, junked, wrecked or unlicensed motor vehicle shall dump or store or cause to be dumped or stored any such motor vehicle within the Town and no person having ownership, custody or possession of property within the Town shall dump or store or permit to be dumped or stored any abandoned, dismantled, inoperable, junked, wrecked or unlicensed motor vehicle upon such property; provided however, the following shall not be prohibited:

1. Storage of dismantled, inoperable, junked or wrecked vehicles within a totally enclosed garage.
2. Temporary storage not to exceed 60 days of dismantled, inoperable, junked or wrecked motor vehicles by a sales or repair business located in a properly zoned area.
3. Storage of dismantled, inoperable, junked or wrecked motor vehicles by a junk dealer or motor vehicles salvage dealer licensed by the Town of Norway or Racine County.

C. No person shall cause any abandoned, dismantled, inoperable, junked, wrecked or unlicensed motor vehicle to be removed from any private property where such storage is not permitted to any other property within the Town where such storage is not permitted hereunder.

D. No person shall store or park on any lot, parcel, tract of land, public right-of-way or private road, in the Town of Norway motor vehicles with a gross vehicle weight in excess of 12,000 pounds, including but not limited to semi-trucks, tractors, trailers and tractor-trailers.

1. Exceptions.
The restrictions of this subsection shall not apply to:

(a) Parked or stored motor vehicles with a gross vehicle weight in excess of 12,000 pounds in an agricultural or farming zoned district when such vehicle is owned by the owner of the property upon which it is parked and such vehicle is used for agricultural purposes only on the property owner’s property;

(b) Parked or stored motor vehicles in a business or industrial zoned district;

(c) Motor vehicles that are parked temporarily for the purpose of actively loading, unloading, or servicing or are parked for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from a place of business or residence provided that in no event shall the weight of the vehicle and loan exceed the limitations of Wis. Stats. Sec. 348.15 through 348.22;

(d) Motor vehicles necessary for on-call service in responding to police and fire emergencies;

(e) Motor vehicles that are recreational vehicles, whether designed to be towed or to move under their own power; provided that said recreational vehicles are parked or stored in compliance with all other applicable statutes and ordinances; or

(f) Motor vehicles that meet any of the exceptions to stopping and parking restrictions in Wis. Stats. Sec. 346.50.

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E. No person shall store or park any motor vehicle, boat or trailer with a "For Sale" sign or otherwise advertised for sale on any lot, parcel, or tract of land, whether residential or business, in the Town of Norway when such motor vehicle, boat or trailer is not owned by the owner of the property upon which it is parked or stored.

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(3) Removal of Motor Vehicles

Abandoned motor vehicles may be removed by the Town Police Department and disposed of in accord with the provisions of Sec. 342.40, Wis. Stats., which section is adopted and incorporated herein by reference.

6.06 DUMPING AND STORAGE OF RUBBISH, REFUSE AND GARBAGE

(1) Definitions

For the purpose of this section, the following definitions apply:

A. "Rubbish" and "Refuse" mean all waste matters produced from industrial or community life, including, but not limited to: paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes, tree stumps and branches, yard trimmings, discarded articles and machinery or machinery parts, motor vehicles and parts thereof including but not limited to cab, body, box or trailer, including but not limited to truck, semi-trailers operated with another vehicle, farm tools, implements and equipment and parts thereof that are not fully operable or are dismantled, lumber, concrete, or other debris resulting from the construction, remodeling, or demolition of structures, and all other household and business wastes.

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B. "Garbage" means discarded materials resulting from the handling, processing, storage or consumption of food.

(2) Storage Regulated

No person, firm, association or corporation shall store any rubbish, refuse, or garbage on any property within the Town of Norway except as follows:

A. Storage in receptacles, incidental to normal residential use of property.

B. Storage by a junk dealer or motor vehicle salvage dealer licensed by the Town of Norway or Racine County.

C. Storage of tree stumps, branches or trunks on farm woodlots.

(3) That the storage of any rubbish, refuse or garbage on any property within the Town of Norway is hereby declared a public nuisance and

may be abated by the Town pursuant to Section 6.09(6) of this Code of Ordinances.

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(4) Dumping and Disposal

A. No person, firm, association or corporation shall dump any rubbish, refuse, or garbage within the Town of Norway except in containers for removal at roadside by contracted solid waste hauler.

B. No person, firm, association, or corporation shall dispose of rocks, downed trees, stumps, waste building materials or other debris from land development, building construction, remodeling, or demolition, street grading or other similar activities except at a licensed landfill site.

C. Collection of Solid Waste Materials
All rubbish, refuse and garbage shall be placed at the roadside for collection by 7:00 a.m. on the scheduled date of collection, but no sooner than 15 hours before 7:00 a.m. of such day.

1. It shall be the responsibility of the owner or occupant to remove containers and equipment used to hold such waste, and any rubbish, refuse or garbage still remaining at the roadside, within 12 hours after collection.

(5) Permit Required
No person, firm, association or corporation shall dump any rubbish or other material at a licensed landfill site without first having obtained a permit therefore from the Town Clerk. Upon application of a person, firm, association or corporation residing within the Town of Norway or owning real property within the Town of Norway, the Town Clerk shall issue a permit required hereunder. No permit holder shall permit any other person, firm, association or corporation to use such permit.

(6) Compliance with Rules and Regulation Required
All persons dumping or depositing any rubbish or other material at a licensed landfill site shall comply with all approved rules and regulations for said operation. All approved rules and regulations shall be posted at the Licensed Site.

6.07 RECYCLING

(1) Purpose
The purpose of this section is to promote recycling, composting, and resource recovery though the establishment and administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(2) Abrogation and Greater Restrictions
It is not intended by this section to repeal, abrogate, annul, impair or interfere with an existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law; provided, however, whenever this section imposes greater restrictions, the provisions of this ordinance shall apply.

(3) Interpretation
In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive

requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes or by a standard in Chapter NR 544, Wis. Administrative Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment tot his section.

(4) Severability
Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(5) Applicability
The requirements of this section apply to all persons within the Town of Norway.

(6) Administration
The provisions of this section shall be administered by the Town Board of the Town of Norway.

(7) Definitions

For the purposes of this section:

A. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

B. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

C. "HDPE" means high-density polyethylene plastic containers marked by the SPI code No. 2.

D. "LDPE" means low-density polyethylene plastic containers marked by the SPI code No. 4.

E. "Magazines" means magazines and other materials printed on similar paper.

F. "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

G. "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.

H. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

I. "Newspaper" means a newspaper and other materials printed on newsprint.

J. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

K. "Office paper" means high-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

L. "Person" includes any individual, corporation, partnership, association, local governmental unit as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

M. "PETE" means polyethylene terephthalate plastic containers marked by the SPI code no. 1.

N. "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1, Wis. Stats.

O. "PP" means polyethylene plastic containers marked by the SPI code No. 5.

P. "PS" means polyethylene plastic containers marked by the SPI code No. 6.

Q. "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

R. "Recyclable materials" include lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

S. "Solid waste" has the meaning specified in Sec. 144.01(15), Wis. Stats.

T. "Solid waste facility" has the meaning specified in Sec. 144.43(5), Wis. Stats.

U. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

V. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

W. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(8) Separation of Recyclable Materials

Except as otherwise provided herein, occupants of single family and 2 to 4 unit residences, multiple-family dwellings, and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

A. Lead acid batteries
B. Major appliances
C. Waste oil
D. Yard waste
E. Aluminum containers
F. Bi-metal containers
G. Corrugated paper or other container board
H. Foam polystyrene packaging
I. Glass containers

J. Magazines or other materials printed on similar paper
K. Newspaper or other materials printed on newsprint'
L. Office paper
M. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types.
N. Steel containers
O. Waste tires

(9) Separation Requirement Exempted
The separation requirements of paragraph (8) do not apply to the following:

A. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in paragraph (8) from solid waste in as pure a form as is technically feasible.

B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

C. A recyclable material specified in paragraph (8) for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(d) or 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(10) Care of Separated Recyclable Materials
To the greatest extent practicable, the recyclable materials separated in accordance with paragraph (8) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(11) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

A. Lead acid batteries shall be managed at the drop off site only.

B. Major appliances shall be managed at the drop off site only.

C. Waste oil shall be managed at designated Waste Oil Recovery Sites only. Oil must be contaminant free and of marketable quality.

D. Yard waste shall be managed by the individual property owners and shall not be accepted by the Town.

(12) Preparation and Collection of Recyclable Materials
Except as otherwise directed by the Norway Town Board occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in paragraphs (8)E through O:

A. Aluminum containers shall be rinsed free of product residue and flattened.

B. Bi-metal containers shall be rinsed free of product residue and flattened.

C. Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.

D. Foam polystyrene packaging shall be recycled when the market and state law dictate.

E. Glass containers shall be rinsed free of product residue with metal rings and caps removed.

F. Magazines or other materials printed on similar paper shall be recycled when the market and state law dictate.

G. Newspapers or other materials printed with newsprint shall be bundled and placed in paper bags.

H. Office paper shall be recycled when the market and state law dictate.

I. Plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including soda bottles, shall be cleaned, have caps removed, be flattened and shall have No. 1 on the bottom.

2. Plastic containers made of HDPE, including milk and soda bottles, shall be cleaned, have caps removed, be flattened and shall have No. 2 on the bottom.

3. Plastic containers made of PVC shall be accepted when the market and state law dictate.

4. Plastic containers made of LDPE shall be accepted when the market and state law dictate.

5. Plastic containers made of PP shall be accepted when the market and state law dictate.

6. Plastic containers made of PS shall be accepted when the market and state law dictate.

7. Steel/tin containers shall be rinsed, have open ends and be flattened.

8. Waste tires shall be managed at the drop off site with the required fee when the attendant is on duty.

(13) Responsibilities of Owners or Designated Agents for Multiple-Family Dwellings

A. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in paragraph (8)E through O:

1. Provide adequate, separate containers for the recyclable materials.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the Town's recycling program.

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

5. The requirements specified in A. do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in paragraph (9) (e) through (o) from solid waste in as pure a form as is technically feasible.

(14) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties

A. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in paragraph (8)E through O:

1. Provide adequate, separate containers for the recyclable materials.

2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the Town's recycling program.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

B. The requirements specified in A. do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in paragraph (8)E. through O. from solid waste in as pure a form as is technically feasible.

(15) Prohibitions on Disposal of Recyclable Materials

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in paragraph (8)E. through O. which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(16) Scavenging
No person, firm, association or corporation shall scavenge, collect or remove any item, material or thing that has been placed in any designated area for collection, including recyclable materials placed curbside, unless under contract for the collection or removal of such materials within the Town of Norway.

(17) Collection of Recyclable Materials

A. Recyclable materials shall be placed at the roadside for collection by 7:00 a.m. on the scheduled day of collection, but no sooner than 15 hours before 7:00 a.m. of such day.

B. It shall be the responsibility of the owner or occupant to remove containers and equipment used to hold recyclables for roadside collection, along with any recyclables still remaining at the roadside, within 12 hours after collection.

(18) Enforcement

A. Any authorized officer, employee or representative of the Town of Norway may inspect recyclable materials separated for recycling post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. Any person who violates a provision of this ordinance may be issued a citation therefore by a Town of Norway police officer. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter.

C. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(19) Forfeiture Any person violating a provision of this section shall be subject to the following forfeitures:

A. For violations of subsection (15), may forfeit the sum of $50.00 plus the costs of prosecution for the first violation, may forfeit the sum of $200.00 plus the costs of prosecution for the second violation, and may forfeit the sum of $2,000.00 plus the costs of prosecution for the third or subsequent violations.

B. For any other violations of this section shall forfeit not less than $10.00 nor more than $1,000.00, plus costs of prosecution for each violation.

6.08 WEEDS AND GRASSES

(1) Definitions

A. Noxious weeds
"Noxious weeds" as used in this section includes Canada thistle, leafy spurge, field bindweed (creeping Jenny) and marijuana, and any other such weeds as the Town Board or the Racine County Board may by ordinance or resolution declare to be noxious.

B. Destroy
"Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing live stock, or any or all of these in an effective combination, at such time and in such manner as will effectively prevent such plants from maturing to the bloom or flower stage of growth.

(2) Destruction Required
Every person, firm, corporation or government shall destroy all noxious weeds on all lands which each person owns, occupies or controls by lease or otherwise.

(3) Enforcement
The Weed Commissioner shall fully investigate the existence of noxious weeds in the Town, shall give 5 days written notice by mail to any person failing to destroy noxious weeds as required, and at the expiration of 5 days may cause such weeds to be destroyed in the most economical manner, the cost to be levied as a special tax as provided in Section 66.0517 of the Wisconsin Statutes.

Ord. No. 2001-05 (10/8/2001)

In addition to or in lieu of proceeding under subsection (3) above, the Weed Commissioner may cause a citation to be issued for a violation of this section. Any person found guilty of violating the same shall be subject to a forfeiture of $100.00, plus court costs, assessments and costs of prosecution, for each day the violation continues up to a maximum forfeiture of $1,000.00.

Ord. No. 2001-05 (10/8/2001)

6.09 PUBLIC NUISANCES

(1) Public Nuisances Prohibited
No person, firm or corporation shall cause, contrive, maintain, permit, erect or continue any public nuisance, public nuisance affecting health, public nuisance offending morals and decency or public nuisance affecting peace and safety.

(2) Public Nuisance Generally
A public nuisance is any thing, act, occupation, condition or use of property or person which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public; in any way render the public insecure in life or in use of property; greatly offend the public morals or decency; 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.

(3) Public Nuisance Affecting Health
The following acts, omissions, places, conditions and things are public health nuisances:

A. All decayed, harmful, adulterated or unwholesome food or drink sold or offered for sale to the public.

B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

C. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies,

mosquitoes, disease-carrying insects, rats or other vermin may breed.

D. Stagnant water in which mosquitoes, flies or other insects breed and multiply.

E. Privy vaults and garbage cans which are not fly tight.

F. All noxious weeds and other rank growth of vegetation.

G. Any and all animals running at large in the town.

H. The escape of smoke, soot, cinders, noxious acids, fumes, ashes, fly ash, industrial dust and other atmospheric pollutants within the town limits in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial injury or depreciation to property in the Town of Norway.

I. The pollution of any public well or cistern stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances of any nature.

J. Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisy, noxious or disagreeable odors, gases, effluvia or stenches which annoy, discomfort, injure or inconvenience a substantial number of persons within the town.

K. All abandoned wells or sewage systems not securely covered or secured from public use.

L. 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.

M. Any septic tank, cesspool, privy or any other sewerage overflowing upon the land of the owner or adjoining land. The Health Officer of the Town of Norway shall inspect the same and shall determine what is necessary to put the same in proper sanitary condition and fix a time for completion.

N. Health nuisances identified by Health Officer. Any health nuisance identified by the Health Officer or the Board of Health pursuant to Sec. 14.02 of the Code of Ordinances for the Town of Norway.

(4) Public Nuisance Offending Morals and Decency

The following acts, omissions, places, conditions and things are public nuisances offending public morals and decency:

A. All disorderly houses, bawdy houses, house of ill fame, illegal gambling houses, buildings or structures kept or used for prostitution, promiscuous sexual intercourse or illegal gambling.

B. All gambling devices, slot machines and punch boards, except as allowed by the State of Wisconsin.

C. All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

D. All places where intoxicating liquors or fermented malt beverages are sold, possessed, stored, bottled,

manufactured or rectified without a permit or licenses as provided by the ordinances of the Town of Norway.

E. 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; any house, dwelling or premises where there are continuous violations of Town ordinances, or there are repeated (more than two in any six-month period) police calls for complaints regarding problems including, but not limited to, noise, fights, violence, disorderly conduct, or neighbor problems, whether or not a citation is issued or an arrest is made. Citations under this section may be given to the residents, tenants, lessees, and/or owners of the premises. 6.09(6) does not apply to this section.

Ord. 2009-005 12/14/2009

(5) Public Nuisance Affecting Peace and Safety

The following acts, omissions, places, conditions and things are public nuisances affecting peace and safety.

A. Signs and billboards, awnings, and other similar structures over and near town roads, streets, sidewalks, public places and so situated or constructed as to endanger the public safety.

B. Unauthorized signs, signals, markings or devices which purport to be or may be mistaken as an official traffic control device placed or maintained upon or in view of any public highway, street, alley or crossing.

C. 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.

D. Loud, discordant or unnecessary noises and annoying vibrations.

E. Use and display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the town.

F. Buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human purposes.

G. Wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

H. 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.

I. Obstructions of streets, alleys, highways or sidewalks and all excavations in or under the same, except as permitted by the town ordinances or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose there of has been accomplished.

J. Open and unguarded pits, wells, excavations or unused basements accessible to the public.

K. Unprotected hole which is deeper than three feet and left for a period of more than six months.

L. Buildings, walls or other structures damaged by fire, decay or otherwise to an extent exceeding one-half of their original value and which are so situated as to endanger the safety of the public.

M. Abandoned refrigerators or iceboxes from which the doors and other covers have not been removed.

N. Unauthorized or unlawful use of property abutting a public street, alley, highway or sidewalk which causes large crowds to gather, obstructing traffic and free use of the streets or highway.

O. Repeated or continuous violations of the town ordinances or laws of the State of Wisconsin relating to the storage of flammable liquids.

P. Lighting on any property within the Town of Norway, except lighting for public rights-of-way, that is offensive or causes annoyance or discomfort to a neighboring property owner, or glare on operators of motor vehicles, pedestrians and land uses in the vicinity of the light source, or that flashes, flickers or otherwise distracts motorists.

Ord. 2005-14 08/31/2005

Q. No Engine Braking in Designated Areas

(1) Intent. It has been determined that the use of a device or procedure on motor vehicles, primarily on trucks, for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes creates unreasonable, loud, and excessive noise within the Town.

(2) Prohibition. No person shall use an engine braking system within designated areas in the Town which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, except in cases of emergency or necessary for the protection of persons and/or property. Such braking system is commonly referred to a scompression braking, a "jake brake," or "Jacobs Brakes."

(3) Designated Areas. The Town Board shall, by resolution, designate areas in the Town where engine braking is prohibited and signs shall be conspicuously posted in such areas stating: "No engine braking except in emergency" or its equivalent.

(4) Signs. The Town Department of Public Works Foreman or designee are authorized and directed to gain appropriate approval, if required, from the State of Wisconsin to pose appropriate signs consistent with the provisions of this ordinance and in accordance with State law and Administrative Code.

Ord 2010-004 08/09/2010

(6) Abatement of Public Nuisances

A. Inspection of Premises

Whenever a complaint is made to any official or employee of the Town that a public nuisance exists, the Town official or employee shall promptly notify the Town police officers who shall within 24 hours thereafter inspect or cause to be inspected the premises or cause upon which such nuisance is alleged to exist and shall make a written report of their findings to the Town Chairman. Whenever practicable, the inspecting officers shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

B. Summary Abatement

1. Notice to Owner. If the inspecting officers shall determine that a public nuisance exists and that there is great and immediate danger to public health, safety, peace, morals or decency, the Town Chairman may direct the police officers to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance exists and to post a copy of said notice on the premises. Such notice shall read as follows:

IT HAS BEEN DETERMINED BY THE TOWN OF NORWAY THAT _____ IS A PUBLIC NUISANCE AND THAT THERE IS IMMEDIATE DANGER TO THE PUBLIC. YOU HAVE 24 HOURS TO REMOVE OR ABATE THE NUISANCE. IF YOU DO NOT REMOVE OR ABATE THE NUISANCE, THE TOWN OF NORWAY WILL DO SO AND CHARGE THE COST TO YOU.

Date:
Time:

_____
Town Chairman

The police officers shall cause the abatement or removal of such public nuisance.

C. Abatement After Notice

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he may, after considering all relevant information and any special circumstances, serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days the proper officer may cause the nuisance to be removed as provided in Subsection (B).

Ord. No. 2002-06 (9/09/2002)

D. Abatement by Court Action

If the inspection officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Chairman who may cause an action to abate such nuisance to be commenced in the name of the Town of Norway in the Circuit Court of Racine County in accordance with the provisions of Chapter 823 of Wisconsin Statutes.

E. Other Methods Not Excluded

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Town of Norway or

its officials in accordance with the laws of the State of Wisconsin.

F. Costs of Abatement
In addition to any other penalty imposed by this chapter for the causing, contriving, maintaining, permitting, erecting or continuing any public nuisance, the cost of abating a public nuisance by the Town of Norway shall be collected as a debt from the owner, occupant or other person causing, permitting and maintaining the nuisance. The costs may be collected by the sale of personal property, by establishing a lien upon real property pursuant to Sections 823.13 and 823.14, Wis. Stats., or by assessing such costs as a special charge against the property at the next tax roll.

Ord. No. 2002-06 (9/9/2002)

6.10 RECKLESS USE OF WEAPONS

(1) Reckless Conduct

No person may do or cause another to do any of the following:

A. Endanger the safety of another by reckless conduct in operating or handling a firearm or bow and arrow.

B. Handle a firearm so as to cause its discharge carelessly or needlessly, in willful disregard of the rights or safety of others.

C. Operate or go armed with a firearm or bow and arrow while under the influence of an intoxicant or controlled substance.

D. Intentionally point or aim a firearm or bow and arrow at another person.

E. Throw or shoot any object, arrow, stone, snowball or other missile or projectile by any means at or toward another person, building, street, sidewalk, alley, highway, park, playground or any public place.

6.11 OUTDOOR BURNING

(1) Definitions
"Open Burning" means any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack. Open burning includes fires contained within metal burn barrels, but does not include the combustion occurring at a properly operated air curtain destructor.

(2) Prohibitions; exceptions

A. All open burning is prohibited in the Town of Norway except:

1. Outdoor fires for cooking, ceremonies or recreation. Such fires shall not burn rubbish, garbage, trash, plastic, rubber, leather, asphalt, oily substances, petroleum-based materials, wood pallets, or any material that will create dense smoke or cause a nuisance, and shall not exceed a pit diameter of 5 feet. Larger recreational fire such as bonfire must obtain a permit first by contacting the Town Clerk's Office. If personnel are not available to consider the request, the individual must then contact the Town of Norway Fire Department.

2. Backfires to control forest fires or fires set for forest or wildfire habitat management with approval of the Department of Natural Resources and Town where no reasonable alternative is available.

3. Burning of trees, wood, brush or demolition materials, excluding asphaltic or rubber material or wood pallets, using methods approved by the Department of Natural Resources (such as-air curtain destructors).

4. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way outside of the Southeastern Wisconsin Intrastate AQCR.

5. Fires burning clean, dry, combustible materials used to thaw the ground for street, sewer or underground repairs.

6. Small open flames for welding, acetylene torches, safety flare, heating tar or similar applications.

7. Fires set for practice and instruction of fire fighters, or testing of fighting equipment.

8. Burning of brush or weeds on land located within the Town that is zoned farming or agricultural, including fires for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs.

9. Burning of small amounts of dry leaves and dry plant clippings.

10. Burning of explosive or dangerous material for which there is no other safe means of disposal.

11. Burning at rural or isolated solid waste disposal sites outside of the Southeastern Wisconsin Intrastate AQCR which have been granted a written exemption under s. NR 506.04, or burning of special waste where permits are obtained from the Department of Natural Resources and Town.

12. Burning of gaseous or liquid waste in a manner approved by the Department of Natural Resources and the Town.

B. Unless subsections (2) A5 or (2) A6 are applicable, open burning on land within the Town that is zoned business or commercial is prohibited.

C. Regardless of the applicability of any of the exceptions set forth in subsection (2)A, open burning is prohibited in ditches draining into lakes or on frozen lakes. Open burning is also prohibited within 25 feet of any lakeshore, 25 feet from any structure, and 5 feet from any lot lines.

D. Fuel for fires shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

E. No person under the age of 16 years is allowed to ignite any fire without the supervision of an adult 21 years of age or older.

(3) Permits and Time Restrictions

A. Exceptions 1, 2, 3, 4, 5 and 6 contained in subsection (2) A have no time limit and do not require the approval of the Town.

B. Exceptions 7 and 8 contained in subsection (2) a have no time limit but require prior approval of the Town.

C. Exception 9 contained in subsection (2) A is permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time.

D. Exceptions 10, 11 and 12 contained in subsection (2) A require a written permit from the Town, the time for burning to be specified in said permit.

E. Except as noted below, an individual desiring to obtain a permit for open burning must first contact the Town Clerk's Office. If personnel are not available to consider the request, the individual may then contact the Town Fire Department. Any individual seeking to schedule an agriculture burn should first contact the Town Police Department via the County Dispatcher.

All requests for a written permit must be made to the Town Clerk who shall forward the request to the proper personnel. Any permit may impose conditions for the protection of life and property. A permit is only valid for the day specified, and may be revoked at any time upon good cause shown.

F. On such days when atmospheric conditions are unacceptable for burning, the Department of Natural Resources will issue an air pollution advisory. When such advisory has been issued, permission to burn under exceptions 7, 8, 9, 10, 11 and 12 shall not be granted. In addition, the Fire Chief shall have the authority to order that permission for any open burning not be granted when wind or weather conditions so dictate or other safety-related reasons exist for so ordering.

Wind conditions are subject to sudden change. When winds or wind gusts exceed 15 mph, as reported by the National Weather Service, no person shall ignite a fire regardless of whether permission was previously granted. All persons are responsible for checking wind conditions with the National Weather Service before igniting a fire and shall extinguish any fire already ignited when such wind conditions arise. ORD 2011-005 08/08/2011
ORD 99-5 4/28/99

G. Any fire department or law enforcement officer may order any fire extinguished which is in violation of the outdoor burning ordinance, or when, in the opinion of the fire department or law enforcement officer, extinguishment is required for safety-related reasons.

(4) Liability

A. Any person who kindles or starts a fire, whether or not a permit is required and issued pursuant to the provisions of this ordinance shall assume full responsibility for controlling, monitoring, and extinguishing the fire, and for any resulting damage or destruction to any property.

B. The Town of Norway and/or the Town of Norway Fire Department shall not be responsible or liable by reason of issuance or revocation of any permit required by this ordinance nor for any costs, charges or damages resulting from any fire.

(5) Outdoor Wood-Fired Furnaces.

A. For the purpose of this section, "Outdoor Wood-Fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by human or domestic animals.

B. Findings. The use of Outdoor Wood-Fired Furnaces in residential and commercial areas results in the likelihood of nuisance complaints within the Town. Complaints stem from large, unsightly wood piles, excessive smoke and concerns about health risks associated with the high volume of smoke produced by these units.

C. An Outdoor Wood-Fired Furnace may be installed and used in the Town only in accordance with the following provisions:

1. The furnace shall be allowed only in agricultural zoning districts as designated within Chapter 20 of the Racine County Code of Ordinances.

2. Only clean, dry firewood shall be burned in the furnace. All firewood shall be stored in neat, stacked rows and not piled in any other way.

3. The furnace shall be located at least 500 feet from the nearest building which is not on the same property as the furnace.

4. The furnace shall have a chimney that extends at least 15 feet above the ground surface.

D. **Nuisance.** The improper use of an Outdoor Wood-Fired Furnace is hereby declared a public nuisance and the Town may proceed under Section 6.09 of this Code of Ordinances to abate the nuisance or may proceed under any other applicable ordinance or statute accordingly.

6.12 SALE AND DISCHARGE OF FIREWORKS RESTRICTED

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes, or with a permit issued pursuant to §167.10(3) Wis. Stats.

6.13 OFFENSES AGAINST PERSON

Assault and Battery

No person shall cause bodily harm or attempt to cause bodily harm to another by an act done with intent to cause bodily harm or without the consent of the person so harmed.

6.14 OFFENSES AGAINST PROPERTY

(1) Town Property

No person shall intentionally injure, deface, destroy, remove, take and carry away, use, transfer or conceal any property, record or notice of any kind or nature belonging to the Town of Norway,

or its departments without the consent of the owner, or proper authority.

(2) Private Property
No person shall intentionally injure, deface, destroy, take and carry away, use, transfer or conceal any property of any kind belonging to another without the consent of the owner or proper authority.

(3) Trespass to Land
A. No person shall do any of the following:

1. Enter upon any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish or gather products of the soil, without the express consent of the owner or occupant.

2. Enter or remain upon the land of another with intent to catch or kill any birds, animals or fish or gather products of the soil; after having been notified by the owner or occupant not to do so.

3. Hunt or shoot on the land of another after having been notified by the owner or occupant not to do so.

4. Enter or remain on the land of another without the express or implied consent of the owner or occupant. For the purpose of this subsection, consent shall be implied only when the person entering the land of another does so for business or social reasons and confines his/her presence to established driveways or sidewalks.

B. Notice consists of personal notice by the owner or occupant or by the land being posted by a sign at least 11 inches squarer and placed in at least 2 conspicuous places for every 40 acres to be protected.

(4) Trespass to Dwellings
No person shall intentionally enter the dwelling of another person under circumstances tending to create or provoke a breach of the peace without the consent of some person lawfully upon the premises.

(5) Gambling
No person, firm or corporation shall permit any property owned or occupied by him or under his control to be used as a gambling place not permit a gambling machine to be set up for use for the purposes of gambling in a place under his control, except as permitted by the State of Wisconsin.

(6) Litter or Deposits in Public Places and Highways

A. No person shall deposit or cause to be deposited on any public highway street, road or alley any garbage, offal, ashes, refuse, rubbish, junk, cinders, earth or any animal or vegetable waste. For the purpose of this ordinance the terms “refuse” and “rubbish” shall include paper, rags, wood, glass, crockery, packing materials, tree branches, yard trimmings, used furniture and bedding, bottles, cans, discarded articles and machines, and other wastes.

B. No person shall deposit or cause to be deposited snow or ice on any traveled portion of any public highway, street, road or alley which shall cause an obstruction to the free

travel of persons and vehicles in and along such public highway, street, road or alley.

(7) Discharge of Downspouts and Sump Pumps

A. No person shall discharge water from any downspout or sump pump except into the front or rear yards of the lot. Water from any downspout or sump pump which does not discharge into the front or rear yard shall be directed by a conduit or swale to the front or rear of the lot.

B. No person shall construct or cause or permit to be constructed any conductor, ditch, drain, line or tile so as to direct or convey water from the point of discharge from any such downspout or sump pump to other than the front or rear yard of the lot.

C. No downspout or sump pump discharge point within fifteen (15) feet of an adjoining property may be pointed toward such property.

D. No person shall direct, or allow to be directed, water from the point of discharge of any downspout or sump pump in such a manner as to create a public nuisance. Such a discharge shall be considered a public nuisance in situations including, but not limited to, such discharge creating icing problems on Town roads, damaging Town roads, creating ponds of standing water, or flowing over onto adjoining properties. Any public nuisances resulting from a violation of this section shall be subject to the nuisance abatement provisions of Section 6.09.

5.11 Ord (1971)(1981) 5.14 Ord (1982)
Secs. 943.01, 943.13, 943.14, 943.20 Stats.
Ord. 2002-04 (6/26/2002)

(8) Graffiti

A. Definition
"Graffiti" means the unauthorized marking, drawing, spraying, writing or other application of paint, ink or other substances, or the placing of scratches, etchings or other such marks, upon or into public or private property.

B. Prohibition
No person shall apply graffiti on public or private property within the Town.

C. Removal of Graffiti
Any person applying graffiti within the Town shall have the duty to remove the same within twenty-four (24) hours after notice by the Town or the owner of the property involved. Failure of any person to remove graffiti shall constitute an additional violation of this section. Where graffiti is applied by a juvenile, the parent or parents with custody of the minor child shall be responsible for the cost of repairing or replacing property or removing graffiti in accordance with § 895.035, Wis. Stats., which section, and any amendments thereto, is adopted and incorporated herein by reference.

D. Removal of Graffiti by Owner
The owner of property upon which graffiti has been applied shall remove such graffiti from the property within ten (10) days after being served a written notice and Order of Removal from the police department. Said notice is to be served upon the owner of the affected property, as such owner's name and address appear on the last assessment roll

for the Town, by personal service or certified mail, return receipt requested, and by posting the order on the property affected. The failure of any person to receive such notice shall not affect the validity of any proceeding hereunder. Upon written request received by the police department prior to expiration of the time provided from compliance, the Chief of Police, for just cause, may grant an extension of time for compliance. Each day of violation shall be a separate offense.

E. Graffiti as Public Nuisance The existence of graffiti on property within the Town is declared a public nuisance as it affects the public health, safety and welfare of the residents and creates blighting influences on neighborhoods. As a public nuisance, it must be abated by the property owner. At the Town's discretion, it may also be abated by the Town in accordance with Section 6.09 of the Code of Ordinances for the Town of Norway, and the costs thereof charged against the property.

F. Penalties Any person who shall violate this section shall be subject to a penalty as provided in Section 6.30 of the Municipal Code of the Town of Norway, along with other penalties permitted pursuant to Chapter 800 of the Wis. Stats., which sections, and any amendments thereto, are incorporated herein by reference.

6.145 RESIDENTIAL AND BUSINESS PICKETING PROHIBITED

(1) It shall be unlawful for any person to engage in picketing before or about a dwelling or business of any individual.

(2) Penalty
Any person convicted of a violation of this Section shall forfeit not less than $50.00 nor more than $750.00, plus costs and penalty assessments, and in default of payment thereof, may be confined in the County Jail for not more than thirty (30) days.

(3) Forfeiture in Lieu of Court Appearance
Any person charged with the offenses listed under this Section may pay the amount of $400.00 to the Town of Norway Police Department in lieu of court appearance.

ORD 2012-002 03/27/2012

6.15 INTERFERING WITH FIRE FIGHTING

(1) Failure to Aide
No person shall without reasonable excuse, fail or refuse to render assistance when lawfully called upon to do so by a person known by him to be an officer or an organization established for the purpose of extinguishing fires or preventing fire hazards, or refuse to obey a lawful order of anyone whom he knows to be connected with such organization.

(2) Interference
No person shall interfere with access to a fire lane by piling or dumping material near it without first obtaining permission from the Town of Norway Fire Department.

6.16 SMOKING IN SCHOOLS PROHIBITED

No person shall smoke or possess a lighted cigar, cigarette, pipe or other smoking equipment in any school or building used for educational purposes.

6.17 CURFEW

(1) Hours and Age

A. Public Places Prohibited
No minor under the age of 18 years shall be or remain upon any street alley, sidewalk, waterway or any other public place, either on foot or in or on a vehicle or boat of any nature in the Town of Norway between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday, and between the hours of 12:00 midnight and 5:00 A.M. on Friday and Saturday, unless such minor is accompanied by a parent or guardian, or other person, 21 years of age or older, having the legal custody of the minor.

B. Exceptions
This prohibition does not apply to minors who are:

1. returning home from functions authorized by schools, churches or other civic organizations, provided said minor takes the shortest most direct and expeditious route, or

2. pursuing the duties of employment in an orderly manner, and, using the shortest and most direct route between home and place of employment

(2) Duty of Parent, Guardian or Custodian
No parent, guardian, or other person, 21 years of age or older, having the legal custody of a minor shall knowingly permit a minor to remain upon any street, alley, sidewalk, waterway, or any other public place in violation of this Ordinance.

(3) Police Authority
Police officers may detain any minor willfully violating the provisions of this Section until the parent, guardian or person, 21 years of age or older, having legal custody of a minor, shall take the minor into custody. The police officer shall as soon as possible upon taking custody, communicate with the parent, guardian, or person, 21 years of age or older, having the legal custody of the minor.

6.18 POSSESSION OF MARIJUANA

No person shall possess, use or keep tetrahydrocannabinols, commonly known as "THC", in any form, including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized. This Section will not apply if authorized by law.

6.19 DRUG PARAPHERNALIA

(1) Definition
In this section "drug paraphernalia" means all equipment, products and materials of any kind which are used solely intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this section. It includes, but is not limited to:

A. Kits used or solely intended for use in planting, propagating, cultivating, growing or harvesting of any

species of plant which is a controlled substance or from which a controlled substance can be derived.

B. Kits used solely intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

C. Isomerization devices used or solely intended for use in increasing the potency of any species of plant which is a controlled substance.

D. Testing equipment used or solely intended for use in identifying or in, analyzing the strength, effectiveness or purity of controlled substances.

E. Scales and balances used or solely intended for use in weighing or measuring controlled substances.

F. Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

G. Blenders, bowls, containers, spoons and mixing devices used or solely intended for use in compounding controlled substances.

H. Capsules, balloons, envelopes or other containers used or solely intended for use in packaging small quantities of controlled substances.

I. Containers and other objects used or solely intended for use in storing or concealing controlled substances.

J. Objects used or solely intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
2. Water pipes.
3. Carburetion tubes and devices.
4. Smoking and carburetion masks.
5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
6. Miniature cocaine spoons and cocaine vials.
7. Chamber pipes
8. Carburetor pipes.
9. Electric pipes
10. Air-driven pipes.
11. Chilams.
12. Bongs.
13. Ice pipes or chillers.

(2) Drug Paraphernalia excludes hypodermic syringes, needles, and other objects used or intended for use in parenterally injecting substances into the human body.

(3) Determination of Drug Paraphernalia
In determining whether an object is drug paraphernalia, a court or other authority shall consider in addition to all other legally relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use.

B. The proximity of the object in time and space to a direct violation of this section.

C. The proximity of the object of controlled substances.

D. The existence of any residue of controlled substances on the object.

E. Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom the person knows intend to use the object to facilitate a violation of this section. The innocence of an owner or anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is solely intended for use, or designed for use drug paraphernalia.

F. Oral or written instructions provided with the object concerning its use.

G. Descriptive materials accompanying the object which explain or depict its use.

H. Local advertising concerning its use.

I. The manner in which the object is displayed for sale.

J. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of business enterprise.

K. Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

L. The existence and scope of legitimate uses for the object in the community.

M. Expert testimony concerning its use.

(4) Prohibited Activities

A. Possession of Drug Paraphernalia
No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
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B. Manufacture or Delivery of Drug Paraphernalia No person may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

C. Exemption
This subsection does not apply to law enforcement personnel, manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with ch. 161, Wis. Stats.

(5) Penalties

A. Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Town.

B. Any person who violates subsection (4) shall, upon conviction, be subject to a forfeiture of not more than $500, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail until the costs are paid, but not to exceed 20 days.

6.20 SALE TO AND USE OF TOBACCO PRODUCTS BY MINORS

(1) Definitions
The following terms shall have the meanings as set forth herein in this section:

A. "Minor" means a person under the age of 18 years.

B. "Tobacco products" are defined in Section 139.75(12), Wis. Stats.

C. "Use" as relating to tobacco products shall mean the smoking, chewing, snuffing, inhaling or the exercise of any right or power incidental to the ownership or possession of tobacco products.

D. "Cigarette" has the meaning given in Section 139.30(1), Wis. Stats.

E. "Law enforcement officer" has the meaning given in Section 30.50(45) Wis. Stats.

(2) Except as provided in sub. (3) below no person under 18 years of age may do any of the following:

A. Buy or attempt to buy any cigarette or tobacco product.

B. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

C. Possess any cigarette or tobacco product

(3) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1), Wis. Stats.

(4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) above committed in his or her presence.

6.21 OFFENSES INVOLVING ALCOHOL BEVERAGES BY UNDERAGE PERSONS

(1) DEFINITIONS
The definitions set forth in §125.02, Wis. Stat., and any amendments thereto are incorporated herein by reference as though fully set forth.

(2) PROHIBITIONS

No underage person shall do any of the following:

A. Procure or attempt to procure alcohol beverages from a licensee or permittee.

B. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possess or consume alcohol beverages on licensed premises.

C. Enter, knowingly attempt to enter or is on a licensed premises in violation of §125.07(4), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

D. Falsely represent his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

E. Unless accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, knowingly possess or consume alcohol beverages. This paragraph shall not apply, however, to possession of an alcohol beverage during the course of employment during his or her working hours as authorized in § 125.07(4)(bm), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

F. Intentionally carry an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

G. Make, alter or duplicate an official identification card purporting to show that he or she has attained the legal drinking age.

H. Present false information to an issuing officer in applying for an official identification card.

I. Intentionally carry an official identification card or other documentation showing that the person has attained the legal drinking age with knowledge that the official identification card or documentation is false.

(3) PENALTIES

A. Any person violating any of the prohibitions of sub. (2) is subject to the following penalties:

Sections (2)(A) through (2)(D).

1. For a first violation of sections (2)(A) through (2)(D), a forfeiture of not less than $250 nor more than $500, suspension of the person’s operating privilege as provided in §343.30(6), Wis. Stats., participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

2. For a violation of sections (2)(A) through (2)(D) committed within 12 months of a previous violation, a forfeiture of not less than $300 not more than $500, suspension of the person’s operating privilege as provided in §343.30(6), participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

3. For a violation of sections (2)(A) through (2)(D) committed within 12 months of 2 or more previous violations, a forfeiture of not less than $500 nor more than $750, revocation of the person's operating privilege as provided in §343.30(6), participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

Section (2)(E)

1. For a first violation of section (2)(E), a forfeiture of not less than $100 nor more than $200, suspension of the person's operating privilege as provided in §343.30(6), Wis. Stats., participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

2. For a violation of section (2)(E) committed within 12 months of a previous violation, a forfeiture of not less than $200 nor more than $300, suspension of the person's operating privilege as provided in §343.30(6), Wis. Stats., participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

3. For a violation of section (2)(E) committed within 12 months of 2 or more previous violations, a forfeiture of not less than $300 nor more than $500, revocation of the person's operating privilege as provided in §343.30(6), Wis. Stats., participation in a supervised work program or other community service work in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

Sections (2)(F) through (2)(I)

1. For a violation of sections (2)(F) through (2)(I), a forfeiture of not less than $200 nor more than $1,250, suspension of the person's operating privilege as provided in §343.30(6), Wis. Stats., participation in a supervised work program or other community service work in accordance with §343.30(6)(bh), Wis. Stats., or any combination of these penalties.

B. The court may also impose the additional orders set forth below:

1. In this paragraph "defendant" means a person found guilty of violating any of the prohibitions of sub. (2) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (a), the court with the agreement of the defendant, may enter an additional order staying the execution of the penalty imposed. The order under this subparagraph shall require the defendant to do any of the following:

a Submit to an alcohol abuse assessment that conforms to the criteria specified under §938.547(4) and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall

specify the date by which the assessment must be completed.

b participate in an out-patient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under sub. A. recommends treatment.

c participate in a court-approved alcohol abuse education program.

The types of alcohol treatment programs to be utilized and the procedure to be followed by the court and defendant are set forth in §125.07(4)(e), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

C. Any amendments to the underage penalties set forth in Chapter 125 of the Wisconsin Statutes are hereby adopted and incorporated herein by reference as though fully set forth.

6.22 THEFT OF RENTAL PROPERTY

(1) Prohibition No person shall intentionally fail to return personal property valued at less than $500.00 which is in his or her possession or under his or her control by virtue of a written lease or rental agreement, within ten (10) days after the lease or rental agreement has expired.

(2) Penalty A person who violates this section shall be subject to a forfeiture as set forth in Section 6.30 of this chapter.

6.23 ISSUANCE OF WORTHLESS CHECKS

(1) Prohibition No person shall issue a check or other order for the payment of money in the amount of $300.00 or less which, at the time of issuance, he or she intends shall not be paid.
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(2) Prima Facie Evidence Any of the following is *prima facie* evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid.

A. Proof that, at the time of issuance, the person did not have an account with the drawee; or

B. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or

C. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) Post-Dated Checks This section does not apply to a post-dated check or to a check give for a past consideration, except a payroll check.

(4) Restitution In addition to the other penalties provided for violation of this section, a municipal judge may order a violator to pay restitution pursuant to §800.093, Wis. Stats. A victim may not be compensated under this section and §943.245, Wis. Stats. (Worthless Checks, Civil Liability).

(5) Penalty A person who violates this section shall be subject to a forfeiture as set forth in Section 6.30 of this Chapter.

6.24 REGULATION OF SALE, APPLICATION AND USE OF LAWN FERTILIZER

(1) PURPOSE AND INTENT
The Board finds that the Town's lakes and streams are natural assets, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general welfare of the public. The Board further finds that regulating the amount of nutrients and contaminants, including phosphorous contained in fertilizer, entering the lakes will improve and maintain lake water quality.

(2) DEFINITIONS
(a) "Agricultural use" means beekeeping, dairying, egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.

(b) "Fertilizer" has the meaning set forth in section 94.64(1)(e), Wis. Stats.

(c) "Lawn fertilizer" means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use such as for lawns, golf courses, parks and cemeteries. "Lawn fertilizer" does not include fertilizer products intended primarily for garden and indoor plant application.

(3) REGULATION
(a) No person shall apply any lawn fertilizer within the Town of Norway that is labeled as containing more than 0% phosphorous or other compound containing phosphorous, such as phosphate, except as provided in subsection (4).

(b) No lawn fertilizer shall be applied when the ground is frozen.

(c) No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(4) EXEMPTIONS
The prohibition against the use of fertilizer under subsection (3) shall not apply to:

(a) Newly established turf or lawn areas during their first growing season.

(b) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorous levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain

an amount of phosphorous exceeding the amount and rate of application recommended in the soil test evaluation.

(c) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

(d) Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(5) SALE OF FERTILIZER CONTAINING PHOSPHOROUS

(a) No person shall sell or offer for sale any lawn fertilizer within the Town of Norway that is labeled as containing more than 0% phosphorous, or other compound containing phosphorous, such as phosphate, except such fertilizer may be sold for use as provided in subsection (4).

(b) No person shall display lawn fertilizer containing phosphorous, or other compound containing phosphorous, such as phosphate. Signs may be posted advising customers that lawn fertilizer containing phosphorous is available upon request for those uses permitted by subsection (4).

(c) A sign containing the regulations set forth in this ordinance and the effects of phosphorous on Town of Norway's waters shall be prominently displayed where lawn fertilizers are sold.

(6) ENFORCEMENT

Violations of this ordinance will be enforced by the Building Inspector or Highway Superintendent.

(7) PENALTY

Any person who violates subsection (3) in the application of fertilizer at his or her residence shall be subject to a forfeiture of $50 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates subsection (3), and any person who violates subsection (5), shall be subject to a forfeiture of $100 for the first violation within a twelve month period, $150 for a second violation within a twelve month period, and $300 for the third and each subsequent violation within a twelve month period.

(8) SEVERABILITY CLAUSE

If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective or invalid.

Ord. 2007-001 02/12/2007

6.245 KEY LOCK BOX SYSTEM

(1) Definition. As used in this Section, the term "key lock box" means a locking, UL-approved, "Knox-Box"-type metal container approved by the Fire Chief of the Town of Norway Fire Department, designated to hold keys for emergency entry into buildings, which can be opened, strictly in emergency situations, by a master key to be kept by the Town of Norway Fire Department.

(2) General provisions. The following structures shall be equipped with a key lock box at or near the main entrance, or at such other location as required by the fire chief:

(A) A commercial, retail or industrial structures where one or more of the following applies:

1. The structure is currently under construction and no occupancy permit has been granted by the Town as of the effective date of this ordinance.

2. A building permit for the structure has been granted on or after the effective date of this ordinance, whether for new construction, an addition to, or a remodeling of, an existing structure.

3. There is a change in use within an existing structure on or after the effective date of this ordinance that requires a new or an amended conditional use permit, a rezoning, or an amendment to the Town's comprehensive plan.

(B) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units; and,

(C) Governmental structures and nursing care facilities.

(3) Key lock box installation. All structures subject to this Section shall have a key lock box installed and operational prior to the issuance of an occupancy permit therefor and, in the case of pre-existing structures, within 60 days after the effective date of this Section.

(4) Requirements.

(A) The fire chief shall designate the type and quality of the key lock box system to be implemented and shall have the authority to require all structures to use the designated system.

(B) The owner or operator of a structure required to have a key lock box shall, at all times, keep keys in the lock box that will allow for fire department access to all the following locations, as applicable:

1. Keys to locked points of egress, whether on the interior or exterior of such buildings;
2. Keys to locked mechanical equipment rooms;
3. Keys to locked electrical rooms;
4. Keys to elevator controls; and,
5. Keys to other areas as directed by the fire chief.

Each key shall be legibly labeled, in such a manner as is approved by the fire chief, so as to indicate which lock the key opens.

(5) Rules and regulations. The fire chief shall be authorized to implement rules and regulations for the use of the key lock box system, which rules shall be reviewed and approved by the Norway Town Board.

(6) Security procedures. The fire chief shall promulgate and enforce procedures to protect the security of the fire department's master lock box key(s), which rules shall be reviewed and approved by the Norway Town Board.

(7) Contact information. Any person who owns or operates a structure subject to this Section shall annually provide a list of emergency contacts and telephone numbers to the fire department.

(8) Penalties. Any person who owns or operates a structure subject to this Section shall be subject to the penalties set forth in this

Chapter. Any person who tampers with, removes, removes keys from, opens without authorization, or renders any key lock box inoperable shall be subject to the penalties set forth in this Chapter.

6.25 SMOKING PROHIBITED UNDER CERTAIN CONDITIONS

(1) ADOPTION OF STATE LAW
The provisions of s. 101.123, Wis. Stats., as amended from time-to-time, regulating smoking in various enclosed places are hereby adopted and made a part of this Code by reference. As prescribed by state statutes, a warning notice shall be issued to the "person in charge" for the first violation.

(2) DESIGNATION OF OUTSIDE SMOKING AREAS
Notwithstanding any other provision of this section, any person in charge of a restaurant, tavern, private club or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke as provided in s. 101.123(4m), Wis. Stats. governing local authority to regulate smoking on public property. Any person in charge of a restaurant, tavern, private club or retail establishment that designates an area for smoking which is a reasonable distance from any entrance to a restaurant, tavern, private club or retail establishment shall assure that the designated area is kept free of litter including cigarette butts or other tobacco products.

(3) PENALTIES

A. Any person violating the prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than $100 nor more than $250, and upon failure to pay the forfeiture, may be subject to not less than 2 nor more than 5 days confinement in the county jail or house of correction.

B. Any person in charge of property as defined in s. 101.123(1)(d), Wis. Stats., who violates the provisions of s. 101.123(2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of $100 and, upon failure to pay the forfeiture, may be confined in the county jail or house of correction for a period of 2 days. No person may be held subject to more than $100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

Ord. 2010 12/13/2010

6.26 FAIR AND OPEN HOUSING

(1) STATE STATUTE ADOPTED
The provisions of s. 106.50, Wis. Stats., as amended from time to time, regulating fair and open housing, are hereby adopted and made a part of this Code by reference.

(2) AUTHORITY AND ENFORCEMENT PROVISIONS
The officials and employees of the Town shall assist in the orderly prevention and removal of provisions of all discrimination in housing within the Town by implementing the

authority and enforcement procedures set forth in s. 106.50, Wis. Stats., as amended from time to time.

(3) COMPLAINTS
The Town Clerk shall maintain forms for complaints to be filed under s. 106.50, Wis. Stats., as amended from time to time, and shall assist any person alleging a violation thereof in the Town to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, or such other state department as may be charged with such responsibility, for enforcement of s. 106.50, Wis. Stats., as amended from time to time.

6.30 PENALTY

(1) Unless otherwise set forth in this Chapter, any person, firm, association or corporation violating any provision of this Chapter shall be subject to a forfeiture of not less than $50 nor more than $500.00 together with any fee, cost of prosecution and penalty assessment, if applicable, subject to any specific limitations set forth in the Wisconsin Statutes. Each day constitutes a separate offense.

(2) Any person, firm, association or corporation violating Section 6.09 of this Ordinance shall be subject to a forfeiture of not less than $25 nor more than $100 for the first offense and not less than $50 nor more than $5,000 for each subsequent violation. Each violation shall also include costs, fees and penalty assessment. Each day constitutes a separate offense.

(3) Any person violating Section 6.15 of this Ordinance shall be subject to a warning for the first violation, a forfeiture of up to $25 for the second violation and forfeiture of up to $200 for each subsequent violation. Each violation shall also include costs, fees and penalty assessments.

(4) For any violation of this Chapter the Court may grant time to pay. Upon failure to pay the Court may commit the person to the County Jail for up to thirty (30) days.

CHAPTER 7
LICENSES AND PERMITS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
7.01	Prohibition		
7.02	Procedure		
7.03	Conditions		
7.04	Revocation, Suspension or Non-Renewal		
7.05	Repealed		
7.06	Intoxicating Beverages	*2013-002* *2015-004* *2021-02*	*09/09/13* *11/09/15* *05/10/21*
7.07	Quarries, Pits and Target Ranges		
7.08	Cigarettes		
7.09	Pool, Billiard Halls and Bowling Alleys		
7.10	Dance Halls		
7.11	Public Shows		
7.12	Direct Sellers Regulated	*2015-004*	*11/09/15*
7.13	Auction Sales		
7.14	Mobile Homes and Mobile Home Parks		
7.15	Trailers, Trailer Camps and Campgrounds		
7.16	Mechanical and Electronic Amusement Devices		
7.17	Adult Oriented Establishments		
7.18	Licensing of Junk and Motor Vehicle Salvage Businesses		

7.01 Prohibition

No person, firm, corporation, association or municipality shall operate, conduct, engage in, or maintain any activity, event or occurrence for which a permit or license is required by any provision in this code of ordinances without first obtaining a permit or license.

7.02 Procedure

Unless otherwise specifically provided, the procedure for obtaining any initial or renewal permit or license required by any provision in this code of ordinances is as follows:

(1) Application

The applicant for a permit or license shall file an application with the Town Clerk on forms provided by the Town Clerk accompanied by a non-refundable application fee.

(2) Consideration

The Town Board may consider the application at a regular or special meeting and may hold a public hearing at the discretion of the Town Board or as required by law. Notice of the public hearing shall be published at least ten (10) calendar days prior to the hearing.

(3) Granting and Issuance

Upon a majority vote of the Town Board and upon payment of any required permit or license fee and such other conditions established by the Town Board, the Board shall order the Town Clerk to issue the license or permit. The license or permit fee shall be charged for any license or fractional part of the license or permit period.

7.03 Conditions

Unless otherwise specifically provided, any application for and any permit or license granted and issued shall carry the following conditions:

(1) Inspection
The applicant, licensee or permittee is deemed to have consented to inspections by appropriate Town officials at reasonable reasonable times.

(4) Entry
The applicant, licensee or permittee is deemed to have consented to entry onto the premises licensed or sought to be licensed by appropriate Town officials at reasonable times to inspect or ascertain compliance with the law.

(5) Compliance with Law
The applicant, licensee or permittee shall comply with all applicable state statutes and regulations and county and municipal ordinances and shall have no outstanding and delinquent taxes or assessments.

7.04 Revocation, Suspension or Non-Renewal

(1) Cause for Revocation, Suspension or Non-Renewal
Unless otherwise specifically provided, any permit or license granted and issued may be revoked, suspended or not renewed for failure to comply with the conditions in Section 7.03 Ordinance or not engaging in or conducting the activity or operation in a manner conducive to the health, safety and welfare of the Town and its residents.

(2) Procedure
The Town Board may cause a compliant to be drafted stating the nature of the allegations. A copy of the complaint and notice of hearing shall be served upon the permittee or licensee not less than ten (10) days before the date of the hearing. The Town Board shall conduct the hearing and determine whether the allegations are true and if so, whether to revoke, suspend or not renew the license or permit.

7.05 Repealed.

7.06 Intoxicating Beverages

(1) Statutes Adopted
The provision of Chapter 125 Wisconsin Statutes and also all acts amendatory thereof and supplementary thereto are adopted as part of this Chapter so far as applicable, except as otherwise provided herein.

(2) Licenses Required
Any sale, dealing or trafficking in intoxicating beverages requires a license. All licenses, unless otherwise stated, are for a period of one (1) year and expire on June 30th of each year.

A. Intoxicating Liquors:

1. Retail "Class A" License
A Retail "Class A" license permits the holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed. The annual fee for such license shall be paid on or before the 15th day of June of each license year. The annual fee for such license shall be $200.00.

Licenses may be granted which shall expire on the 30th day of June of each year upon payment of such proportion of the annual license fee as the number of months, or fraction of a month, remaining until June 30 of each year bears to 12.

2. Retail “Class B” License

A retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a "tamper-evident seal," as defined by state statute, before the intoxicating liquor is removed from the premises. The "Class B" license also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold. The annual fee for such license shall be paid on or before the 15th day of June of each license year. The annual fee for such license shall be $500.00. The fee for the initial issuance of a reserve "Class B” license as defined in Section 125.51(4)(a)(4), Wis. Stats. Shall be $10,000.00.

Licenses may be granted which shall expire on the 30th day of June of each year upon payment of such proportion of the annual license fee as the number of months, or fractions of a month, remaining until June 30 of each year bears to 12.

No Retail "Class B" liquor license shall be issued or renewed to any person who does not have or to whom is not issued a Retail Class "B" license for the sale of fermented malt beverages.

No Retail "Class B" license shall be issued or renewed for any premises which is not in compliance with applicable building codes. No Retail "Class B" license shall be renewed for any premises which has not been in operation for 2 years or more."

3. Retail “Class C” License

A Retail “Class C” license authorizes the retail sale of Wine by the glass or in opened original container for consumption on the premises where sold. The annual fee for such license shall be $100.00.

Ord 2007-002 10/8/2007

4. Pharmacist’s Permit

A Pharmacist’s Permit permits any registered pharmacist to sell intoxicating liquors in quantities less than 4 liters for medicinal, mechanical or scientific purposes only and not to be drunk on the premises. The annual fee for such permit shall be $10.00.

5. Semiannual License

Licenses may be issued at any time for a period of six (6) months in any calendar year for which one-half of the annual license shall be paid. Such six (6) month license shall not be renewable during the calendar year in which issued.

B. Fermented Malt Beverages

1. Wholesaler’s License

A Wholesaler’s License authorizes sales of fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises where sold. The annual fee for such a license shall be $25.00.

2. Retail Class "A" License
A Retail Class "A" license authorizes sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. The annual fee for such license shall be $50.00 and be paid on or before the 15th day of June of each license year.

3. Retail Class "B" License
A Retail Class "B" License authorizes the holder to sell fermented malt beverages to be consumed on the premises where sold, or away from such premises. The licensee may also sell beverages containing less than ½ of one percent of alcohol by volume without obtaining a special license under Section 7.05 Ordinance. The annual fee for the license shall be $100.00 and be paid on or before the 15th day of June of each license year.

4. Semiannual License
The license may be issued at any time for a period of six months in any calendar year for which ¾ of the license fee shall be paid. Such six-month license shall not be renewable during the calendar year in which issued.

5. Retail Class "B" (Picnic) License
A Retail Class "B" (Picnic) License may be issued to bona fide clubs, fairs, associations, agricultural societies, lodges or societies in existence for not less than six months prior to application, or to veteran's posts authorizing then to sell fermented malt beverages at a specified event. The annual fee for such license shall be $10.00.

C. Operator's Licenses
1. Application
Each operator's license shall be issued for one year and expire on June 30 of the year for which issued. The annual fee shall be $40.00.

Applicants must file a written application for an operator's license with the Town Clerk stating the name, residence, age, and sex of the applicant, the date of completion of a Responsible Beverage Server Training Course, together with such pertinent information as to the fitness of a candidate as the clerk shall require. All such applicants shall list any convictions for crimes or ordinance violations which bear a relationship to the responsibilities of licensees. Applicants shall not be required to show proof of or offer of employment as a condition of receiving the license. Applicants shall submit to a Crime Information Bureau background check and shall pay an additional fee of $10.00 to offset the cost of investigation.

2. Operator's Responsibilities
There shall be upon premises operated under any "Class A" or "Class B" license at all times, the licensee or some person who has an Operator's license and who is responsible for the acts of all persons serving to customers any fermented malt beverages or intoxicating liquors. No member of the immediate family of the licensee under the age of 18 years

shall serve any fermented malt beverages or intoxicating liquor to customers, unless an Operator of age 18 years or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages or intoxicating liquor in any place operated under a Class "A" or Class "B" license unless he possesses an Operator's license, or unless he is under the immediate supervision of the licensee or a person holding an operator's license, who is at the time of such service on the premises.

D. Provisional Operator's License

1. Application

A Provisional Operator's License may be issued by the Town Clerk to an individual who has applied for a regular Operator's License, as set forth in Section 7.06(2)C. The applicant must provide evidence of enrollment in a responsible beverage server training course, as required under Wis. Stats. Section 125.17960. The applicant must also pay an application fee of $15 and provide a written request from the applicant's employer that the applicant be granted a Provisional Operator license.

2. Restrictions

No Provisional Operator's License shall be issued to a person who has previously been denied an Operator' License. A Provisional Operator licensee is limited to working for the employer listed on his or her application. The Provisional Operator's License expires when the licensee is issued a regular Operator's License, when the licensee fails to complete the responsible beverage server training course in which he or she is enrolled, or sixty days from its issuance, which ever event is soonest. The Provisional Operator's License will be revoked if it is discovered that the Provisional Operator licensee made a false statement on his or her application.

Ord 2002-01 (1/14/2002)

(3) Temporary Operator's License

A. The Town Board may issue temporary operator's licenses only to persons employed by or donating their services to non-profit corporations or associations.

B. A person is limited to only one such license a year.

C. The license is valid for any period of time from one (1) to fourteen (14) days and the period must be indicated on the license. The fee for a temporary operator's license is $1.00.

Section 125.17(4) Stats June 8, 1987

(4) Application

A. In addition to the procedures set forth in Section 7.02 Ordinance, each applicant for a "Class A", "Class B" or wholesaler's license shall comply with the provisions of Section 125.04, Wisconsin Statutes, and shall also comply with the following:

1. Pay the Town Clerk a sum equal to the license fee and cost of publication.

2. Whenever a bond is required by the Wisconsin Statutes, the same shall not be acceptable unless

approved by the Town Chairman and Town Attorney, either of whom may require such evidence as they deem necessary as to the eligibility and the justification of the sureties.

2. Each application shall contain the following information:

a. Name and address of applicant.

b. Date of birth.

c. Place of birth.

d. Location of premises to be licensed.

e. Any previous licenses for the sale of liquor and fermented malt beverages.

f. Location of any previously licensed premises.

g. Any previous convictions for violations of laws or ordinances regulating the sale of fermented malt beverages or intoxicating liquor.

h. Any previous felony convictions and whether pardoned for those offenses.

i. Length of time as a citizen of U.S. and Wisconsin, if greater than one year.

j. That the applicant for a "Class A" intoxicating liquor, Class "A" fermented malt beverage, "Class B" intoxicating liquor, or Class "B" fermented malt beverage license has not applied for more than one of the same type of license for any other location in the State of Wisconsin.

k. If the applicant is a corporation, the application shall include the name of the principal officers and stock holders, whether legal or equitable, of ten percent or more of the stock of said corporation, their residences and ages, together with the state of incorporation. It shall also contain the name or names of one or more persons whom such corporation shall designate as a manager or person in charge, with the address or addresses of the same.

l. Each application shall state that the applicant consents to the entering of duly authorized representatives of the Town of Norway at all reasonable hours for purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of the Town ordinance or State laws, and consents to the introduction of such things and articles in the evidence in any prosecution which may be brought for such offenses.

(5) Investigation and Consideration of Applications

A. Whenever any applicant for a "Class A", "Class B" or wholesaler's license shall have complied with all of the conditions and regulations herein contained relative to the filing of the application, the Town Clerk shall forward the application to the Town Board for consideration at any meeting occurring no earlier than 15 days from the date of application.

B. The Town Board shall give an opportunity to any person to be heard for or against the granting of any application and issuance of a license. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and the premises proposed for licensing, and generally, the applicant's fitness for the trust to be reposed.

C. In the event of any application for a license is denied, the license fee required to be submitted with the application shall be returned to the applicant upon due demand.

D. Premises licensed under this section shall be inspected annually by the Building Inspector to determine whether the premises comply with applicable building, plumbing and electrical codes. The Building Inspector shall furnish to the Town Board a copy of the annual Inspection Report on or before May 1st of each year. The owner or occupant of the premises shall be notified of any violations found and shall be given a 30-day notice, to make corrections or remove code violations.

E. No license or permit provided for in this section shall be issued or renewed without approval of a majority of the Town Board and no license shall be issued or renewed if code violations are not corrected or removed within 30 days from the date of the 30-day notice.

(6) Issuance and Posting of Licenses

A. Upon approval of any application for a "Class A", "Class B" or wholesaler's license and receipt of all fees, the Town Clerk shall issue the applicant a license, serially numbered and describing specifically the name of the licensee and premises for which it is issued.

B. Every license for the sale of intoxicating liquors and fermented malt beverages shall be posted as required in Section 125.04(10) Wis. Stats. It shall be unlawful for any person to post any likeness of any Town license upon any premises, or to deface or destroy any license granted pursuant to this section, or to remove the same without the consent of the licensee. Whenever a license or permit shall be lost or destroyed without fault on the part of the holder or his agents, and a satisfactory explanation of said loss or destruction has been provided to the Town Clerk, a duplicate in lieu thereof under the original application shall be issued by the Town Clerk, upon payment of a fee of $1.00.

(7) Revocation, Suspension or Refusal to Renew

Every license for the sale of intoxicating beverages and fermented malt beverages may be revoked, suspended or not renewed under the provision of Section 125.12 Wis. Stats.

(8) Transfer of Licenses

Transfer of licenses shall be as provided in Section 125.04(12) Wis. Stats.

(9) Temporary Permission

No official, board or committee shall have any authority to give permission, whether temporary or otherwise, to any person to do anything for which a license under this section is required, unless such license has actually been granted by authority of the Town Board. Any such permission granted shall be of no effect and shall not constitute a defense in an action brought for the violation of this Chapter or any part thereof.

(10) Restrictions

The issuance of licenses shall be restricted as follows:

A. Persons

No license shall be granted to any person who does not meet the minimum requirements imposed by the Wisconsin Statutes.

B. Location

1. No "Class B" intoxicating liquor license shall be granted for any premises not located on the street level, except in the case of a hotel or restaurant.

2. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

3. No license shall be issued to any person, firm, partnership, corporation or association for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling, house, flat or residential apartment, except as such residence may be a part of a business building.

C. Limitation as to Number

Not more than two of any one type of Retail "Class A" or "Class B" licenses shall be issued in the State to any one corporation or person, except in case of hotels and clubs.

D. Separation of Liquor and Malt Beverage Business from Other Business

1. Except in the case of hotels, as defined in Section 125.02(7), Wisconsin Statutes, a "Class A" liquor License and a "Class B"/Class "B" liquor or fermented malt beverage license shall not both be issued for the same or connecting premises,

2. No business under a "Class A" liquor license or under a combination of a "Class A" liquor license and a Class "A" fermented malt beverage license, shall be conducted in conjunction with any other business on the same premises unless:

a. There be a solid unbroken partition without doors or entranceways from floor to ceiling completely separating the area devoted to such licensed business from any and all other

business conducted on the same premises. The only means of entrance to the area of such licensed business shall be separated from the entrance to other businesses and shall be by way of doors serving exclusively the entrance to the licensed business.

b. Counters and cash registers used in the sale of liquor and/or beer shall not be used for the conduct of any other business.

c. The area in which the liquor and/or beer is sold shall be arranged and constructed in a manner so as to permit and facilitate its closing during the hours and days stipulated by the Wisconsin Statutes. No minor shall be permitted to enter the licensed area unless accompanied by a parent or guardian.

(11) Certain Entertainment and Other Practices Prohibited Upon Licensed Premises

A. Scope

In addition to any other conditions, regulations, by-laws or ordinances of the Town applicable to the operation and maintenance of the licensed premises or its owners or operators, all Retail "Class B" Intoxicating Liquor Licenses and Class "B" Fermented Malt Beverage Retailer's Licenses granted under the provisions of Chapter 7 of this Code of Ordinances shall be subject to compliance with the rules, regulations and conditions set forth below.

B. Licensee Defined

The term "licensee" as used in this section shall mean the holder of a Retail "Class B" Intoxicating Liquor License and/or a Class "B" Fermented Malt Beverage Retailer's License.

C. Regulations

1. No licensee, either personally or through his agent or employee, shall furnish entertainment by, or permit the performance of, any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are paid or not, unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing:

a. That portion of every costume to be worn by female dancers, performers or entertainers by the provisions of this sub-section, and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material.

b. As a minimum, the top portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the breast or chest area. Across the breast or chest area, such portion of the costume shall consist of a band of

material at least two (2) inches in width, and shall be so conformed, fabricated and affixed to the body so as to keep the areola of the breast (or its counterpart of a female impersonator) completely covered at all times.

c. As a minimum, the lower portion of the costume worn by a male dancer, performer or entertainer, shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organ and the cleavage of the buttocks at all times.

2. No licensee, either personally or through his agent or employee, shall permit any person upon the licensed premises to perform acts of or acts which stimulate:

a. sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

b. the touching, caressing or fondling of the breast, buttocks, anus or genitals; or

c. the displaying of the public hair, anus, vulva or genitals.

3. No licensee, either personally or through his agent or employee, shall show or permit the showing of film, still pictures, electronic reproductions, or other visual reproductions depicting:

a. acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

b. any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;

c. scenes wherein a person displays the pubic hair, anus, vulva or genitals; or

d. scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described about.

4. No licensee, either personally or through his agent or employee, shall furnish entertainment by, or permit the performance of any act, stunt or dance unless such act, stunt or dance shall be performed on a stage area designated for such purpose. The use of the surface of the bar

proper as a stage area is prohibited. When the stage area is located behind the bar, the nearest point of any such stage area shall be not less than six (6) feet from the outer limits of patron's side of the bar. When the stage area is located outside the bar, (that is, on the patrons' side of the bar), such area shall be raised from the floor level and shall be separated by a railing or other device so as to provide a distance of at least six (6) feet between the patrons and the performers, so as to deter patrons from participating in any act, stunt or dance.

5. No licensee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance with performers who are under the auspices of the management.

6. No licensee, either personally or through his agent or employee, shall permit the solicitation by an entertainer or employee of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on the premises; and no entertainer or employee shall solicit any such drink from any customer, patron or other person on said premises.

7. No licensee, either personally or through his agent or employee, shall permit any entertainer, waiter, waitress or other employee to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron, provided, however, that this subsection shall not apply to a member of the immediate family of the licensee or to any person claiming under him who lives in the same household as the licensee and has attained the legal drinking age.

8. No licensee, either personally or through his agent or employee, shall permit any entertainer, waiter, waitress or other employee, who does not meet the wearing apparel standards set forth above in subsection C(1) to wait upon any patron.

Ord 97-3

(12) Regulations

All licenses shall be granted subject to the following regulations:

A Closing Hours

1. If a wholesale license, between 5:00 P.M. and 8:00 A.M., except on Saturday when the closing hour shall be 9:00 P.M.

2. If a Retail Class "A" license, between 9:00 P.M. and 6:00 A.M.

3. If a Retail "Class B" license, the uniform hours as set forth in Wisconsin Statutes.

4. No premises licensed for the sale of intoxicating or fermented malt beverages at retail shall, during the day or hours they are required to close, or during the hours in which the sale of liquor is prohibited, obstruct by the use of curtains, blinds, screens or in any other manner, a full and complete view of the interior from the outside. During the hours in which the sale of intoxicating liquors is permitted, the premises shall be properly and adequately lighted.

5. Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses shall be permitted to remain open for the conducting of their regular business, but shall not be permitted to sell intoxicating liquors or fermented malt beverages during the hours above.

6. During closing hours, and except as provided above, no patron or guest shall be permitted to enter or remain in the licensed premises.

B. Health and Sanitation
All licensed premises shall be kept sanitary and conform to the sanitary, safety and health requirements of the State agencies with jurisdiction over the premises and to all ordinances and regulations of the Town of Norway.

C. Employees
No proprietor of any premises operating under a "Class B" license, except hotels, restaurants and bona fide clubs, shall employ any person under the legal drinking age as set forth by the Wisconsin Statutes, as amended.

D. Conduct
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.

E. Deliveries
No wholesaler shall deliver intoxicating liquor between 7:00 P.M. on Saturday and 6:00 A.M. the following Monday or between 7:00 P.M. and 6:00 A.M. any other day.

F. Displays
No "Class B" license shall display any liquor or beer, except on wall shelving, the back bar or floor.

G. Sale to Minors Prohibited
No person, firm or corporation may sell, furnish, give intoxicating liquor or fermented malt beverages, or traffic or deal in intoxicating liquor with a person under the legal drinking age as set forth by Wisconsin Statutes, as amended from time to time.

H. Sale to Intoxicated Person Prohibited
No operator or keeper of a place for the sale of intoxicating liquor may sell, vend or in any way deal

or traffic in or for the purpose of evading this ordinance or any law of the State of Wisconsin relating to the sale of intoxicating liquor, give away intoxicating liquor in any quantity to any person intoxicated or bordering on a state of intoxication.

I. Procuring Liquor for Minors
No person, firm or corporation shall procure intoxicating liquor for a person under the legal drinking age as set forth in the Wisconsin Statutes, as amended.

J. Suspending Business
If any licensee shall suspend or cease doing business for a period of ninety (90) consecutive days or more, the "Class A" retail liquor license, "Class B" intoxicating liquor license, or Class "B" fermented malt beverage license shall be subject to revocation by the Town Board after a public hearing.

K. Effect of Convictions
Whenever there are three convictions in one license year, or five convictions in three consecutive license years for violations of any provision of this section of these ordinances, or Chapter 125, Wisconsin Statutes, all occurring on the premises for which licenses to sell either liquor or fermented malt beverages have been issued to the same person, firm or corporation, the Chief of Police is authorized to commence proceedings for the suspension or revocation of any such licenses in effect. In lieu of commencing such proceedings, the Chief of Police in writing shall give to the Town Board the reasons for not commencing proceedings.

(13) Penalties
A. State Penalties
For the violation of the provisions of this section which conform with the statutes of the State of Wisconsin, the persons convicted of such violations shall be subject to forfeitures equal to any fines as provided by such statutes, together with the costs of prosecution and court fees, and in default of payment thereof, imprisonment for a period of not more than ninety (90) days or until paid.

B. For the violation of any other provisions of this section, a person shall be subject to forfeit not more than $500.00, together with costs of prosecution and court fees and in default of payment thereof, imprisonment for a period of not more than ninety (90) days or until paid.

Chap 10 Ord (1982)

7.07 Quarries, Pit and Target Ranges

(1) Definitions
A. "Quarry" includes any place where materials, consisting in whole or part of soil, rock or stone, are removed from their natural state by cutting, blasting, digging or pushing, or by any other method whether specifically enumerated or not, and sold or held for sale or distribution.

B. "Pit" includes all places where sand or gravel is

removed from its natural state of deposit by any means whatever and sold or held for sale or distribution.

C. "Asphalt and Tar Paving Mix Plants" include plants in which asphalt, tar, or other petroleum products or by-products are prepared or mixed, wither alone or with other ingredients, as a material for paving or surfacing.

D. "Concrete Ready Mix Plants" includes plants in which water, gravel, sand, crushed stone, or other aggregate is mixed with cement and placed in a truck 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.

E. "Target Ranges" includes any place where fixed or movable targets are set up and arranged for the purpose of being shot at for practice of marksmanship by more than 2 persons discharging firearms or bows and arrows, at about the same time.

(2) Permits Required
No person, firm or corporation shall conduct or operate any of the activities or functions defined in (1) above without a permit.

(3) Application and Fee
Each application shall be accompanied by a $100.00 permit fee, except for target ranges, a $10.00 permit fee. Each application shall specify the name and address of applicant; description of premises and the nature of the proposed operation and the machinery to be used; type and size of buildings to be constructed, if any; the type and amount of explosives to be used; the smoke and dust control devices to be utilized; the highways to be used for the delivery of materials and the hauling away of materials and a statement of the manner of maintaining the highways and restoring the same following operations; proposed devices for muffling noise; the employment of safety devices to protect the public from danger inherent to the proposed use; and any data which the applicant deems material or the Town Board may require; a description of the surrounding properties and their uses; and hours of operation.

(4) Term
All permits shall have an indefinite term and shall exist for as long as such business is continued, except that in the case of target range or shooting gallery permits, a new permit shall be required for each year commencing on July 1 expiring on June 30 provided that only the first permit fee shall be collected for any one such target range or shooting gallery. In the event any use is changed to another enumerated herein, or in the event the use under the permit has been discontinued for more than 12 months, another license shall be applied for in accordance with this section.

(5) Penalty
Any person, firm or corporation violating any provision of this section shall forfeit not less than $25.00 nor more than $100.00 for each offense, together with costs of prosecution thereof, and in default of payment may be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day that any provision of this section is violated shall constitute a separate and distinct offense.

6.06 ORD (1971)

7.08 Cigarettes

(1) License Required
No person, firm or corporation shall directly or indirectly manufacture, sell, exchange, dispose of, give away or keep for sale any cigarettes or tobacco products without a license as provided in Section 134.65, Wisconsin Statutes. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.

(2) Application and Fee
Each application shall be accompanied by a $100.00 fee. Each application and issued license shall specify the name of the licensee and the place where authorized to conduct the licensed business. All licenses issued pursuant to this section shall expire on the 30th day of June next succeeding the date of issue.

(3) Display
All persons granted licenses under this section shall cause their license to be prominently displayed in their places of business.

(6) Penalty
Any person violating this section shall forfeit not less than $25.00 nor more than $100.00 together with the costs of prosecution for the first offense and not less than $25.00 nor more than $200.00 for the second or subsequent offense. If upon such second offense the person so violating this section was personally guilty of failure to exercise due care to prevent violation thereof, he shall forfeit not less than $25.00 nor more than $300.00. Conviction under the "due care" provision shall immediately terminate the license and the licensee shall not be entitled to another license for a period of five (5) years thereafter, nor for that period act as agent of a person licensed hereunder for the purposes such license is issued. Upon failure to pay any forfeiture imposed such person may be imprisoned in the county jail for a period not to exceed 30 days.

6.07 ORD (1971) Section 134.65 Statutes

7.09 Pool, Billiard Halls and Bowling Alleys

(1) License Required
No person, firm or corporation shall keep for gain or operate any pool or billiard table or bowling alley without a license.

(2) Application and Fee
Each annual application shall be accompanied by a $5.00 fee. Each application shall specify the exact number of pool or billiard tables or bowling alleys to be licensed on the premises. Bowling Alley Fee is $40.00.

(3) Penalty
Any person, firm or corporation violating any of this section shall forfeit not less than $10.00 nor more than $50.00 for each offense, together with the costs of prosecution, and in default of payment may be imprisoned in the county jail for a period not to exceed 30 days. Each day that any provision of this section is violated shall constitute a separate and distinct offense.

6.08 ORD (1971)

7.10 Dance Halls

(1) Definitions
A. "Public Dance" means any dance to which admission can be gained by the public generally with or without the payment of a fee, with or without the purchase, possession or presentation of a ticket or token, any dance operated by club

membership, season ticket or invitation, or any dance open or offered to the public generally, regardless of whether the music is furnished by an orchestra, phonograph, radio, juke box or any other device, and regardless of whether such dance is the exclusive, principal or incidental activity provided or permitted.

B. "Public Dance Hall" means any place at which a public dance may be held, or any hall or academy in which classes or instruction in dancing are held, and includes pavilions and amusement parks regardless of whether the place is used exclusively or incidentally for dancing; except, however, this shall not include halls or academies where bona fide instruction in dancing is given to children 17 years of age or under.

C. "Person" includes natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities.

(2) License Required

No person shall permit or allow any room, space, place or building owned, leased, managed, supervised or controlled by him or her to be used for the purpose of a public dance hall regardless of the type of music employed and regardless of whether dancing is incidental to the operation of another commercial activity, without a license.

(3) Application

The application for a license shall contain the following:

A. Name, age, residence, occupation and citizenship of the applicant, if an individual, or the names of the principal officers, their residences and ages if an association or corporation. It shall also contain the name or names of one or more persons designated as manager or person in charge, with his or her address.

B. The length of time of residence in Racine county of such applicant, if an individual, manager or person in charge in case the application is a firm, corporation, partnership or association; place of previous employment; conviction for violation of any law or ordinance regulating the conduct of public dance halls or public dances, and if so, when and in what Court.

C. The premises where such public dance is to be located or conducted, the location of the room or rooms to be occupied for the purpose of conducting such dance, and the total amount of floor space to be used for dancing purposes.

D. Whether the applicant or manager has, either alone or with someone else, previously owned, leased or been employed in conducting a public dance hall, when, where and for how long.

E. The name and address of the person owning the premises for which the license is sought.

F. Whether a hotel, rooming house, lodging house, restaurant or tavern is conducted in any part of the premises for which the license is sought.

(4) Cause of Refusal

No license shall be granted unless the applicant meets the following:

A. All of the persons named in the application as applicant, manager or person in charge are of good moral character and residents of the State of Wisconsin, the proposed public dance hall complies with and conforms to all ordinances, laws and regulations governing public buildings and health and fire regulations applicable thereto, and it is a safe and proper place for such proposed use.

B. The applicant, manager or person in charge is capable of maintaining the public peace and good order at a public dance. In determining whether or not the applicant is capable of meeting the required standard, the Town Board shall consider the records of law enforcement agencies or of any Courts that touch upon applicant's operation of a dance hall in the preceding license year.

C. Adequate modern toilet facilities are provided within the building where the public dance is to be held, an adequate supply of drinking water is available, the premises are properly lighted and ventilated, and all parts of the premises are safe and sanitary.

D. The applicant has not been convicted within five (5) years of the date of the application of a second offense against any of the provisions of this ordinance or any similar ordinance of any other municipality.

E. The applicant has not had a license refused, suspended or revoked until at least six (6) months have elapsed from the date of refusal, suspension or revocation unless the applicant can show that the reason for such refusal, revocation or suspension no longer exists.

F. The applicant is at least 18 years of age.

G. The applicant has not knowingly made any false statement in the application for a dance hall license.

(5) Types of Licenses

Non-transferable license for public dances shall be issued in the following four (4) classifications: Class A license; Class B license; Class C license and Special Permit license.

A. Class A License

A Class A license is required for a public dance when a charge is made for admission or when admission is by means of the purchase, possession or presentation of a ticket or token or the dance is advertised as such and an orchestra is employed to furnish dance music.

B. Class B License

A Class B license is required for a public dance and no charge is made for admission or admission is not by means of the purchase, possession or presentation of a ticket or token and an orchestra is employed to furnish the dance music.

C. Class C License

A Class C license is required when dancing is incidental to other business conducted in the premises used for dancing and where no charge, either directly or indirectly, is made for admission and no orchestra or musicians are employed to furnish the music for dancing.

D. Special Permit License
A Special Permit license may be granted to hold not more than two (2) public dances in any structure or premises not licensed under either subparagraph A, B, or C of this section, and such Special Permit license shall be valid only within a specified twenty-four (24) hour period.

(6) License Fees
Each application shall be accompanied by the license fee which is refundable if the license is denied. The following schedule of license fees for the four classes of dance hall licenses shall be as follows:

A. Class A licenses are twenty-five dollars ($25.00) per year.

B. Class B licenses are fifteen dollars ($15.00) per year.

C. Class C licenses are ten dollars ($10.00) per year.

D. Special Permit licenses are one dollar ($1.00) per license.

(7) Issuance
All licenses shall be numbered in the order of their date of issuance and shall state clearly the name of the licensee, the location of the public dance hall, the date of issuance and expiration and the amount of the fee to be paid. Each license shall be posted in a conspicuous place within the hall in which the dance is held.

(8) Term
Each license, except a Special Permit license, issued under this ordinance expires on the 30th day of June of each year.

(9) Rules and Regulations Governing Dance Halls

A. It shall be unlawful for any person to post a license issued under this ordinance on a premises other than those described in the application.

B. It shall be unlawful for any person conducting a public dance or operating a dance hall or any manager or agent of such person:
1. To permit, during any public dance in such hall, the use of intoxicating liquor or fermented malt beverages in violation of law.
2. To permit the presence of any intoxicated person or persons under the influence of intoxicating liquors or drugs in such dance hall or on the premises in which the dance hall is located.
3. To permit the presence of any minor 17 years of age or under in such dance hall who is not accompanied by a parent or lawful guardian.
4. To permit persons to indulge in dancing that is obscene and offensive to public morals and decency.
5. To permit indecent, boisterous or disorderly conduct or the use of profane language on the dance floor.
6. To permit any public dance beyond the hour of 1:00 A.M. or before the hour of 9:00 A.M.

C. It shall be unlawful for any person, licensee, proprietor or manager of any dance hall to advertise, operate, maintain, promote or aid in the advertising, operating, promoting or maintaining of any mental or physical endurance contest in

the nature of a marathon, dance or any other like endurance contest whether under that or similar names.

D. It shall be unlawful for any person, licensee, proprietor or manager of any dance hall to conduct a public dance or public hall in the manner or form commonly known as a "taxi-dance," and no license shall be issued for any public dance to be conducted in conformity with the rules of such society.

E. No person shall conduct a public dance with more than 250 people attending at one time without also having a law enforcement officer present. The person conducting the dance shall pay for the officer.

(10) Exceptions

A. Nothing in this ordinance shall be construed to prevent the attendance of children 17 years of age or under at bathing beaches or at public dance halls when public dances are not being held.

B. This section shall not apply to dances conducted by any church, grade school, high school, college or other recognized educational institution intended primarily to be attended by students of the schools or of similar schools, or to dances conducted by any 4H club, parent-teacher or similar organization or any fraternal society when conducted in conformity with the rules of such society.

(11) Penalties

A. Any person violating the provisions of this section shall forfeit not less than $50.00 nor more than $500.00 together with the costs of prosecution and in default of payment may be imprisoned in the county jail for a period not to exceed 60 days.

7.11 Public Shows

(1) Permit Required

No person, firm or corporation shall conduct, exhibit, operate or maintain any circus, menagerie, carnival, play, game, race, contest, theatrical performance, theater, concert, athletic event of any kind or any other public amusement or show to which admission is granted directly or indirectly by payment of a fee or purchase or presentation of a ticket or token obtained for money or other valuable thing, without a permit. This section shall not apply to events conducted under the sole control and supervision of educational, charitable or religious organizations where the entire proceeds of such show or amusement shall be devoted for the purposes of the organization.

(2) Application and Fee

A. The application shall be accompanied by a $5.00 per day permit fee for any event not regularly conducted during sixty (60) continuous days per year. Each application shall specify the applicant's two previous places of employment, the nature of the show or amusement, the dates and places of amusement.

B. Inspection of Premises

The Clerk shall refer each application filed under this section to the Town police officers who shall investigate and inspect each application to determine whether the place sought to be licensed complies with all applicable laws and ordinances and is proper place for the purpose for which it is to be used.

(3) Cause for Refusal
No permit shall be issued for any public show within a district zoned residential by the Racine County Zoning Ordinance, nor to any person under 21 years of age. No applicant to whom a permit has been refused shall make further application for a period of at least 6 months. No permit shall be issued under this section to any applicant permittee whose permit has been revoked within 2 years of the date of application, nor to any person who has within 5 years of the date of application been convicted of a felony.

(4) Penalty
Any person violating any provisions of this section shall forfeit not less than $25.00 nor more than $200.00 together with the costs of the prosecution and in default of payment thereof may be imprisoned in the county jail for a period not to exceed 30 days. Each day that any provision of this section is violated shall constitute a separate and distinct offense.

6.10 ORD. (1971)

7.12 Direct Sellers Regulated

(1) Registration Required
No direct seller shall engage in direct sales within the Town without registering for that purpose as provided herein.

(2) Definitions

A. Charitable Organization
Shall include any benevolent, philanthropic, patriotic, or elemosynary person, partnership, association or corporation, or one purporting to be such.

B. Clerk
The Town Clerk or any authorized deputy of such Clerk.

C. Direct Seller
Any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

D. Goods
Shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

E. Permanent Merchant
A direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant has continuously:

1. Operated an established place of business in the Town or

2. Resided in the Town and now does business from his residence.

F. Seasonal Vendor
A direct seller whose sales take place only on public property and whose sales are seasonal – i.e., take place over a period of time that spans no longer than four consecutive months during a calendar year.

(3) Exemptions

The following shall be exempt from all provisions of this chapter:

A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

B. Any person selling goods at wholesale to dealers in such goods.

C. Any person selling agricultural products which such person has grown.

D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this Town and who delivers such goods in their regular course of business.

E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.

F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

H. Any person holding a sale required by statute or order of any court and any person conducting a bona fide auction sale pursuant to law.

I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter.

J. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased, for at least one year, or purchased the premises from which he is conducting business, or proof that such person has conducted such business in this Town for at least one year prior to the date the complaint was made.

(4) Registration

A. Applicants for registration shall complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.
2. Age, height, weight, color of hair and eyes.
3. Name, address, social security number, driver's license number, and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.
5. Nature of business to be conducted and a brief description of the goods and services offered.
6. Proposed method of delivery of goods, if applicable.
7. Name, model and license number of any vehicle to be used by applicant in the conduct of his business.
8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
9. Place where applicant can be contacted for at least 7 days after leaving this 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 5 years, the nature of the offense and the place of conviction.

B. Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. A State certificate of examination and approval from the sealer of weights and measures where the 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.
4. At the time the registration is returned, a fee in the amount of $25 per each day that direct sales will take place shall be paid to the Clerk to cover the cost of processing such registration and investigation, except that a seasonal vendor shall pay a fee in the amount of $50 per season that direct sales will take place. Applicants shall submit to a Crime Information Bureau background check, and shall pay an additional fee of $10.00 to offset the cost of investigation.
5. The applicant shall sign a statement appointing the Clerk as 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, if the applicant cannot, after reasonable effort, be served personally.
6. Upon payment of such fee and the signing of such statement, the Clerk shall register the applicant as a direct seller and date the entry.

(7) Investigation

A. Upon receipt of each application, the Clerk shall refer it immediately to the Chief of Police who shall make and complete an investigation of the statements made in such registration within 72 hours.

B. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was

convicted of a crime, statutory violation or ordinance violation within the last 5 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 sub. (4)(b).

(8) Appeal

Any person denied registration may appeal to the Town Board by filing a written statement within 14 days after the date registration was refused setting forth the grounds for appeal. The Town Board shall notify the applicant, at least 48 hours prior to the hearing date of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on appellant.

(9) Regulation of Direct Sellers

A. Prohibited Practices

1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 7:00 p.m. and 9 a.m. except by appointment; calling on Sundays and legal holidays; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization, direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100' radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

B. Disclosure Requirements

1. After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to

cancel such transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in §423.203(1)(a), (b), (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(10) Records
The Chief of Police shall report to the Clerk all convictions for violation of this provision and the Clerk shall note any such violation on the record of the registrant convicted.

(11) 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 section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

B. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

7.13 Auction Sales

(1) Definition
"Auction Sales" as used in this includes all sales by auction of four (4) or more articles of merchandise whether the property is sold to the highest bidder in fact or by 'dutch auction," by bidding down the seller thereof or adding to the quantity of property offered for sale at a fixed price or any other way if made to evade the provisions of this section.

(2) Permit Required
No person, firm or corporation shall exercise the business of auctioneer or conduct auction sales without a permit. No permit shall be issued allowing auction sales between the hours of 6:00 p.m. and 8:00 a.m. or on Sundays or legal holidays. This section shall not apply to the following: sale made by virtue of a chattel mortgage or by order or judgment of this state or federal government, sales made by or on behalf of any executor or administrator or by an assignee for the benefit of creditors, sale of state or federal property, closing-out sales by resident merchants where all taxes on such stock or inventory have been paid, sales of livestock or farm property of any farmer who has resided in Racine County continuously for one (1) year or more and on which taxes have been paid.

(3) Application
Each application for a permit shall be accompanied by a $30.00 per day fee. No auction sales shall be conducted between the hours of 6:00 p.m. and 8:00 a.m. or on Sundays or legal holidays.

(4) Suspension or Revocation
In addition to procedures in 7.04 ORD., the Town Chairman may, at any time, suspend for not more than 10 days any permit granted under this section on the basis of misrepresentation of property offered for sale, substituting of articles sold to the highest bidder; bidding in on the property by the licensee, owner, auctioneer or agents of them, or for violation of any town ordinance or state law in the interest of public, health, safety or general welfare.

(5) Penalty
Any person violating any of the provisions of this section shall forfeit not less than $25.00 nor more than $200.00 together with the costs of prosecution and in default of payment thereof may be imprisoned in the county jail for a period not to exceed 30 days. Each day that any provisions of this section are violated shall constitute a separate and distinct offense.

6.12 ORD (1971) §130.06 Stats

7.14 Mobile Home and Mobile Home Parks

(1) State Laws Adopted
The provisions of Section 66.058, Wisconsin Statutes, together with amendments, and the definitions and all terms and conditions therein contained are hereby adopted by reference.

(2) License Required, Exemption

A. No person shall maintain or operate any mobile home park without a license. The Town Board may upon application of a park operator waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of any governmental body or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

B. No mobile home park shall be permitted to be located or occupied outside a licensed park, except as follows:

1. Any mobile home lawfully located and occupied at the time of the original adoption of this ordinance prior to this amendment, but such exempt mobile home shall be subject to the monthly parking fee hereinafter established. When any such mobile home shall cease, by discontinuance or abandonment, to be occupied or inhabitated for living or business purposes for more than one (1) year, or shall be moved from its present location to another site in the Town, or shall be removed from the Town and subsequently returned to the Town to the same or different location, or shall be destroyed or damaged by fire, negligence or the elements to the extent of 50% or more of its valuation at the time of such occurrence, then such mobile homes shall comply with the provisions of this section in regard to location.

2. Any transient mobile home located in an approved and licensed trailer camp or campground.

3. Any mobile home used by the Town for public purposes.

4. This section shall not be construed so as to prohibit the parking or storing of any unoccupied trailed or mobile home in an accessory private garage building, or in a rear yard in any non-residence district, provided that no living quarters shall be maintained or any business conducted in such mobile home.

(3) Application

Each application shall be accompanied by a $100.00 fee for each 50 spaces or fraction thereof, for the first year. Each application shall be signed by the applicant and contain the following information:

A. the name, address and age of the applicant;

B. the location and legal description of the mobile home park;

C. the complete plan of the park, giving the address, exterior dimensions, maximum number of mobile homes to be accommodated therein, the actual or proposed sanitary and sewage disposal facilities the water system and fire prevention system to be maintained, the method and plan for garbage and rubbish disposal; and such other information as the Town Board may require;

D. plans and specifications which shall comply with all Town ordinances and provisions of all other governmental bodies or agencies with jurisdiction. The plans and specifications shall show the actual or proposed locations of all mobile homes, the location of all other or similar structures, the locations of streets, the locations of toilets, showers or baths, and all other sanitary facilities, the location of fire prevention apparatus, the location of lighting facilities, and such other information as the Town Board may require to be shown on such plans and specifications;

E. each application for a renewal license shall be in substantial compliance with the application for original license. An annual fee of $25.00 for each 50 spaces or fraction thereof shall be paid with each application for a renewal license.

(4) Issuance of License

A. Upon receipt of an application for a previously unlicensed mobile home park, the Town Board shall set a date for a public hearing on such application, which date shall not be more than thirty (30) days after receipt of the application by the Town Board. The public hearing shall be held at the time and place specified by the Town Board and a notice of said meeting shall be published in a newspaper of general circulation in the Town of Norway and mailed to the applicant at least ten (10) days before the date of the public hearing. At the hearing, the Board shall hear all persons interested in granting or denying the permit and may take testimony relative to the application. Where the license applied for relates to the renewal of a mobile home park license, no public hearing is required, but the Town Board, in its discretion, may require one. However, no renewal application shall be denied without a public hearing.

B. Within a reasonable time after the public hearing, the Town Board shall make a determination as to the application. The Town Board may issue or deny the application in the exercise of its discretion having regard to the effect of the establishment of such mobile home park upon the public health, safety and welfare. Such determination shall be made on the basis of information contained in the application, and any inspections of the premises made by the Town Board and information received at the public hearing.

C. After approval of the application, the applicant may proceed with construction of the park, provided the applicant obtains all other building, zoning, and all applicable permits

required by the Town and any other governmental bodies or agencies. Upon completion of the work according to the approved plans of the park, the Town Clerk shall issue the license.

D. All licenses issued shall expire on June 30th following the date issued. No license shall be transferred except after approval of the application of the transferee for a license and the payment of a fee of $10.00. The transferred license shall expire on the date originally provided herein.

(5) Mobile Home Park Standards and Regulations

To protect and promote the public health, morals and welfare, the following standards and regulations for every mobile home park are established:

A. Every mobile home park shall be located on a well drained site and shall be so graded and/or adequately drained as to eliminate the collection of surface waters at any point within the mobile home park.

B. Adequate provisions shall be made for the disposal of all sewage from the mobile home park by approved sewage disposal equipment, duly constructed and maintained. All provisions for sewage disposal shall be installed and maintained in accordance with the provisions applicable thereto of the Plumbing Code of the State of Wisconsin and the regulations of the state agencies having jurisdiction over the same.

C. Water Supply

A supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons capable of being accommodated in such mobile home park. All wells supplying water for such park and the water system shall be constructed and maintained in accordance with state rules and regulations applicable thereto.

D. Toilets and Baths

Every mobile home park having dependent mobile homes shall construct, establish and maintain within such mobile home park toilets and showers or baths as required by any state rules and regulations applicable thereto. A supply of hot water shall be provided at all reasonable hours in an amount sufficient for bathing, washing and laundry facilities for the persons accommodated in such mobile home park at any time.

E. Refuse

Every mobile home park shall be provided with a sufficient number of light metal receptacles with close fitting metal covers for garbage and refuse; and such receptacles shall be emptied at least twice each week.

F. Lighting

Every mobile home park and every toilet, shower, bath and laundry therein shall be provided with adequate lighting facilities so as to make the same safe for use a tall times. All lights for the lighting of the mobile home park grounds in general and the driveways therein shall be kept lighted from one-half hour after sunset until sunrise of the following day.

G. Limitations on Mobile Home Parks and Mobile Homes

No license shall be issued by the Town Board for any mobile home park for which the applicant has not stated the number

of mobile homes to be contained in the park, and at no time shall the number exceed that so specified.

H. Registration
A person to whom a license is granted shall maintain a register containing the name and permanent address of every person using the mobile home park, a description of the mobile home located in the mobile home park of every such person, and the license number of the automobile or other vehicle and the mobile home. The register shall be open at all times for inspection by any official of the Town.

(6) Monthly Parking Permit Fee

A. Each owner of a non-exempt occupied mobile home shall pay a monthly parking permit fee determined in accordance with Section 66.058(3) of the Wisconsin Statutes, as amended from time to time, adopted by reference. It shall be the responsibility of the licensee to collect the proper amount from each mobile home owner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Town Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Town Treasurer may reasonably promulgate.

B. Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days after the arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.058(3)(c) and (e) of the Wisconsin Statutes.

(7) Penalty
Any person violating provision of this section shall forfeit not less than $10.00 nor more than $100.00 and the cost of prosecution. In default of payment the violator may be imprisoned in the county jail for up to thirty (30) days. Each day constitutes a separate offense.

6.03 ORD. (1985) Section 66.058 Stats.

7.15 Trailers, Trailer Camps and Campgrounds

(1) Definitions

A. "Trailer" means a temporary seasonal recreational unit, which may include trailers, tent trailers, pick-up campers, tents and similar or related recreational housing facilities.

B. "Person" means any natural individual, firm, trust, partnership, association or corporation, whether tenant, owners, lessee, licensee, or their agent, heir or assign.

C. "Trailer Camp" means any area or premises on which space available for two or more trailers is rented or held for rent or on which free occupancy or camping for such number is permitted to trailer owners, but not including automobile or trailer sales lots on which only unoccupied trailers are parked for purposes of inspection or sales.

(2) License Required
No person shall operate a trailer camp or campground without a license. The procedures for application and issuance of a mobile home park license under and the fee apply to trailer camp and campground licenses.

(3) Standards for Operation
Except as specifically provided to the contrary, the standards for such trailer camps and campgrounds shall be those established from time to time by the state agency with jurisdiction over such facilities, currently the Department of Health & Social Services, Chapter HSS 178 of the Wisconsin Administrative Code, as hereinafter amended, is adopted by reference, except for the provision regarding density. The density of trailer camps and campgrounds shall not exceed 6 spaces per acre.

(4) Regulations
The licensee shall comply with all laws, rules, regulations and ordinances of all governmental bodies or agencies applicable to trailer camps or campgrounds.

(5) Penalty
Any person violating any provision of this section shall forfeit not less than $10.00 nor more than $100 and the costs of prosecution, and in default of payment may be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

6.03 ORD (1985) HSS 178 Wis. Admin. Code

7.16 Mechanical and Electronic Amusement Devices

(1) Definition
"Amusement Device" means any electronic or mechanical machine, device or contrivance which functions by the insertion of coin, slug, token, plate, disc or key into any slot, crevice, or other opening or by the payment of any price, and is operated for amusement or recreation only, and does not dispense any form of pay off, prize or reward. The term does not include any ball or pin game, marble game, mechanical baseball or football game, mechanical card game or any other game of chance by which it is possible to obtain a pay off, prize or reward.

(2) Gambling Device Prohibited
Nothing in this section shall in any way authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, except as authorized by the State of Wisconsin.

(3) License Required
Any person displaying for public patronage or keeping for operation any amusement device as herein defined, shall obtain a license from the Town upon payment of fee.

(4) Application
Each applicant shall be at least 21 years of age and each shall contain the following information:

A. Name and address of the applicant, age, date and place of birth;

B. Prior convictions of law by applicant, if any;

C. Place where machine or device is to be displayed or operated and the business conducted at that place;

D. Description of the machine to be covered by the license, mechanical features, name of manufacturer and serial number.

(5) Inspection
The Town Board may inspect the premises where the amusement device is to be located and determine that such amusement device is not a gambling device.

(6) Consideration
The Town Board shall only be required to consider the original application for each license. Renewals thereof may be granted by the Town Clerk without action by the Town Board.

(7) License Fee
Before being granted a license every applicant shall pay an annual fee for operating or maintaining an amusement device of $5.00 for each amusement device. Each license shall expire on the 30th day of June each year.

(8) Display License
The license or licenses shall be posted conspicuously at the location of the machine in the premises where the device is operated or maintained.

(9) Transfer Prohibited
A license shall mot be transferable from person to person nor place to place, and shall be useable only at the place and by the person designated in the license.

(10) Prohibition and Restrictions
A. No person holding a license under this section shall permit the playing of juke boxes between the hours of 1 a.m. and 6 a.m.

B. No amusement device shall display or reproduce vulgar, obscene or indecent pictures, nor shall any licensee of any mechanical amusement device allow or permit any person to use such device for gambling or playing a game of chance.

(11) Penalty
A. Forfeiture
Any person violating any of the provisions of this section, in addition to the revocation of his or its license, shall forfeit not less than $5.00 nor more than $25.00 and the costs of prosecution and may be imprisoned in the county jail for up to fifteen (15) days in default of payment.

B. Seizure
Upon probable cause that an amusement device is used for gambling, the police may seize the amusement device and impound it. If the license is found to have allowed the amusement device to be used for gambling, the police may destroy the machine.

Chapter 12 ORD (1971)

7.17 Adult Oriented Establishments

FINDINGS. Based on evidence concerning the adverse secondary effects of adult oriented establishments on the community, as set forth in reports made available to the Town Board, and on the holdings and findings in City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986), Young v. American Mini Theatres, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed
2d 504 (1991), City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002), Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000), Pleasureland Museum, Inc. v. Beutter, 288 F.3d 988 (7th Cir. 2002), and Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003), as well as studies and summaries of studies conducted

in and compiled by other municipalities, including Los Angeles, CA, Phoenix, AZ, Beaumont, TX, and St. Croix County, WI, the Town Board finds that:

(a) Crime statistics show that all types of crime, especially sex-related crimes, occur with greater frequency in neighborhoods where adult oriented establishments are located.

(b) Adult oriented establishments may contribute to an increased public health risk through the spread of sexually transmitted diseases, and such increased risk is a significant and legitimate matter of concern to the Town.

(c) Studies on the relationship between adult oriented establishments and neighboring property values have consistently found a negative effect on both residential and commercial property values.

(d) There is an increased potential for the infiltration of organized crime into the community via the operation of adult oriented establishments for the purpose of perpetrating unlawful conduct.

(e) The consumption of alcoholic beverages on the premises of an adult oriented establishment exacerbates the harmful secondary effects that such businesses have on the community.

(f) Given this well-documented correlation between adult oriented establishments and the harmful secondary effects itemized above, the Town Board has determined that the locational criteria imposed by County zoning are not alone adequate to protect the health, safety and general welfare of Town residents, so the Board deems it necessary to regulate, to the extent allowed by law, the operation of adult oriented establishments within the Town of Norway. By this ordinance, it is not the Town Board's intent to suppress the constitutionally protected speech occurring within adult oriented establishments, nor does the Town Board anticipate that the limited regulations contained herein will have the effect of "chilling" the expression of such speech within the Town. To the contrary, the Town Board's purpose in adopting this ordinance is limited to minimizing the occurrence and impact of the harmful secondary effects associated with adult oriented establishments and ensuring that the protected speech occurring therein is expressed in a safe, healthy, and lawful environment.

(1) DEFINITIONS.
For the purpose of this Section, the following words and phrases shall have the following definitions:

(a) Adult Bookstore.
An establishment which has a facility or facilities, including but not limited to booths, cubicles, rooms, or stalls, for the presentation of "adult entertainment", as defined below, including adult oriented films, computer video, movies or live performances for observation by patrons therein; or an establishment having as a substantial or significant portion of its stock in trade, for sale, rent trade, lease, inspection or viewing, books, films, video cassettes, DVDs, or magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities as defined below.

(b) Adult Cabaret
A nightclub, bar, restaurant, or similar commercial establishment which features:

1. Live performances which are characterized or distinguished by the exposure of specified anatomical areas or the removal of articles of clothing; or,

2. Films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing specified anatomical areas or specified sexual activities.

(c) Adult Entertainment.
Any exhibition of any motion pictures, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as herein defined.

(d) Adult Mini-Motion Picture Theater.
An enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as herein defined for observation by patrons therein.

(e) Adult Modeling Studio.
Any establishment or business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:

1. that has no sign visible from the exterior of the structure and no other advertising that indicates that a nude or semi-nude person is available for viewing; and

2. where, in order to participate in a class, student must enroll at least three (3) days in advance of the class; and

3. where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

(f) Adult Motion Picture Theater.
An enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons therein.

(g) Adult Novelty Shop.
An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or design for specified sexual activity or simulating such activity.

(h) Adult Oriented Establishment.
Any premises including, but not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," "adult modeling studios," "adult novelty shops," or "adult cabarets." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult entertainment, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult oriented establishment" further includes any establishment open to the public upon the premises of which is conducted an enterprise having as its dominant theme or which is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas herein defined.

(i) "Booths", "Cubicles", "Rooms", "Compartments" or "Stalls".
Enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business adult entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the adult entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing adult entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.

(j) Nudity.
The appearance of the human bare anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or the nipple or areola of the female breast, with less than a fully opaque covering; or showing of the covered male genitals in a discernibly turgid state.

(k) Operators.
Any person, partnership, or corporation operating, conducting, maintaining or owning any adult oriented establishment.

(l) Specified Anatomical Areas.

1. Less than completely and opaquely covered human genitals, public region, buttocks, and female breasts below the point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if opaquely covered.

(m) Specified Sexual Activities.
Simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal.

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.

3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(n) Town Board.
The Town Board of the Town of Norway, Racine County, Wisconsin.

(2) License

(a) Except as provided in subsection (d) below, from and after the effective date of this Section, no adult oriented establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.

(b) A license may be issued only for one adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult oriented establishment must have a license for each. No license or interest in a license may be transferred to any person.

(c) All adult oriented establishments existing at the time of the passage of this Section must submit an application for a license within 60 days of the passage of this Section.

(d) Notwithstanding sub. (3) below, an adult oriented establishment license shall not be granted to a premise in which the Town Board has determined that said premise operated as an adult oriented establishment without a license within one year prior to the date of application. This prohibition applies to a premise for a period of one (1) year following the Town Board's determination.

(3) Application for License

(a) Any person desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate and dated by the Town Clerk. A

copy of the application shall be distributed promptly by the Town Clerk to the Town Constable and to the applicant.

(b) The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license shall furnish the following information under oath:

1. Name (including all aliases) and address.

2. Written proof that the individual is at least 18 years of age.

3. The name (if known) and address of the adult oriented establishment to be operated by the applicant and the exact nature of the adult use to be conducted.

4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name (including all aliases) and address of the registered agents, and the name and address of all shareholders owning more than 15% of the stock in such corporation and all officers and directors of the corporation. Within 20 days of any change in registered agents, notice of such change shall be provided to the Town Clerk by the licensee.

5. If the applicant is a partnership, the names (including all aliases) and addresses of all partners. If the applicant is a limited liability company, the names (including all aliases) of all members.

6. Whether the applicant or any person required to be named is currently operating, or has previously operated, in this or any other county or state, under an adult oriented establishment license or similar business license or permit; and whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(c) Within 30 days of receiving an application for a new license or an application to renew a license, the Town Clerk shall notify the applicant whether the application is granted or denied. Any application for a license that does not include all of the information and documents required under this Section, shall be deemed incomplete and shall be returned to the applicant without any action thereon taken by the Town.

(d) Whenever an application is denied, or a license is not renewed the Town Clerk shall advise the applicant in writing of the reasons for such action. If the Town Board denies the license, the decision may be reviewed under Chapter 68 of the Wisconsin Statutes.

(e) Refusal of the applicant to give any information relevant to the application or his refusal or failure

to appear at any reasonable time and place for examination under oath regarding such application or his refusal to submit to or cooperate with regard to any information required by this Section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

(4) Standards for Issuance of License.
To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

1. The applicant must be at least 18 years of age.

2. The applicant shall not have been found to have previously violated this Section within 5 years immediately preceding the date of the application.

(b) If the applicant is a corporation:

1. All officers, directors, and stockholders required to be named under par. (3)(b) shall be at least 18 years of age.

2. No officer, director, or stockholder required to be named under par. (3)(b) shall have been found to have previously violated this Section within 5 years immediately preceding the date of the application.

(c) If the applicant is a partnership, limited liability company, joint venture or any other type of organization where two or more persons have a financial interest:

1. All persons having a financial interest in the partnership, limited liability company, joint venture or other type of organization shall be at least 18 years of age.

2. No person having a financial interest in the partnership, limited liability company, joint venture or other type of organization shall have been found to have violated any provision of this Section within 5 years immediately preceding the date of this application.

(5) Fees.
A license fee of $1,000 shall be submitted with the application for a license. If the application is denied, ½ of the fee shall be returned.

(6) Display of License or Permit.
The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(7) Renewal of License or Permit.

(a) Every license issued pursuant to this Section will terminate at the expiration of one year from date of issuance, unless sooner revoked, and must be renewed

before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.

(b) A license renewal fee of $500 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of $100 shall be assessed against any applicant who files for a renewal less than 60 days before the license expires. If the application is denied, ½ of the total fees collected shall be returned.

(c) Any law enforcement agencies with any information bearing on the operator's qualifications may file that information with the Town Clerk.

(d) The building inspector shall inspect the establishment prior to the renewal of a license to determine compliance with the provisions of this ordinance.

(8) Revocation of License

(a) The Town Board may revoke, suspend, or refuse to renew a license for any of the following reasons:

1. discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. the operator or any employee of the operator violates any provision of this Section, the Racine County Zoning Code, or any rules or regulations adopted by Town Board pursuant to this Section provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Town Board shall find that the operator had no actual or constructive knowledge

3. the operator becomes ineligible to obtain a license or permit.

4. any cost or fee required to be paid by this Section is not paid.

(b) The Town Board, before revoking or suspending any license or permit, shall give the operator at least 10 days written notice of the charges and an opportunity for a public hearing. If the operator does not file a timely request for a public hearing, the allegations set forth in the charges shall be taken as true, and if the Town Board finds the charges sufficient the license shall be revoked or suspended. If the operator files a written request for a hearing with the Town Clerk within 10 days of receipt of the charges, a public hearing shall be held in accordance with para. 68.11 of the Wisconsin Statutes.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to reapply for a license for one year from the date of revocation. No location or premise for which a license has been issued shall be used as an adult oriented establishment for six (6) months from the date of revocation of the license. For purposes of this paragraph a revocation of a license takes effect when the licensed premise ceases operations as an adult oriented establishment.

(9) Physical Layout of Adult Oriented Establishment. Any adult oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access.
Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by door, lock or other control-type devices.

(b) Construction
Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any other non-public areas by a wall.

2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured and easily cleanable.

4. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.

(c) Occupants
Only one individual shall occupy a booth, room or cubicle at any time. No occupants of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(d) Inspections.
The Building Inspector shall conduct monthly inspections of the premise to insure compliance with the provisions of the subsection.

(10) Regulation of Adult Oriented Establishments.

(a) It shall be a violation of the provisions of this Section for an operator to authorize or knowingly permit any employee action that is in violation of this Section. Any violation by an operator of this subsection shall be separate and distinct from the employee's violation, and both the employee's and the operator's violations shall be punishable as set forth herein.

(b) Any act or omission of any employee constituting a violation of the provisions of this Section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment as defined herein.

(d) The operator must ensure that at least one employee is on duty and situated such that he or she has an unobstructed view into each occupied booth, room or cubicle at all times that such booth, room or cubicle is occupied.

(e) The operator shall maintain the premises in a clean and sanitary manner at all times.

(f) The operator shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less then one foot candle of illumination in said aisles, as measured from the floor.

(g) The operator shall insure compliance of the establishment and its patrons with the provisions of this Section.

(h) It shall be a violation of this Section for any person to knowingly or intentionally appear in a state of nudity in an adult oriented establishment.

(i) The sale, use, or consumption of alcohol on the premises of an adult oriented establishment is prohibited.

(11) Hours of Operation.

(a) No adult oriented establishment shall be open between the hours of midnight and 10:00 a.m., Monday through Saturday or anytime on Sundays.

(b) All adult oriented establishments shall be open to inspection at all reasonable times by the Norway Police, the Racine County Sheriff's Department, the Building Inspector's and the Health Department.

(12) Penalties and Prosecution

Any person who violates any provisions of this Section or who shall fail to obtain a license or permit as required

hereunder shall be subject to penalty as provided in Section 17.05 of this Code for each offense.

(13) Exemptions.
The provisions of this ordinance do not apply to the following establishments: theatres, performing arts centers, civic centers, and dinner theatres where live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis, and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of adult oriented establishments on the community, and the Town Board is not aware of any negative secondary effects that have been associated with these establishments. The provisions of this ordinance also do not apply to any medical or therapeutic treatment facilities that are owned and operated by medical professionals licensed to practice within this State.

(14) Severability.
If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

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7.18 Licensing Junk and Motor Vehicle Salvage Business

(1) Strict Compliance Required
It shall be unlawful for any person to engage in the business of junk dealer or motor vehicle salvage dealer except in strict compliance with the provisions of this Section.

(2) Definitions
Whenever the following terms are used in this Section they shall be construed as follow:

(a) “Junk” means old iron, chain, brass, copper, tin, lead, or other base metals, paper, waste paper, paper clippings, rags, rubber, glass or bottles, and all articles produced from industrial or community life, including motor vehicles and parts thereof, composed or consisting of any one (1) or more of the materials or articles above mentioned, or any other material commonly included in the term “junk.”

(b) “Junk business” means the business or occupation of buying, selling, gathering, delivering, or storing of junk.

(c) “Junkyard” means any place where a junk business is conducted.

(d) “Junk dealer” means a person who operates a junk business.

(e) “Motor vehicle salvage business” means the business of buying, gathering or storing of motor vehicles which are presently unfit to operate on the public highways or the selling, delivering, or storing of used parts of motor vehicles, or old iron, metal, glass, paper cordage, or other waste or discarded secondhand material which has been a part of or is intended to be a part of a motor vehicle.

(f) "Motor vehicle salvage yard" means any place where a motor vehicle salvage business is conducted.

(g) "Motor vehicle salvage dealer" means any person engaging in the motor vehicle salvage business.

(3) License Required

(a) No person shall engage in the business of a junk dealer or a motor vehicle salvage dealer without first obtaining a license under this Section.

(b) A separate license shall be required for each place of business, and no license will be issued for any proposed business location unless a zoning permit therefore has been obtained in accordance with Racine County Zoning Ordinance.

(4) Application for License

(a) No license shall be granted hereunder unless the applicant first files with the Town Clerk an appropriate written application, which shall contain at least the following information (unless such information is already on file with the Town pursuant to a license currently in effect):

1. The full name and residence of the applicant and, in the case of a firm, association or corporation, the full names and residences of the officers of the corporation; whether the applicant or any person required to be named has been convicted of a felony or a misdemeanor and if so, what offense, when, and in which State; whether the applicant or any person required to be named has held a license or been a member of a partnership or association or an officer in a corporation which was licensed hereunder, or under any other jurisdiction's comparable regulatory scheme and whether such license was ever revoked or renewal thereof was ever refused, and if so, when and where. The Chief of Police and/or Town Clerk shall investigate the record of each the applicant or any person required to be named and report his/her findings to the Town Board.

2. The address and legal description of the premises for which the license is desired.

3. The type of license for which the applicant is applying.

4. A detailed and complete statement of the business to be carried on, including an enumeration of the articles and merchandise to be handled on the premises and a detailed description of how and where such items will be stored.

(b) The application shall be made under oath and any false statement contained therein shall be cause for the denial or revocation of any license applied for thereby. Applicants and licensees shall also be under a continuing obligation to update the Town as to any and all changed circumstances relevant to an application or a license.

(c) An applicant for a license shall also execute a permit granting the Police Department or the Building Inspector permission to inspect and search the licensed premises at any time during the business's normal operating hours. As long as such inspection occurs within the business's normal operating

hours, the licensee's prior approval need not be obtained, although the licensee shall be informed of the inspection at the time it occurs unless, under the circumstances, it would be unreasonable to do so.

(d) Application Approval Process
Any license issued hereunder shall first be approved by majority vote of the Town Board. In considering an application for a license under this Section, the Town Board shall take into account, among other things, the nature and development of the surrounding properties, the proximity of schools, churches, public buildings and other public gathering locations, and the health, safety or welfare of the Town and its residents. If approved, the Clerk shall issue the applicant a license clearly setting forth the license expiration date and any limitations on the operation of the specific business that the Board deemed necessary, including any specific limitations on the quantity and manner of junk storage as the licensee's circumstances may warrant.

(5) Fees
The fee to apply or to reapply for a license hereunder shall be as is set periodically be resolution of the Town Board. The Town Board may also, by resolution, set a late fee to be collected in conjunction with any renewal application that is not timely filed.

(6) Term and Expiration of Licenses

(a) Expiration
All licenses issued hereunder shall expire on the thirtieth (30^{th}) day of June following the date of their issuance, unless a license is earlier revoked as provided hereunder. All applications for the renewal of an existing license shall be received by the Town Clerk no later than the last business day before Memorial Day.

(b) Liquidation
When a license is revoked, or a license renewal is denied, the business operator shall have a period of two (2) months in which to wind up the business, unless the Town Board shall expressly find that a longer period of time is warranted, during which time all the terms and conditions of this Section shall remain in effect.

(7) General Restrictions
(a) Storage Restrictions
No junk shall be accumulated, placed or stored within 1,000 feet from the center line of any State, County, or Town roadway nor within 1,000 feet of the nearest residence, church, school, public building or other place of public gathering.

(b) Purchase and Sale Restrictions
No purchase shall be made from any child or children under eighteen (18) years of age, and no junk shall be purchased from or sold to any individual without proper identification. The licensee must maintain a written record consisting of a detailed description and price of all purchases and sales, together with a record of the name, age, and address of the seller or purchaser thereof, for a period of three (3) years from the date of the purchase or sale. The licensee must further produce such record to the Town Police or to any other law enforcement agency upon request.

(c) Hours of Business.
No licensee hereunder shall conduct his business or any operation pertaining to such occupation on Sundays, legal holidays, or between the hours of 8:00 p.m. and 6:00 a.m. on other days; except that a motor vehicle salvage dealer may in the case of a breakdown on the highway, remove and sell parts for the repair of such vehicle.

(d) Other Business.
No licensee shall conduct business as a pawnbroker in the Town unless otherwise licensed as such.

(e) Nuisances.
No licensee shall conduct or carry on any business described in this Section in such manner as to unduly disturb the peace and quiet of the neighborhood. All premises used for any of the business aforesaid shall at all times be kept in as clean a condition as possible and in full compliance with all applicable Town and County ordinances. None of the materials mentioned in the preceding Sections shall be sorted in a public street, alley, or sidewalk. A licensee's failure to comply with the limitations of this Section may be deemed by the Town Board to be a public nuisance, entitling the Town to undertake such abatement as is warranted under the circumstances, in addition tom or in lieu of, any fine or forfeiture imposed therefore and any license suspension or revocation imposed as a result.

(f) Rodent and Vermin Control.
Appropriate and effective means for the elimination of the rodents and vermin commonly infesting junk and motor vehicle salvage yards shall be administered by all licensees hereunder.

(g) Storage of Garbage and Hazardous Materials.
It shall be unlawful for any licensee hereunder to store on the licensed premises any rubbish, refuse or garbage, as those terms are defined in this Code, or to store any decomposable or toxic material except in strict compliance with all applicable statutes, regulations and ordinances, or to store any combustible materials in any building unless such building is first approved by the Town Building Inspector.

(h) Burial of Junk.
No licensee shall cause any junk or salvaged motor vehicle to be disposed of by burying it on the licensed premises unless the licensee has also been licensed by all requisite governmental authorities to operate a landfill at the site in question.

(i) Goods to be Held for Police Inspection.
Upon notification by the Town Police Department or other law enforcement agency exercising proper jurisdiction, a licensee hereunder shall cause any article in his possession to be held for the purpose of inspection and/or identification of its lawful owner for such length of time as is reasonably necessary.

(8) Restrictions on Particular Transactions.
No licensee may sell any salvaged motor vehicle for immediate use on the public highways which the licensee knows, or should reasonably know, does not meet the requirements of Chapter 347 of the Wisconsin Statutes. No licensee may purchase any used pipes, faucets, boilers, spigots, or coils from any person except the manufacturer thereof,

from a licensed plumber or peddler thereof, or from the owner of the building from which such materials were taken. If a licensee has reasonable cause to believe that any materials offered for sale to the licensee have been stolen from their rightful owner, either private or public, the licensee shall contact the appropriate authorities to report such suspicion.

(9) Fencing and/or Screening.

(a) Every junkyard and motor vehicle salvage yard shall be enclosed by a solid substantial enclosure, not less than six (6) feet nor more than eight (8) feet in height, or such device as the Town Board may require to screen such licensed premises, and any and all junk stored thereon, completely from view from any other property or from any public right-of-way. A licensee shall also be under a continuing obligation to supplement such screening device or mechanism as necessary to ensure that all junk on the licensed premises remains screened from all future Town-approved development.

(b) Any fence required by this Subsection shall be painted and maintained in a proper condition of repair at all times, and no picture, sign, bill, placard, pamphlet, notice or other thing shall be posted or affixed thereon.

(c) No materials, vehicles or equipment shall be parked, displayed or in any manner permitted to rest or remain on the premises outside the enclosure.

(d) The contents of the premises of every junkyard and motor vehicle salvage yard shall be so arranged so as to not rest against or project through, underneath, or over the top of, the enclosure.

(e) All openings for vehicle ingress and egress in such enclosure shall be of such construction as is deemed suitable by the Building Inspector to shield the contents of the yard from public view.

(f) No licensee hereunder shall extend the boundaries of his operation beyond those stated in the license except upon submitting a new license application and tendering the return of his present license conditional upon the granting of the new license. No part of the old license fee shall be refunded or applied to the new license.

(10) Revocation.

Upon the filing of a sworn complaint by any Town resident or Town official that a licensee has violated any of the provisions of this Section, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be at least ten (10) days after the date of the service thereof. If, following a public hearing on the matter, the Town Board determines that the licensee or any employee thereof has violated this Section, the Board may vote to revoke the license in question or suspend it for such time as the Board deems appropriate under the circumstances. Any license revocation or suspension may be in addition to, or in lieu of, any fine that may be imposed against the licensee for such violation. Any person whose license has been revoked, and any partner, shareholder or officer of a business entity whose license has been revoked, shall be ineligible to hold such license, for the period of two years from the revocation date.

(11) Exemption.

Any person, firm or corporation that is legally engaged in the accumulation or storage of salvage motor vehicles or other junk

within 1000 feet of the centerline of any public roadway or within 1000 feet of the nearest residence, church, school, public building or other place of public gathering at the time of the effective date of this Section may, upon application to the Town and following a showing of such legal storage predating this Section, obtain a license to continue such storage, provided that all other requirements and limitations of this Section are satisfied.

(12) Limitation on Licenses Granted.
The Town Board shall issue no more than one license under this Section for each 5,000 residents (or fraction thereof) of the Town. However, if a greater number of businesses covered by this Section are in operation as of the effective date of this Section, then the Town Board may issue a number of licenses equal to the number of implicated businesses then operating, but the Town Board shall issue no more licenses under this Section until the total number of licenses corresponds to the limitation provided in this Subsection.

(13) Penalty.
Any person found to be in violation of any provision of this Section shall be fined, upon conviction and in addition to all applicable court costs and surcharges, an amount not less $50 but not to exceed $100 for a first offense. For a second and any subsequent convictions, the minimum and maximum fine amounts shall be doubled. Each day that a violation continues shall be a separate offense. Any person convicted of a third offense under this Section shall immediately forfeit any license issued hereunder and shall be ineligible to obtain a new license for the period of one year.

CHAPTER 8

RECREATON, BOATING AND SWIMMING

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
8.01	Intent		
8.02	Applicability and Enforcement		
8.03	Adoption of State Boating and Safety Laws		
8.04	Boating Regulations		
8.05	Hours of Operation		
8.06	Swimming Regulated		
8.07	Water Skiing Regulation		
8.08	Ramp Prohibited		
8.09	Littering Prohibited		
8.10	Possession of Glass Prohibited		
8.11	Seaplane Landings Prohibited		
8.12	Conduct at Public Access Sites		
8.13	Uniform Aids to Navigation: Waterway Markers		
8.14	Water Regulations for Icebound Lakes		
8.30	Penalty		

8.01 Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

8.02 Applicability and Enforcement

The provisions of this ordinance shall apply to the Waters of Long (Kee-Nong-Go-Mong) Lake, Waubeesee Lake, Wind Lake, the Muskego Channel, the Wind Lake Channel, and the Anderson Channel within the jurisdiction of the Town of Norway. The provisions of this Ordinance shall be enforced by the Officers of the Town of Norway Lake Patrol.

8.03 Adoption of State Boating and Safety Laws

Sections 30.50 through 30.71, Wis. Stats., as amended from time to time, exclusive of penalty provisions are adopted and incorporated herein by reference as though fully set forth herein
ORD. 92-1 (1/13/92)

8.04 Boating Regulations

(1) Speed

A. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care. In no event shall any person operate a motorboat at a speed in excess of 50 m.p.h.

B. Except as set forth under Section 8.07(3) and unless an area is otherwise marked, no person may operate a personal watercraft, a motorboat, or any watercraft within 300 feet of any main shoreline on any lake, other than Long Lake, at a speed in excess of slow-no-wake speed, or as otherwise established by regulatory markers.
Ord 2011-004 08/08/2011

C. Except as set forth under Section 8.07(3) and unless an area is otherwise marked, no person may operate a personal watercraft, a motorboat, or any other watercraft within 200 feet of any main shoreline on Long Lake at a speed in excess of slow-no-wake, or as otherwise established regulatory markers.

Ord 2011-004 08/08/2011

D. A boat granted the right of way by this section shall maintain her course and speed, unless to do so would probably result in a collision.

E. Boats leaving a dock or pier shall have the right-of-way over all other approaching motorboats.

F. No person shall operate a boat at a speed in excess of 50 m.p.h. No motor boat shall be operated outside the traffic lane at a speed in excess of 5 m.p.h. or idle speed.

ORD 92-1 (1/13/92)

(2) Contests

No person shall operate a motorboat in a contest of speed or maneuverability unless such race or contest is authorized by the Town Board.

(3) Searchlights

No person shall continually or repeatedly cause the rays of a searchlight to rest upon the pilot of another boat.

(4) Slow-No-Wake Emergencies

A. Declaration of a Slow-No-Wake Emergency

When conditions warrant, as provided in Subsection 2, the Town Chair(man) may declare a slow-no-wake emergency. When a slow-no-wake emergency has been declared, the operation of any boat or watercraft in excess of slow-no-wake speed shall be prohibited on every lake subject to this Chapter for the duration of the emergency. “Slow-no-wake” means the minimum speed allowing for the maintenance of steerage control. When the conditions warranting the declaration of a slow-no-wake emergency have dissipated, the Town Chair(man) shall declare that the slow-no-wake emergency has ended and boating traffic on all lakes may resume at otherwise lawful speeds. In the event that the Town Chair(man) is not available within one hour of the onset of slow-no-wake emergency conditions, the Town Police Chief may act in his/her place to declare a slow-no-wake emergency.

B. Slow-No-Wake Emergency Conditions

For purposes of Subsection 1, a slow-no-wake emergency may be declared whenever lake levels are so high due to flooding or unusual weather conditions that the operation of a boat or other watercraft at a speed in excess of the slow-no-wake speed would pose an unreasonable risk of injury, property damage or shore erosion. Anytime the water level in Wind Lake reaches or exceeds a gauge measurement of 8.9, as measured at the Wind Lake outlet and as reported by the USGS, lake levels shall be deemed high enough to warrant the declaration of a slow-no-wake emergency.

C. Notice of Slow-No-Wake Emergencies

Whenever a slow-no-wake emergency has been declared, notices of the emergency and of the restrictions that it entails shall be posted at all boat launches within the Town. Notice shall also be given by posting at any location where Town notices or official postings are regularly placed, by posting on any website that is

maintained by the Town or by any Town lake or park district, and by placing official signage on appropriate thoroughfares within the Town. Notice of a slow-no-wake emergency shall also be given by press release to any newspaper having a general circulation area encompassing the Town, as well as to any other media outlet formally requesting notice or which the Town may deem appropriate. The failure to provide notice of the slow-no-wake emergency by any means other than posting at boat launches, however, shall not constitute a defense to any violation of this section.
Ord.2008-002 05/12/2008

8.05 Hours of Operation

(1) Wind Lake
No motorboat shall be propelled upon the waters of Wind Lake at a speed in excess of slow no wake between sunset and 9:00 a.m.

(2) Waubeesee and Long Lakes
No motorboat shall be propelled upon the waters of Waubeesee or Long Lakes at a speed in excess of slow no wake between 6:00 p.m. and 9:00 a.m., Daylight Saving Time or between 5:00 p.m. and 9:00 a.m. Central Standard Time.

8.06 Swimming Regulated

No person shall swim within the water traffic lane unless accompanied by a staffed boat and shall remain within 50 feet of the boat at all times.

8.07 Water Skiing Regulated

(1) Prohibited at Certain Times Exceptions

A. Except as provided in par. C, no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if that person can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the Department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

B. No person may engage in water skiing, aquaplaning, tubing or similar activity, at any time outside the hours of operation set forth in Section 8.05.

C. In addition to complying with par. A, no person may operate a personal watercraft that is towing a person who is on water skis, an aquaplane, a tube or similar device unless the personal watercraft is designed to seat at least 3 persons.

(2) Careful and Prudent Operation
A person operating a motorboat having in tow a person on water skis, aquaplane, tube or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(3) Restriction

A. No person operating a motorboat that is towing persons engaged in water skiing, aquaplaning, tubing or similar activity may operate the motorboats within 100 feet of any occupied anchored boat, any personal watercraft or any marked swimming area or public boat landing.

B. No person who is engaged in water skiing, aquaplaning, tubing or similar activity may get within 100 feet of a personal watercraft or allow the tow rope while in use to get within 100 feet of a personal watercraft.

C. No person may operate a personal watercraft within 100 feet of the following:

1. A motorboat towing a person who is engaged in water skiing, aquaplaning, tubing or similar activity.

2. The tow rope of a motorboat towing a person who is engaged in water skiing, aquaplaning, tubing or similar activity.

3. A person who is engaged in water skiing, aquaplaning, tubing or similar activity.

D. Paragraphs A and C do not apply to pickup or drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to persons and motorboats engaged in water skiing.

(4) Intoxicated Operation

No person may use water skis, an aquaplane, a tube or a similar device while under the influence of an intoxicant to a degree which renders him or her incapable of safely using water skis, an aquaplane, a tube or a similar device, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely using water skis, an aquaplane, a tube or a similar device.

(5) Two Skiers Allowed

No motorboat operator shall tow more than two persons on water skis, aquaplanes, tubes or similar devices without prior authorization from the Town Board. All downed or dropped skiers, skis, boards, tubes and similar devices shall be picked up immediately.

A. Specialty Tubes and Similar Devices

If one ski, tube, or similar device is used, it may be used up to the manufacturer's passenger or weight capacities. If two devices are used, the maximum number of persons allowed in tow is four, and may not be in excess of the devices manufactured passenger or weight capacities. Devices must have been made for use on water, and used in the manner designated by its manufacturer. The vessel towing the device(s) must have the legal capacity for all persons present. All other laws pertaining to skiing must be obeyed.

ORD 2010-001 09/22/2010
ORD 2009-001 07/13/2009

(6) Wake-Surfing Prohibited

No wake surfing shall be permitted (i.e., riding on surfboard or similar contrivance on wake of the boat without the control of a rope connected to a boat.)

(7) State Law Incorporated

With the exception of Subsection 1, Paragraph B, relating to permissible hours of operation, Wisconsin Statute Sec. 30.69, and any additions or amendments thereto, is incorporated herein by reference.

ORD. 2002-03 (5/29/2002)

8.08 Ramp Prohibited

No person shall construct, install or use in any manner, a ramp for skiing, jumping or for any purpose whatsoever, without prior authorization from the Town Board.

8.09 Littering Prohibited

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore, any cans, papers, bottles, debris, refuse, garbage, solid or liquid waste on or into the lake.

8.10 Possession of Glass Prohibited

No person shall possess or have under his or her control any bottle, jar, container, cup, other receptacle or any other object made of glass, ceramic, earthenware or similar breakable material while on any lake within the Town, whether the lake is frozen or unfrozen. This prohibition does not extend to eyeglasses, lenses or glass which is an integral part of sporting equipment used on the lake.

8.11 Seaplane Landings Prohibited

No person shall operate on the surface of any waters of the Town any seaplane or aircraft capable of landing on water. All waters shall be designated by standard marking devices to show the prohibition of such use.

8.12 Conduct at Public Access Sites

(1) In this section the term "public access site" shall refer to any parcels of land on lakes in the Town of Norway owned, under easement, leased or administered by the State of Wisconsin and under the management, supervision and control of the Department of Natural Resources.

(2) No person shall operate or park any vehicle, as defined in §340.01(74), Wis. Stat., as amended from time to time, and which is required to be registered by law, on any public access site, except as may be specifically authorized by law or administrative rule.

(3) No person may enter to be within the boundaries of any public access site, including any posted parking areas therein, between the hours of 11:00 p.m. and the following 6:00 a.m., except as permitted under the rules and regulations of the Department of Natural Resources, as amended from time to time.

(4) No person shall park, stop or leave standing whether attended or unattended, any vehicle or watercraft within a public access site, contrary to any posted notice therein.

(5) No person may engage in violent, abusive, indecent, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke a disturbance or create a breach of the peace while within the boundaries of any public access site.

(6) No person shall dispose of waste material in any manner at or within a public access site, except by placing the same in receptacles or other locations provided for that purpose.

(7) No person shall engage in any activity or do any act which is contrary to the lawfully posted notices of the Department of Natural Resources at a public access site.

8.13 Uniform Aids to Navigation: Waterway Markers

(1) Definitions

A. "Waterway marker" is any device designed to be placed in, or near any water within the Town, to convey an official

message to a boat operator on matters which may affect health, safety, or well-being.

B. "Regulatory marker" is a marker which has no equivalent in the U. S. Coast Guard aid to navigation.

C. "State aid to navigation" is a waterway marker which is the equivalent of a U. S. Coast Guard aid to navigation.

D. "Buoy" is any device designed to float which is anchored in the water and which is used to convey a message.

(2) Authority to Place Markers
No waterway markers shall be placed in, on or near any waters within the Town, except such buoys or other markers as have been authorized by the Town or other political subdivision of the state or federal government.

(3) Waterway Markers Used on Waters Within the Town of Norway
All state aids to navigation and regulatory markers are to be marked and displayed in conformity with the regulations set forth in Section NR 5.09 of the Wisconsin Administrative Code, incorporated herein by reference as though fully set forth.

(4) Wind Lake Waterway Markers To Be As Follows:
2-Slow-No-Wake buoys out 300' from the ordinary high water line at the DNR boat launch (South Wind Lake Road); Map 1 #A & B; GPS locations: A: N42 49.893, W088 08.152, water depth 6 ft., B: N42 49.871, W088 08.148, water depth 6 ft.

2-Slow-No-Wake buoys out 300' from the ordinary high water line from the property lines of 25313 W Loomis Road (a.k.a. Sportsman's); Map 1 #C & D; GPS locations: C: N42 49.870, W088 08.408; water depth 7 ft.; D: N42 49.893, W088 08.379, water depth 7 ft.

1-Danger Sandbar buoy located 150' from ordinary high water line from 25713 W Loomis Road; Map 1 #G; GPS location: N42 49.649, W088 08.616; water depth 1.5 ft.
2-Red Channel Markers on northwest and southeast edge of Weed Island; Map 1 #H & I; GPS locations: H: N42 49.571, W088 08.523; water depth 4 ft. I: N42 49.358, W088 08.219, water depth 3 ft.

1-Green Channel Marker 300' from the ordinary high water line of 25713 W Loomis Road; Map 1 #J; GPS location: N42 49.620, W088 08.601, water depth 4 ft.

1-Green Channel Marker south of the channel marked on the north by the red channel marker 1; Map 1 #K; GPS location: N42 49.342, W088 08.194, water depth 6ft.

1-Danger Rock buoy 300' out from ordinary high water line of 7157 W Wind Lake Road; Map 1 #L; GPS location: N42 49.048, W088 08.124, water depth 2.5 ft.

1-Danger Rock buoy 500' out from ordinary high water line of 7300 W Wind Lake Road; Map 1 #M; GPS location: N42 49.113, W088 08.146, water depth 3 ft.

1-Danger Rock buoy on east edge of entrance to the bay at Breezy Point Road; Map 1 #N: GPS location: N42 49.144, W088 08.406, water depth 2.5 ft.

1-Danger Rock buoy located due south of 26111 W Loomis Road and south of Wood Island; Map 1 #P; GPS location: N42 49.193, W088 08.945, water depth 2.5 ft.

2-Center of Channel buoys located 150' and 300' south of the centerline of the Muskego Inlet Canal; Map 1 #Q & R; GPS locations: Q: N42 50.030, W088 08.141, water depth 3 ft., R: N42 50.006, W088 08.145, water depth 3 ft.

1-Slow-No-Wake buoy located 300' from the ordinary high water line of 26335 Schad Drive; Map 1 #S; GPS location: N42 49.332, W088 08.304, water depth 5 ft.

1-Center of Channel buoy on the centerline of the channel between Wood Island and mainland; Map 1 #S; GPS location: N42 49.332, W088 08.304, water depth 3 ft.

2-Center of Channel buoys, one located near the northern edge of the navigational channel and the other midway between the two Center-of-Channel buoys; Map 1 #U & V; GPS location: U: N42 49.482, W088 08.367, water depth 4 ft.; V: N42 49.447, W088 08.352, water depth 3.5 ft.

4-Slow-No-Wake buoys placed 400' apart and 400' from the wooded shoreline of DNR Wooded Island; Map #ZA to ZD; GPS locations: ZA: N42 49.599, W088 08.171, water depth 9 ft.; ZB: N42 49.562, W088 08.141, water depth 7.5 ft.; ZC: N42 49.520, W088 08.095, water depth 7 ft.; ZD: N42 49.429, W088 08.009, water depth 7 ft.

3-Slow-No-Wake buoys placed 400' apart 400' northeast of Weed Island; Map 1 #ZE to ZG; GPS locations: ZE: N42 49.586, W088 08.355, water depth 4.5 ft.; ZF: N42 49.541, W088 08.321, water depth 5 ft.

3-Slow-No-Wake buoys placed 400' apart 400' southwest of Weed Island; Map 1 #ZH to ZJ; GPS locations: ZH: N42 49.446, W088 08.488, water depth 3 ft.; ZI: N42 49.398, W088 08.411, water depth 4 ft.; ZJ: N42 49.336, W088 08.349, water depth 4 ft.

4-Slow-No-Wake buoys placed 600' apart, 600' south of Muskego Inlet Canal buoys and proceeding south; Map 1 #ZK to ZN: GPS locations: ZK: N42 49.576, W088 08.714, water depth 4 ft.; ZL: N42 49.702, W088 08.790, water depth 4.5 ft.; ZM: N42 49.820, W088 08.873, water depth 4 ft.; ZN: N42 49.876, W088 08.938, water depth 4 ft.

See Following Map of Wind Lake for Layout of Buoys.
Ord 2001-04 (6/27/2001)
Readopted with DNR approval 9/10/01

(5) Waubeesee Lake Waterway Marks to be as follows:
1-Slow-No-Wake buoy located in middle of channel behind 7718 Martha Circle

1-Slow-No-Wake buoy located in middle of channel behind 27107 Waubeesee Lake Drive

1-Slow-No-Wake buoy located 300' behind 27009 Waubeesee Lake — 10 — Drive

1-Slow-No-Wake buoy located 300' from 26625 Roosevelt Lane

1-Slow-No-Wake buoy located 300' out from 26619 Roosevelt Lane

1-Slow-No-Wake buoy located 300' out from 7236 South Loomis Road

1-Slow-No-Wake buoy located 300' out from 7152 South Loomis Road

See Following Map of Waubeesee Lake for Details.

(6) Installation, Removal and Maintenance
Waterway markers shall be installed and removed by the Town of Norway Lake Patrol. Off-season transportation, maintenance and storage are to be performed by the Department of Public Works.

8.14 Winter Regulations for Icebound Lakes

(1) Intent
It is the intent of this ordinance to provide the basic guidelines and parameters for the safe and healthful use of and conduct of activities on all lakes in the Town of Norway during periods when the lakes are frozen or partially frozen subject to the grant of authority under Section 30.81 of the Wisconsin Statutes.

(2) Compliance with State Laws
Except as otherwise specifically provided in this section, the provisions of Section 23.33, 86.192, 961.47, and Chapters 125, 350, 938 through 948 of the Wisconsin Statutes, described and defining regulations generally with respect to vehicles and traffic conduct, snowmobiles, signage and all terrain vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is imprisonment, and including any amendments thereto, are adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this section.

(3) Definitions
For the purpose of this section, the following definitions shall be applicable:

A. All-Terrain Vehicle or ATV – Any engine driven device as defined in Section 340.01(2g), Wisconsin Statutes, and any other multiaxle, two, three or four wheeled vehicle, or combination wheel and track (runner) vehicle, not otherwise defined herein, powered by a small motor(s) or fan and designed to be operated on snow, ice, grass, dirt, gravel, sand or wet land, whether or not required to be licensed by state law.

B. Snowmobile – Any engine drive vehicle as defined in Section 340.01(59a), Wisconsin Statutes.

C. Automobile – Any motor vehicle as defined in Section 340.01(4), Wisconsin Statutes.

D. Motor Truck – Any motor vehicle as defined in Section 340.01(34), Wisconsin Statutes.

E. Recreational Vehicles or RV – Any mobile home as defined in 340.01(29), Wisconsin Statutes, and any motor home as defined in Section 340.01(33m), Wisconsin Statutes.

F. Motorcycle – Any motorized vehicles as defined in Section 340.01(32), Wisconsin Statutes, including a moped as defined in Section 340.01(29m), Wisconsin Statutes, and a motor bicycle as defined in Section 340.01(30), Wisconsin Statutes.

G. Iceboat – A sailboat-like structure with runners or wheels intended to be wind powered on a solid surface.

H. Vehicles – All the above vehicles plus any other vehicle powered by motor or wind.

I. Ice Shanties – Structures which are parked or erected on the ice for use as warming buildings or ice fishing shelters, but not including RVs, trucks and automobiles.

J. Activities and Events – Shall include, but not be limited to sporting events, fisheries, and iceboat and snowmobile races.

(4) Speed Restrictions

A. No iceboat, ATV, or snowmobile shall be operated on an icebound lake in the Town of Norway at a speed greater than is reasonable and prudent under the circumstances then existing.

B. All other vehicles including, but not limited to automobiles, motor trucks, and RVs shall not exceed a speed of 10 m.p.h. on any icebound lake in the Town of Norway.

(5) General Regulations

The following regulations shall apply to icebound lakes in the Town of Norway.

A. No person shall operate a vehicle on any cleared skating areas.

B. No person shall operate a vehicle in any area where authorized events are being held, unless the vehicle is required or permitted for such event, and only to such extent.

C. No person shall use or operate any vehicle in any manner so as to endanger any person on the lake.

D. No person while operating a vehicle shall push, pull or tow any person on skates or skis.

E. No person while operating a vehicle shall push, pull or tow any device, whether occupied or unoccupied, unless such device is attached by a rigid tow bar to the frame of the towing vehicle. Such devices shall include, but shall not be limited to, sleds, toboggans, and inner tubes.

F. No person shall operate any motorized vehicle in an erratic or free wheeling manner. All such maneuvers, including, but not limited to, “wheelies”, “donuts”, “skating” the vehicle, “spinning out” and wheel spinning, are prohibited.

G. No person shall operate any vehicle powered by an internal combustion engine which is not equipped with a muffler, nor shall any person operate such vehicle in a manner so as to create excessive noise.

H. No person shall operate any vehicle during hours of darkness unless equipped with and using adequate, operating head light(s) and tail light(s).

I. No person shall throw, place or permit to remain on or below the surface of any lake any vehicles, glass, earth, stones, grass, brush, leaves, petroleum product, garbage, excrement, refuse, waste, filth or other litter.

J. Ice Shanties.

1. No ice shanty may be placed or left on the ice before December 1 or after March 5, or for such shorter period as is ordered by the police department of the Town of Norway. Any ice shanty placed or left in violation of this regulation may be impounded.

2. Ice shanties shall at all times display a red reflective material of at least nine (9) square inches in size on all sides, approximately 3-1/2 feet from the bottom of the shanty and visible from 100 feet away.

3. Ice shanties or shelters left on any lake overnight shall display the name, address and phone number of the owner on the exterior of the shanty on or near the door or entryway. Letters are to be at least 2" in height.

4. Ice shanties shall be constructed of materials which will not be destroyed or quickly deteriorate in wind or rain.

K. Ice Cutting

1. Holes cut, augured or chiseled in the ice for purposes of fishing, shall not be larger than 12 inches in diameter.

2. Holes cut, augured or chiseled in the ice for purposes of diving, may be larger than 12 inches in diameter, but such holes shall be clearly marked with light-reflective markers. When not in use, the ice shall be replaced in such hole and markers shall be placed until the hole freezes solid and is no longer a hazard.

L. It shall be unlawful to fail, or refuse to comply with, any lawful order, signal, or direction of a Town police officer or a lake patrol officer. No person operating a vehicle, after having received a visual or audible signal from an officer or marked police vehicle, shall flee or attempt to elude any officer, willfully or wantonly disregard such signal, interfere with or endanger the operation of the police vehicle, the officer or other vehicles or persons, increase the speed of the vehicle or to extinguish the lights of the vehicle in an attempt to elude or flee apprehension.

(6) Special Events, Risks and Liabilities

A. No special sporting event, fisheree, iceboat race, exhibition or other activity or event shall be conducted on any lake unless a permit for such activity or event has been issued by the Town Board of the Town of Norway.

B. If at any time the police department concludes that the lake is unsafe for vehicle operation or other activities, it may declare the lake unsafe and order it closed to such traffic and/or activity, and all such vehicle operation and activities shall cease.

C. All traffic and activities on a lake shall be at risk of the operator of the vehicle or pedestrian as provided in Section 30.81(3), Wisconsin Statutes, and nothing in this code shall be construed as shifting or placing such risk or liability to or on any other parties or on any units or agencies of government.

D. Applicability
This section shall apply to any lake located wholly within the Town of Norway. This section shall also apply to any lake located partially within the Town of Norway if and when all other towns, villages or cities having jurisdiction over any portion of such lake have enacted identical provisions.

E. Penalty
Any person, firm, association or corporation violating any provision of this ordinance or the Wisconsin Statutes incorporated herein by reference shall be subject to the penalties provided in Section 8.30

Ord. No 2000-1 (01/10/2000)

8.30 Penalty

(1) Except as set forth below, any person, firm, association or corporation violating any provision of this chapter shall forfeit not more than $50.00 upon conviction for a first offense and not more than $100.00 upon conviction of the same offense, a second or subsequent time within one year, together with all the costs or prosecution in accordance with state law.

(2) Any person violating Section 8.04(5) shall be fined not more than $200.00, together with the costs of prosecution in accordance with state law. Any person violating Section 8.04(5) shall be required to obtain a certificate of satisfactory completion of a safety course under Wis. Stat. §30.74(1).

Ord. No. 2000-1 (01/10/2000)

CHAPTER 9
EMERGENCY GOVERNMENT

Section Number	*Title*	*Ordinance Number*	*Date of Ordinance*
9.01	Definitions		
9.02	Emergency Government Committee		
9.03	Coordinator of Emergency Government Services		
9.04	Declaration of Emergency		
9.05	Sharing Costs		
9.06	Joint Meetings		
9.07	Use of Existing Services and Facilities		
9.08	Emergency Powers		
9.09	Penalties		

9.01 Definitions

(1) "Civil defense" means all measures undertaken by or on behalf of the Town to prepare for and minimize the effect of enemy action upon the civilian population.

(2) "Emergency government" includes "civil defense" and means all measures undertaken by or on behalf of the town:

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

B. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and public facilities destroyed or damaged by enemy action or natural or man-made disaster.

(3) "Enemy action" means hostile action by a foreign power which threatens the town's security.

9.02 ORD. (1971) Sec. 166.02 Stats.

9.02 Emergency Government Committee

(1) How Constituted.
The Town Board shall be the Emergency Government Committee, whose Chairman shall be the Chairman of the Town Board.

(2) Duties.
The Emergency Government Committee shall be an advisory and planning group and shall advise the Coordinator of Emergency Government Services on all emergency government matters. It shall annually prepare and adopt a budget for Emergency Government.

9.05 ORD. (1971)

9.03 Coordinator of Emergency Government Services

(1) The Chairman of the Town Board shall appoint the Town Coordinator of Emergency Government Services.

(2) The Coordinator of Emergency Government Services shall:

A. Develop and promulgate emergency government plans for the Town consistent with State and County Plans, and present such plans to the Town Board for approval.

B. Direct the emergency government program for the Town and perform such other duties related to emergency government as are required by the Town Board and the Emergency Government Committee.

C. Direct the Town emergency government training programs and exercises.

D. Direct Town participation in emergency government training programs and exercises.

9.04 ORD. (1971) Sec. 166.03(4) and (5) Stats.

9.04 Declaration of Emergency

(1) The Coordinator of Emergency Government Services shall take action in accordance with emergency government plans only after the declaration of an emergency. The declaration shall be made by the Governor, Town Board, Town Chairman or in his/her absence the Coordinator or by their emergency interim successors pursuant to Sections 166.07 and 166.08 Wisconsin Statutes. The state of emergency shall continue until terminated by the issuing authority except the Governor's declaration cannot be terminated by the Town.

(2) Whenever the Town Board, Town Chair(man), Coordinator or their/his/her emergency interim successors shall declare a local emergency, they/he/she shall file a declaration with the Town Clerk not later than the next regular business day in a form substantially as follows:

DECLARATION OF EMERGENCY IN TOWN OF NORWAY

BE IT KNOWN TO ALL PERSONS, THAT ON THIS DAY, PURSUANT TO THE AUTHORITY VESTED IN MY OFFICE UNDER CHAPTER 166 OF THE WISCONSIN STATUTES AND SECTION 9.04 OF THE MUNICIPAL CODE OF THE TOWN OF NORWAY.

IT IS HEREBY DECLARED A STATE OF EMERGENCY EXISTS IN THE TOWN OF NORWAY, FOR THE FOLLOWING SPECIFIC REASONS:

_____
_____.

I FIND THAT A DISASTER EXISTS WHICH REQUIRES EXTRAORDINARY MEASURES TO PROTECT THE HEALTH AND WELL-BEING OF THE PEOPLE.

Dated: _____ By: _____
Town Chair(man)

By: _____
(Print Name and Title below signature)

Authorized successor in absence of Town Chair(man) per the Municipal Code of the Town of Norway. The Town Chair(man) is absent and unable to take action because:

_____

ORD. 97-4 Sec. 166.03(1)(b) Stats.

9.05 Sharing Costs

(1) Office and Staff
The Racine County Board shall provide offices, office furniture, stenographic help and such office supplies as are necessary to carry out the functions of the County Coordinator of Emergency Government Services and the cost thereof shall be defrayed by the County of Racine, with the help of the Federal financial assistance program.

(2) Major Equipment and Services
Costs of equipment and services requested by the Town of Norway shall be borne 100% by the Town with Federal financial assistance procured by the County Coordinator of Emergency Government Services when applicable, Federal financial assistance reimbursements shall be returned to the Town Treasurer.

9.05 ORD. (1971) ORD. 97-4

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

9.06 ORD. (1971)

9.07 Use of Existing Services and Facilities

(1) Policy

In preparing and executing the Emergency Government program, the services, equipment, supplies and facilities of the existing departments and agencies of the Town shall be used to the maximum extent practicable; and the heads and personnel of all departments and agencies are directed to cooperate, and extend such services and facilities as are required of them.

(2) Responsibility

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

9.07 ORD.(1971)

9.08 Emergency Powers

In the event of a declared statewide or local emergency covered under state law or this ordinance, the Town Board shall have, without limitation due to enumeration, the following powers:

(1) To assemble all necessary personnel for the purpose of forming an advisory body to offer advice upon the need for and to supervise emergency services to the impacted area(s).

(2) To contract with other units of government for the use of manpower, specialized services, and equipment.

(3) To contract on a cost basis with private industry, leasing companies or contractors for services, manpower and equipment.

(4) To order all Town employees to immediate active duty to concentrate manpower and equipment in a given area or areas.

(5) To authorize any Town owned or leased property to be made available as emergency shelters, food and water dispensing areas, hospitals, morgues, bases of operations and the like.

(6) To order Town employees and equipment to be utilized in the transportation of equipment, supplies, food, water, materials, messages and the like, from place to place to assist any governmental, Red Cross or like charitable agency operating within the Town.

(7) To suspend ordinary Town services.

(8) To order a curfew for the general public or any segment of the general public in all or any portion of the Town.

(9) To close any street, park or public facility within the Town.

(10) To order the evacuation of citizens or take other protective actions deemed necessary within the Town.

(11) To request further disaster declarations and assistance from the County of Racine, the Governor of the State of Wisconsin and the President of the United States, and other agencies, as appropriate.

(12) To take all steps reasonably necessary to preserve the public health, safety and welfare and property of the citizens and residents of the Town.

ORD. 97-4

9.09 Penalties

Whoever intentionally fails to comply with the directives of emergency government authorities promulgated under this ordinance during a state of emergency or during any training program or exercise may forfeit not more than $200 and any default of payment of such forfeiture, be imprisoned not more than 90 days.

9.08 ORD. (1971)

CHAPTER 10
BUILDING, ZONING AND PLANNING

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
10.01	Zoning		
10.012	Comprehensive Plan		
10.015	Billboards Prohibited		
10.02	Building, Plumbing and Electrical Code	*2019-03* *2021-01*	*10/21/19* *04/07/21*
10.03	Architectural Control		
10.04	Unsafe Buildings or Structures		
10.05	Location of Service Stations		
10.06	Impact Fees		
10.07	Holding Tanks Regulated		
10.08	Moving Buildings Regulated		
10.09	Razing Buildings Regulated		
10.10	Road/Street Clean-Up Required		
10.11	Underground Tanks Regulated		
10.115	Well Abandonment	*2013-003*	*11/06/13*
10.12	Air-Conditioning and Refrigeration Systems Regulated		
10.13	Garages		
10.135	Storage Pods and Polystructures/Polyshelters		
10.14	Outdoor Swimming Pools	*2026-02*	*10/12/26*
10.15	Parking and Storage of Recreational Vehicles Regulated		
10.16	Storage of Firewood Regulated		
10.17	Housing Code		
10.171	Outdoor Lighting	*2017-02* *2024-02*	*08/14/17* *02/12/24*
10.175	Fences		
10.176	Retaining Walls	*2024-03*	*02/12/24*
10.18	Culverts, Ditches and Rights-of-Way		
10.19	Soil Disturbing Activities		
10.20	Plan Commission		
10.21	Enforcement and Penalties		

10.01 Zoning

The Town adopts by reference as though fully set forth herein the zoning code of Racine County as enacted on June 23, 1949 and any subsequent amendments and revisions.

18.02 ORD (1971)

10.012 Comprehensive Plan

The Town Board of the Town of Norway, Wisconsin, does, by the enactment of this ordinance, formally adopt the document titled, "A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035," pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes, as the Town of Norway Comprehensive Plan. The comprehensive plan is available for public inspection during normal business hours in the Clerk's office.

ORD 2009-002 6/24/2009

10.015 Prohibiting Billboards

(1) Purpose and Findings

The purpose of this ordinance is to prohibit the use of Billboards as a form of signage in the Town. The Town has a tradition and reputation as a community with a rich mix of land uses that blend into a country landscape of high aesthetic quality and visual

character. Billboards create visual clutter and affect the character of the visual quality enjoyed daily by residents of the Town and its visitors. The visual clutter affects property values and creates unsafe vehicular traffic conditions on highways within the Town. Eliminating visual clutter is complimentary to the Town's character and unobtrusive commercial development. Thus, aesthetic considerations impact economic values as well as public health, welfare and safety. To the extent this Section conflicts with any provision of Article IX of the Zoning Code of Racine County regulating signs, this Section shall apply. All other provisions of Article IX of the Zoning Code of Racine County regulating signs remain applicable.

(2) Definitions

The following definitions shall be applicable in this Section:

A. "Billboard" shall include the following:

1. A sign that advertises or directs attention to a business, commodity, good, product, facility, place, service, activity or entertainment conducted, sold or offered elsewhere and is not located on the premises, property, lot, or parcel where the sign is displayed, regardless of the sign's size or content.

2. A sign that is erected or constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof or separated from the rest of the roof by more than twelve (12) inches, regardless of the sign's size or content.

(3) Prohibition

No person, firm, corporation or other entity shall hereafter locate, erect, move, construct, reconstruct, enlarge or structurally alter any Billboard within the Town. This prohibition does not include directional signs if erected by a governmental agency or temporary special event signs if allowed by the Zoning Code of Racine County.

(4) Existing Billboards

A. Nonconforming Structures

Billboards existing at the time of this ordinance may be continued, although they do not conform to the provisions of this article. However, such Billboards are deemed a nonconforming structure. Existing Billboards which become nonconforming upon adoption of this ordinance shall not be replaced, reconstructed, remodeled, relocated or altered in any way unless such action will make the Billboard conforming in all respects with this ordinance (note: simple aesthetic maintenance and change of sign face or lettering is expected).

B. Restoration if Damaged

A nonconforming Billboard or its structure which is damaged may be restored only after the owner has shown that the damage did not exceed fifty (50) percent of the appraised value of the billboard. If such Bill board or its supporting structure is destroyed, or damaged to an extent exceeding fifty (50) percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced. If restoration of a damaged Billboard is not completed within three (3) months of the date damage occurred, such Billboard shall be removed or replaced in a

manner as will conform to will specifications of this ordinance.

C. Removal of Certain Billboards

Any nonconforming Billboard which no longer advertises or directs attention to an existing business, service or product, or which is dilapidated, in disrepair, unsafe, insecure, or has been constructed, erected or maintained in violation of the provisions of this ordinance, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which said Billboard may be found. If, within ten (10) days of receiving written notification from the Town, the Bill board owner fails to comply with such notice, the Town may declare such Billboard a public nuisance and proceed pursuant to Section 6.09(6) of this Code of Ordinances to abate the nuisance. Any expense incurred thereto shall be paid by the owner of the building or land to which such Billboard is attached. In the event such costs and expenses are not paid within thirty (30) days from the date of billing, then the costs and expenses incurred for such removal may be assessed against the real estate upon which said Billboard is located and collected as other taxes are collected on said real estate.

Ord. 2006-002 4/10/2006

10.02 Building, Plumbing and Electrical Code

(1) Application of Code

This code applies to the design, construction, repairs, alteration, moving and demolition of all buildings and structures, as set forth in this chapter.

(2) Duties and Rights of Building Inspectors

A. Enforce all laws regulating safe building construction;

B. Make periodic inspections as set forth in the adopted Chapters of the Administrative Code. Upon notification from the permit holder or his agent, the building inspector shall made the following inspections:

1. Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit.

2. Inspection of all wall, floor and roof framing, fire stopping, and bracing when completed, and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.

3. Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile, and forms.

4. Upon the completion of any building, structure, equipment, or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made and until such building, structure, or equipment is in compliance

with all the requirements of this Code and terms of the permit, no occupancy shall be granted.

C. Keep a record of all applications for permits, a record showing the number, description and sizes, cost and materials of all buildings erected; all inspections made; removal and condemnation of buildings and fees collected with date of receipt.

D. Make an annual written report to the Town Board.

E. The building inspector may at reasonable hours for any proper purpose, enter upon any public or private premises and make inspection thereof and require the production of a permit for any building, plumbing, HVAC being done and the license therefore.

(3) Qualifications of Inspector

The person or persons authorized to inspect shall possess current Department of Industry, Labor and Human Relations certification for all categories listed in ILHR 26.06 of the Wis. Admin. Code.

ILHR Ch 26, Wis Admin Code

(4) Building, Plumbing and Electrical Codes

A. Uniform Code

The provisions of Chapters SPS 320-325 (Uniform Dwelling Code), Chapters SPS 361-366 (Commercial Building Code), Chapters SPS 381- 386 (Plumbing), and Chapter SPS 316 (Electrical) of the Administrative Code of the State of Wisconsin, as amended from time to time, are 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 said sections of the Administrative Code of the State of Wisconsin incorporated herein by reference is required and prohibited by this section.

B. Existing Buildings

These codes shall apply to existing buildings and conditions described as follows:

1. An existing building to be occupied as a one or two-family dwelling, which building was not previously so occupied.

2. Additions, repairs and alterations made to an existing building as set forth in this chapter.

3. When more than 25% of a roof covering is replaced within a period of 12 months, the entire roof shall conform to applicable provisions of this code.

C. Alterations and Repairs

These Codes shall apply to buildings altered or repaired as follows:

Alterations - when not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use, but of non-conforming type of construction, which involves either the structural members of floors or roofs, beams, girders, columns, bearing, or other walls, room, heating and air-conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or

all of the above, then such existing construction shall be made to conform to applicable parts of this code.

Repairs - repairs or replacement of parts which involve the structural portions of the building or structure or which affect room arrangement, light, ventilation, exits, exit stairways, fire protection or change a use.

D. The construction, installation, erection, alteration or remodeling of any boiler, furnace, incinerator wood burner, heat producing apparatus, refrigeration system or other equipment using flammable liquids, shall be done only after complying with this code and obtaining a permit.

(5) Building Permits

A. Permits Required

No building or structure or any part thereof shall be built, enlarged, altered or demolished or move into, within or out of the municipality except as provided, unless a permit shall first be obtained by the owner or agent from the Building Inspector. The following permits are required:

1. Building
2. Air Conditioning
3. Wrecking or razing
4. Heating – Ventilating
5. Moving Buildings
6. Occupancy
7. Re-roofing and re-siding
8. Remodeling, alterations or additions to existing buildings
9. Underground tanks
10. Soil disturbing activities
11. Culvert
12. Storage Pods which include a box container constructed of wood, steel or other similar material such as "Portable on Demand Storage"
13. Polystructures, Polyshelters and structures with a frame of steel or other material which is covered by plastic, polyurethane, vinyl, canvas, or other similar flexible sheeting material.

Ord 2005-16 08/31/2005

B. Applications

Applications for building permits shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of owner of the building; the owner of the land on which it is to be erected; the name and address of the designer; a legal description of the land; the location of the building; the house number; the cost of work based on current prices, and such other information as the Building Inspector may require. The applicant shall also submit to the Building Inspector two (2) complete sets of plans, specifications and three (3) copies of a survey or plot plan.

C. Survey

The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin; and shall bear the date of the survey. The certified survey shall show the following:

1. Location and dimensions of all proposed and existing buildings on the lot;

2. Dimensions of the lot;
3. Set-backs to all proposed and existing buildings on the lot;
4. Proposed grade of proposed structure, to Town datum;
5. Grades of lot and road opposite lot;
6. Grades and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on said side of road;
7. Type of monuments at each corner of lot;
8. Water courses or existing drainage ditches;
9. Seal and signature of surveyor;
10. Grades of lot corners and first floor of building drawn or dimensioned;
11. Floodplain boundaries, 100-year recurrence interval flood;
12. Floodplain Fringe Overlay boundary.

D. Plans and Specifications

All plans shall be dimensioned accurately or drawn to a scale not less than one-fourth (1/4) inch per foot, on paper in ink, or some other process that will not fade or obliterate, and shall show the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. For buildings requiring approval of DILHR, applicant must submit plans showing such approval. A complete set of plans for residential construction shall consist of:

1. All elevations;
2. All floor plans;
3. Complete construction details;
4. Fireplace details (3/4 inch per foot) showing cross-section of fireplace and flues;
5. All plans and information required by UDC Code;
6. All plans and information required by State Building Code.

E. Drainage

1. Plans to Show Grades

In conjunction with the survey submittal required under this Code, the plans shall show present and proposed grades of the lot for which a building permit is sought and of the immediately adjoining properties in sufficient detail to indicate the surface water drainage before and after the completion of the grading.

2. Town Approval

No building permit shall be issued until the Town Building Inspector is satisfied that the final grading plan for the lot shall not cause any temporary or permanent unreasonable accumulation of water on the lot or upon any adjoining property. Nor shall any building permit be issued if the natural flow of water from the surface of adjoining properties or obstruct the flow of water in any existing ravine, ditch or drain unless a suitable alternative is provided for removal of the water

3. Certification of Footing Elevation

At the time of the footing and foundation inspection, and before any further work may proceed, the Town shall be presented with certification from a surveyor

or engineer registered by the State of Wisconsin that the actual elevation of the footings are in conformity with the original plans submitted by the applicant and approved by the Town.
ORD No. 97-7

4. Storm Water Drains
No dwelling shall be erected, altered or repaired unless provision is made to convey storm water from the roof of the dwelling directly or indirectly into the storm sewer system. No storm water or surface water drains may be connected with the sanitary sewer system whether installed above or below the ground.

F. Seal of Registered Engineer or Architect
All plans, data and specifications other than for one and two-family residences containing more than fifty (50) thousand cubic feet total volume shall bear the seal of a registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department on Industry, Labor and Human Relations of the State of Wisconsin. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. A written statement that construction shall be supervised by an architect or engineer shall be filed with the Building Inspector with the application for permit. Upon completion of the work, the architect or engineer shall provide a certified report. Such certified report shall state that all construction work has been executed in accordance with all of the regulations of THIS CODE, approved plans, specifications, terms of the permit; and further that such construction work was executed in accordance with accepted architectural and engineering standards.

G. Waiver of Some Requirements
At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building or structure provided the proposed construction is sufficiently described in the application for permit.

(6) Plumbing Code

A. Plumbing Defined
In this chapter, "plumbing" means and includes:

1. All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.

2. The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems and the alteration of any such systems, drains or waste piping.

3. The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

4. The water pressure systems other than municipal systems as provided in Ch. 144, Wis. Stats.

5. A plumbing and drainage system so designed and vent piping so installed, as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

6. "Plumbing" does not include minor repairs to facets or the removal of stoppages in solid or waste pipes.

B. Plumbing Inspector

The Plumbing Inspector shall enforce app provisions relating to the construction, installation, alteration and repair of all plumbing and shall made such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

C. Plumbing Permits

1. Application

The application shall be in writing upon forms which the Plumbing inspector shall provide and shall include the name of the owner, the work to be done and the description of the property on which the work is to be done, along with such other pertinent information as the Plumbing Inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter.

2. Issuance

When the Plumbing Inspector is satisfied that the work proposed can be done in conformity with this chapter, and after the appropriate fees have been paid to him, he shall issue the permit, which shall not be valid unless endorsed in writing or stamped "Approved" by the Plumbing Inspector. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for same and shall automatically expire on completion of the work for which it was issued; provided the Plumbing Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.

3. Restrictions on Issuance

No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected; against whom an order issued by the Plumbing Inspector is pending; or who owes the Town any plumbing permit fees.

D. Fees for Replacement Fixtures

1. Definition

As used in this section, "fixture" includes without limitation: sinks, bathtubs, wash basins, water closets, shower stalls, urinals, laundry tubs, gas water heaters, range boilers, floor drains, catch basins, bubblers, sumps, bar connections, soda fountains, ice boxes, machine waste connections, acid tanks, ejectors and all plumbing fixtures which are installed.

2. Replacement of Fixtures

There shall be no fee charged for the replacement of fixtures unless additional for further plumbing is deemed necessary or required under the provisions of this chapter.

E. Responsibility of Permit Holder

The permit holder is required to have all work authorized by such permit performed by a licensed plumber and unless authorized by such permit to do all work, shall notify the Plumbing Inspector when such work is ready for inspection and have full responsibility for such work.

F. Plumbers to be Licensed

All plumbing work shall be done only by a plumber licensed by the State for such work; provided a property owner may make repairs or installations inside a single family building owned and occupied by him as his home if a permit therefore is issued and the work is done in compliance with the provisions of this chapter.

G. Approval or Disapproval

If, upon inspection, it is found that such plumbing complies with this chapter and the laws of the state and does not constitute a hazard to life or property the Plumbing Inspector shall approve the same and authorize the covering or concealing of such work. If the work is incomplete or does not fully comply with the provisions of this chapter and the laws of the State, the Plumbing Inspector shall order the same removed and replaced and retested, if necessary.

H. Connections to the Public Sewage System

No person shall be connected to the public sewage system unless a sewer improvement fee has been paid on the frontage of the property to which sewer connection is to be installed.

I. Branch Tees

Such information as the Plumbing Inspector or the Sanitary District may have with regard to the location of sewer junctions or slants shall be furnished to plumbers, the Town assuming no risk as to the accuracy of the same. If the junction is not found using the measurements furnished

by the Sanitary District or Plumbing Inspector, connection shall be made as provided ILHR 82.04(6), Wis. Adm. Code.

J. Existing Drains or Sewers

Whenever it is necessary to disturb a drain or sewer in actual use, the same shall not be obstructed or disconnected without the permission of the Plumbing Inspector, and no person shall make any new connections with, or extensions to, any old drain without the permission of the Plumbing Inspector.

K. Connecting During Freezing Weather

No openings in the streets for making connection with a main sewer shall be permitted when the ground is frozen except when the Plumbing Inspector judges such connection necessary. If such permission is granted, the work shall be done as directed in the permit therefore.

L. Plumbing Requiring Street Excavation

1. Bond Required

Before a permit shall be issued for laying any drain or waste pipes in any public street, alley or grounds, the applicant or the firm or corporation of which the applicant is an officer or employee shall execute and deposit with the Plumbing Inspector either a commercial surety bond or undertaking in the sum of $2,000.00 with surety or sureties to be approved by the Town Attorney in the sum of $500.00 conditioned that he will indemnify and save harmless the Town and the owner of the premises from all liability for accidents and damage caused by any of his work or by any other reason, and that he will replace and restore the pavement over any opening he may have made to as good state and condition as he found it and will keep and maintain the same in such condition, and that he will pay all fines imposed upon him for any violation of any rules or regulations governing plumbing adopted by the Town. If the Town elects to make the street repair itself, such bond or sum so deposited shall guarantee payment to the Town by the person opening the street of all costs of making such repair and of maintaining the repair for one year.

2. Replacing Street Surface

When opening any street surface or other public way, all materials for paving or ballasting shall be removed with the excavated material from the trenches, or otherwise, shall be placed where it will cause the least inconvenience to the public and so that it will admit free passage of water along the gutters. As little as possible of the trench shall be dug until the slant or junction pipe to the sewer is found. The backfilling shall be puddle, and the paving and ballast shall be replaced in the original condition. When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. When caving occurs, the entire street surface thus disturbed shall be restored in the same careful manner as though it were an excavation or a trench.

3. Protection of the Public

Every plumber shall enclose each opening which he may make in the streets or public ways with sufficient barriers. Flashing yellow lights shall be kept burning from sunset to sunrise, one yellow light to be placed at each end of openings in streets and other yellow lights to be placed at intervals of ten (10) feet. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property from the beginning to the end of the work. The plumber responsible shall be liable for all damages, including costs incurred by the Town in defending any action brought against it for damages and costs of an appeal, that result from the failure to provide the necessary precautions against injury or damage to persons or property.

M. Damaging Plumbing Prohibited

No person shall intentionally, willfully or maliciously damage or obstruct any sewer, house drain, catch basin or any plumbing fixtures, pipes or other parts of any plumbing in actual use, or any sewer, water or gas pipe, or any parts or apparatus connected therewith, laid or constructed in the streets, alleys or other public places or under any sidewalks of the Town.

(7) Electrical Code

A. Minimum Standards

This ordinance prescribes reasonable minimum standards, rather than specifications for electrical installations and electrical equipment generally. Specifications for electrical installations are not complete when they merely require compliance with this chapter, because the adequacy, suitability, operating efficiency, convenience, finish, appearance and value of electrical installations may vary greatly without departure from the regulations of this chapter.

B. Definitions

For the purpose of this Code, the following terms and words shall have the following meanings:

1. "Electrical System" means all wires, equipment or devises installed for the purpose of conducting or safeguarding electrical current.

2. "Electrical Work" means any act in connection with the installing, altering or maintaining of an electrical system which act ordinarily requires the use of tools.

3. "Wiring" includes the wires and other devices incident to the means for safely conducting electrical current.

C. Authority to Discontinue Electrical Alteration

The Electrical Inspector shall have the authority to order cutting off all electrical current from any electrical system which is found to be in an unsafe condition, and to order the cutting off of electrical current in cases of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person, firm or corporation shall

reconnect any equipment thus cut off until permission is given by the Electrical Inspector.

D. Inspection

Upon the completion of the wiring in or on any building and before any wiring is to be hidden from view it shall be the duty of the person, firm or corporation doing the same to notify the Electrical Inspector and he shall inspect the installation within forty-eight (48) hours of the time such notice is received. If, upon inspection, it is found that the installation complies with this Code and does not constitute a hazard to life or property, he shall approve the same and authorize concealment of the wiring, or authorize connection for electrical service. If the installation is incomplete or not strictly in accordance with this Code, he shall issue orders to the person, firm or corporation installing the same to remove all hazards and make the necessary changes or additions within seven (7) days. No person, firm or corporation shall conceal any electrical work before inspection, or fail to comply with any order of the Electrical Inspector.

E. Certificate of Inspection

Current shall not be turned on any electrical installation until a certificate of inspection has been issued by the Electrical Inspector. However, in occupied buildings where a permit for lighting fixtures has been issued, the Electrical Inspector may authorize the installation of meters for electric service after wiring has been inspected and approved.

F. Applications and Permits for Light, Heat and Power Installations

The Electrical Inspector shall issue permits upon payment of the fee and for the execution of electrical installations for light, heat or power upon the filing of proper application, which shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has first been obtained.

1. Any person, firm or corporation manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for his or its testing equipment.

2. No permits shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses, or changing lamp sockets.

3. No permit shall be required for portable devices such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electric refrigerators and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord or plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.

G. Temporary Work

On applying for a permit for temporary work, a specified period of time during which such wiring is to remain in service must be stated, but not exceeding ninety (90) days. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations, display decorative lighting, etc. for use for a limited period, subject to discontinuance and complete removal at expiration and to condemnation and revocation within such period.

H. Emergency Work
In emergency work, the person, firm or corporation doing or causing such work to be done shall report the same to the Electrical Inspector immediately after beginning work, and such work shall be done in accordance with the provisions of this Code.

I. Construction Requirements
No certificate of inspection shall be issued unless the electric light, power or heating installation and all electrical apparatus connected with it are in strict conformity with the provisions of this Code, the rules and regulations of the Wisconsin State Electrical Code issued by the DILHR and Public Service Commission of Wisconsin under authority of the State Statutes and all amendments thereof and supplements thereto.

(8) Permit Required
A. No building permit shall be issued until after the applicant has received a zoning permit and sanitary connection fees are paid. Copies of the zoning permit and sanitary fee receipt shall be filed with the Building Inspector. No person, firm or corporation may build, repair, enlarge, alter, demolish or move any building covered by these Codes without first obtaining a building permit from the town building inspector. A card showing that a permit has been issued shall be posted at the job site during construction. The permit shall be valid for twenty-four (24) months after issuance or if work is commenced and thereafter suspended less than 60 continuous days. The Building Inspector may extend the time if the delay was due to conditions beyond the applicant's control. After issuance of the permit, plans shall not be altered without prior approval of the Building Inspector. The Building Inspector, at his discretion, may issue a permit for part of the building before receiving the plans and specifications of the entire building. The issuance of a permit shall not prevent the Building Inspector from thereafter requiring the correction of errors in plans and specifications or from stopping construction or work when in violation of ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

(9) Permit Revocation
A. The Inspectors may revoke any permit, certificate of occupancy, or approval issued under this code and may stop construction or use of materials, equipment, methods of

construction, devices, or appliances for any of the following reasons:

1. Violation of any regulation of this Code, any other ordinance, law, or lawful orders.

2. Continuance of any construction becomes dangerous to life or property.

3. Violation of any condition or provisions of the application for permit, or of the permit.

4. False statement or misrepresentation 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.

5. Violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices, or appliances.

B. The notice revoking a permit, certificate of occupancy, or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises, and his agent, if any, and on the person having charge of construction.

C. A revocation placard shall also be posted upon the building structure, equipment, or premises in question by the Building Inspector.

D. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any persons to proceed with any construction operation on the premises. The permit shall be void. Before any construction or operation is resumed, a new permit shall be procured and fees paid therefore. The resumption of any construction or operation shall be in compliance with the regulations of this code.

(10) Fees

Building, electrical and plumbing permit fees are contained in the fee schedule established by motion of the Town Board obtainable from the town building inspector. The applicant shall pay the fee at the time the applicant files the application. When repeat inspections are necessary due to faulty, defective or incomplete work, the applicant shall pay a reinspection fee. Double fees shall be charged for construction commenced prior to obtaining a permit, except for emergencies.

18.01 ORD (1979, 1980) Sec 101.65 Wis. Stats.

(11) Certificate of Occupancy

A. The building inspector shall make interim and final inspections of all construction and upon completion of the work, if no violations are found, shall issue a certificate of occupancy stating the use.

B. No building shall be occupied without a certificate of occupancy and no building shall be occupied for a use not authorized.

C. No use of premises with a certificate shall change without first obtaining a new certificate of occupancy.

D. Reoccupancy of a Commercial Site

1. No "commercial site," as defined in Sec. 10.02(11)(D)(2), may be occupied by a new owner or tenant without first obtaining a new certificate of occupancy.

2. For purposes of Sec. 10.02(11)(D)(1) only, a "commercial site" is any site or existing building (or any part thereof) located in any business district or manufacturing district, as those terms are defined in the Racine County zoning code.
Ord 2002-02 (2/11/2002)

(12) Appeals

Any person aggrieved by any order, ruling or decision of the Inspector may appeal from such order, ruling or decision to the Town Board within ten (10) days after written notice thereof has been delivered to him, such appeal to be in writing setting forth the order, ruling or decision appealed from and the respects in which such order, ruling or decision is incorrect or illegal. The notice of appeal shall be filed with the Town Clerk and shall be heard at the next regular meeting of the Town whereupon the Board shall affirm, reverse or modify such order, ruling or decision as is just in the premises.

10.03 Architecture Control

(1) Regulation

In order to maintain and conserve the value of existing property and taxable value of land and buildings throughout the Town, the building inspector shall not issue a building permit when the exterior of the proposed building is so dissimilar to structures in the neighborhood and zoning district as to cause a substantial depreciation of property values in the neighborhood and zoning district.

(2) Procedure

When the building inspector declines to issue a permit due to this ordinance, the inspector shall request the Town Board make a determination under this ordinance. Upon the inspector's request the Town Board shall, after giving notice under Section 19.84, Wis. Stats., hold a public hearing as follows:

A. Examine the application and may view the site;
B. Hear the applicant and property owners and residents;
C. Issue written findings of fact within 48 hours after the hearing that the exterior will or will not be so at variance with the exterior architectural appeal and functional plan of existing structures in the neighborhood or zoning district so as to cause or not cause a substantial depreciation in property values of the neighborhood or zoning district;
D. The Town Chairman and Clerk shall sign the findings and determination and the Clerk shall mail a copy to the applicant by certified mail;
E. The building inspector shall accordingly issue or refuse to issue the building permit; or
F. Any aggrieved person may appeal to the Town Board.

10.04 Unsafe Building or Structures

(1) Alterations Not Permitted

No person may alter or move an existing building or structure which has deteriorated to an extent greater than fifty (50) per cent of the equalized value of the building or structure. 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.

(2) Alterations and Repairs Required
When the structural members of any building or structure deteriorate to less than required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength. Failure to so repair the building or structure shall be considered a menace to public safety and shall be vacated. Thereafter no further occupancy or use of the same shall be permitted until the regulations of this code are complied with.

(3) Use of Unsanitary Building
No person shall occupy, use or permit the occupancy or use of any building or structure that is unsanitary, dilapidated, deteriorated, out of repair, or unfair for human habitation, occupancy or use until the regulations of this code have been complied with.

10.05 Location of Service Stations
No filling station or service station or any such related business whose function is the sale or other dispensing of gasoline, oil or petroleum products and the related service and repair work for motor vehicles, shall be located within 1,000 feet from a similar business. 1,000 feet shall be measured from boundary to boundary of each business.

10.06 Impact Fees
(1) Public Facilities Assessment
In accordance with Section 66.55(4) of the Wisconsin Statutes, the Town of Norway has prepared a needs assessment regarding selected public facilities for which impact fees may be imposed. A copy of the report "Public Facilities Needs Assessment: Parks, Police, Fire & Rescue, and Roads for the Town of Norway" is on file and available for public inspection in the Office of the Town Clerk.

(2) Definitions
The definitions set forth in Section 66.55(1) of the Wisconsin Statutes, and any amendments thereto are incorporated and made a part of this ordinance as though fully set forth herein.

(3) Fees
An impact fee shall be imposed in accord with this ordinance and Section 66.55 of the Wisconsin Statutes by the Town of Norway upon any person applying for a building permit for residential construction within the Town of Norway which results in an increase in the number of residential equivalent units in the Town of Norway. An impact fee shall be charged for each additional residential equivalent unit resulting from construction.

(4) Standards for Fee
In accord with Wisconsin Statutes, the Town of Norway adopts the following standards for impact fees imposed under this ordinance. Impact fees adopted by the Town of Norway:

A. Shall bear a rational relationship to the need for new, expended or improved public facilities that are required to serve land development.

B. May not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing uses of land within the Town of Norway.

C. Shall be based upon the actual costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

D. Shall be reduced to compensate for other capital costs imposed by the Town of Norway with respect to land development to provide or pay for public facilities including special assessments, special charges, land dedications, or fees in lieu of land dedication under Chapter 236, Wisconsin Statutes, or any other items of value.

E. Shall be reduced to compensate for money received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

F. May not include amounts necessary to address existing deficiencies in public facilities.

(5) Collection

Impact fees shall be collected as follows:

A. Impact fees will be collected in full by the Town Clerk from the property owner before a building permit is issued.

B. Impact fees will also be collected when a building permit is issued if land is converted from existing residential units to additional residential units.

(6) Low-Cost Housing

No exemption shall be made on land development that provides for low cost housing.

(7) Fee Schedule

Impact fees for public facilities will not be collected for industrial, commercial or institutional uses as the demand for public facilities are predominantly generated by residential development in the Town. Impact fees shall be based upon a residential equivalent unit (REU) with each separate dwelling unit equal to one (1) REU. The number of REUs for residential properties shall be the number of separate dwelling units assigned by the Town of Norway Building Inspector. The impact fees required for each type of public facility are as follows:

A. Capital costs for Parks and Recreation Systems, including construction, landscaping and equipment: $400.00 per residential unit. Credit shall be given for the amount of any Park Fees previously paid to the Town of Norway pursuant to Section 11.05(10) of the Municipal Code with respect to the lot or parcel for which a building permit is sought.

B. Capital costs for the Police Department, including equipment, land and buildings: $150.00 per residential unit.

C. Capital costs for the Fire and Rescue Department, including equipment, land and buildings: $150.00 per residential unit.

D. Capital costs for the Transportation System, including construction and materials: $400.00 per residential unit.

(8) Separate Funds Established
The Town shall establish and maintain a segregated, interest-bearing account for each category of impact fees collected by it. Such funds shall be accounted for separately from other funds of the Town. Impact fees and interest earned on impact fees may be expended only for capital costs for which the impact fees were imposed.

(9) Refund of Fee
Any impact fee imposed and collected under this ordinance which are not expended or committed for expenditure within twenty (20) years from the date the impact fee was paid shall be refunded to the current property owner upon which said impact fee was imposed. The Town Board of the Town of Norway has determined that 20 years is a reasonable period of time within which to use funds prior to refund. The 20-year period was also determined by the Town Board to be appropriate for planning and financing the selected public facilities for which the impact fees are imposed.

(10) Fee Review
The fee schedule set forth in this ordinance may be reviewed by the Town Board at any time as a result of change in facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources and other relevant factors, and in accordance with the standards for impact fees in Section 66.55(6) of the Wisconsin Statutes.

(11) Appeal
A person upon whom an impact fee is imposed, within fifteen (15) days of imposition of the impact fee, may contest the amount, collection, or use of the impact fee by filing a written request with the Town Clerk describing the nature of said appeal, providing supporting documentation and specifying the basis upon which the appeal is taken. At the next regular Town Board meeting, the Town Board shall hear and decide the appeal. The Clerk shall notify the appealing party of the time and place of the Town Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.

(12) Severability
If any portion of this ordinance is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this ordinance which shall remain in full force and effect.

ORD No. 97-11

10.07 Holding Tanks Regulated

(1) Holding tanks for any new residential construction shall be prohibited within the town. Holding tanks shall be permitted for new non-residential construction only with the prior, discretionary approval of the town board.

Ord 2005-17 08/312005

(2) The owner of the land in which a holding tank is to be or has been installed shall comply with all applicable state and local laws, ordinances, rules and regulations.

(3) As a precondition to the installation of a holding tank, the landowner shall enter into an Owner-Town Agreement as herein

provided. The owner shall cause the Agreement to be recorded with the Office of the Register of Deeds for Racine County. The agreement shall run with the land and be binding upon the owner, his or her heirs, successors, administrators and assigns. In such Agreement, the owner shall agree:

A. To bind any future owner of the land in which the holding tank is installed to enter into a like agreement with the Town.

B. To pay all fees as established by the Town Board.

C. To be fully responsible and liable that the holding tank and all related equipment and materials are of approved type and size and installed in accord with all applicable laws, ordinances, rules and regulations.

E. To have the contents of the holding tank removed, hauled and disposed of by a hauler licensed by the State in accord with all applicable laws, ordinances, rules and regulations.

F. To file with the Town Clerk during the months of July and January, reports for the previous six (6) months evidencing the dates the holding tank was pumped, and the total volume removed from the holding tank.

G. To allow any authorized person of the Town to inspect the holding tank and the premises at any reasonable time to determine that the holding tank and related items and equipment are being properly maintained and serviced and that the owner is complying with all terms of the Agreement. This shall not require that the Town officials inspect the holding tank in the course of its construction or periodically thereafter.

H. In the event of the Town Plumbing Inspector, the Town Health Officer, or a member of the County Code Administration Office determines that it is reasonably necessary to have the holding tank pumped, at the owner's expense, to cause the same to be pumped as soon as possible and not later than 48 hours after such order is issued to the owner.

I. In the event the owner fails to cause the holding tank to be pumped out as ordered or fails to provide necessary maintenance, including replacement, as ordered by the County Code Administration Office, the Town may cause the holding tank to be pumped out, necessary maintenance to be done, or any defective tank, lines or equipment to be replaced. The owner shall agree to pay all costs for said service and/or equipment to the Town on demand, and if such payment is not made to the Town within thirty (30) days, the full amount shall be levied and collected as a special charge against the land as provided in Section 66.0627, Wisconsin Statutes.

J. That the Town may amend the terms of the Agreement by amendment of this ordinance, provided that the owner or his successor in interest shall be notified at least thirty (30) days prior to such ordinance amendment and shall be given an opportunity to submit oral or written objections or comments.

K. If any part of the agreement be superseded by a higher authority or declared invalid by competent and authorized legal decision, that all other items of the agreement shall remain in full force and effect.

Ord No 96-3 (3/11/96)

10.08 Moving Buildings Regulated

(1) Permit Required

No person shall move any building or structure upon any public right-of-way without first obtaining a permit therefore from the Building Inspector and paying the required fee. Every such permit shall designate the routes to be taken, the conditions to be complied with, and shall limit the time during which moving operations shall be continued.

(2) Moving Damaged Buildings

No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged to the extent of fifty (50) per cent or more of its equivalent value, and no permit shall be granted to repair, alter or move such building within or into the municipality.

(3) Continuous Movement

The movement of buildings shall be a continuous operation during all hours of the day and 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. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(4) Street Repair

Every person receiving a permit to move a building shall within one day after the building reaches its destination report that fact to the Building Inspector who shall thereupon in the company of the municipal highway commissioner, inspect the streets and highways over which the building was moved and ascertain their condition. If the removal caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board. The Town shall repair the damage and hold the person obtaining such permit and the sureties on his bond responsible for the costs.

(5) Conformance With Code

No permit shall be issued to move a building and establish it within the 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 that the building is in sound and stable condition and of such construction that it will meet the requirements of this Building Code. A complete plan of further repairs, improvements and remodeling to such building shall be submitted to the building Inspector who shall make a finding of fact that all such repairs, improvements and remodeling to conform with the requirements of this Building Code, and that when complete, the building as such will comply with the Building Code. In the event a building is to be moved from the town to some point outside the boundaries thereof, the applicant need not furnish plans and specifications for proposed alterations.

(6) Bond or Letter of Credit

A. Before a permit is issued to move any building over any public way, the applicant shall give a bond or letter of credit to the municipality in a sum to be fixed by the Plumbing Inspector but not less than five thousand ($5,000) dollars. Bonds shall be executed by a corporate surety or two personal sureties and be approved by the Town Board or designated agent. It shall be conditioned upon, among other things, indemnification to the Town for costs or expenses incurred in connection with claims for damages to persons or property, and payment of any judgment, together with the costs and expenses incurred by the Town in connection therewith.

B. Unless the Building Inspector, upon investigation, finds 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 of travelers or the location, nature and physical characteristics of the premises and the falling children under 12 years of age unlikely, the bond required shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(7) Insurance

The Building Inspector shall also require public liability insurance covering injury to one person of not less than three hundred thousand ($300,000) dollars and for one accident not less than five hundred thousand ($500,000) dollars, together with property damage insurance in a sum not less than one hundred thousand ($100,000) dollars, or such other-coverage as deemed necessary.

10.09 Razing Buildings Regulated

(1) The Building Inspector shall act for the Town under the provisions of Section 66.05 Wis. Statutes, as amended from time to time, relating to the razing of buildings. The Town Treasurer is authorized to place a special assessment on the property and collect the tax as therein provided.

(2) Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to demolish or to remove a building shall not be issued until service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

10.10 Road/Street Clean-Up Required

(1) Builders of buildings for which a permit has been issued, shall be responsible for keeping roads and streets clean from mud, dirt, and stones which their trucks or vehicles or other contractor’s trucks and vehicles have deposited on the roads, as a result of delivering material and labor.

(2) Upon receiving "Notice of Clean-Up" from the Building Inspector, the builder shall cause the roads to be cleaned within twenty-four (24) hours.

10.11 Underground Tanks Regulated

(1) Temporarily Out-of-Service
Tanks shall be rendered temporarily out-of-service only when it is planned that they will return to active service at the location within ninety (90) days. The following steps shall be carried out successively:

A. Remove flammable liquid, which can be pumped out with a service pump.

B. Cap or plug the fill line, gauge opening, and pump suction, using appropriate sealing compound on pipe fittings. If fill line and gauge opening are equipped with caps which can be properly locked, the secure locking of these caps is sufficient.

C. Leave the vent line open.

(2) Abandoned Tanks
Tanks which are no longer in service may be rendered "temporarily out-of-service" pending their removal in accordance with the procedure outlined above.

(3) Leaking Tanks
All tanks found to be leaking shall be removed pursuant to Section 10.11(5) Ordinance.

(4) Change in Use
Whenever there is a change in use of premise which no longer requires the use of existing underground tanks, they shall be removed. This shall apply to all premises where the use has already changed and all future changes in use.

(5) Removal of Tanks
Tanks shall be removed using the following steps:
A. Remove all flammable liquid from connecting lines and tank.
B. Disconnect and remove insofar as possible the suction, inlet, gauge and vent lines.
C. Cap or plug open ends of remaining lines.
D. Close all openings in the tank with pie plugs before the tank is removed from the ground.
E. Remove the tank from the premises within 72 hours from the time the tank is uncovered.
F. Keep the tank tightly sealed with plugs and caps until it is removed from the premises and during transportation upon its removal.

10.115 Well Abandonment

(1) Purpose. As Chapter NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, by local ordinance or water utility rule, to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections,

the Town adopts this Ordinance to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally crossconnected to the municipal water system, are properly abandoned.

(2) **Applicability.** This Ordinance applies to all wells located on premises served by a municipal water system in the Town.

(3) **Definitions.**

A. "Municipal water system" means a community water system, as defined in NR 810.02(6), owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility servicing the foregoing.

B. "Noncomplying" means a well or pump installation which does not comply with the provisions of Chapter NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

C. "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

D. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Chapters NR 140 or 809, or for which a Health Advisory has been issued by the Department of Natural Resources.

E. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

F. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

G. "Well abandonment" means the filling and sealing of a well according to the provisions of Chapter NR 812.26.

(4) **Abandonment Required.** All wells located on premises served by a municipal water system shall be abandoned in accordance with the terms of this ordinance and Chapter NR 812 no later than one (1) year from the date of connection to the municipal water system, or the date of discovery or construction, whichever comes last, unless a well operation permit has been obtained from the Town.

(5) **Well Operation Permit.** The District may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this section are

met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The District, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

A. The well and pump installation must meet or be upgraded to meet the requirements of Chapter NR 812, Wisconsin Administrative Code.

B. The well construction and pump installation must have a history of producing bacteriologically safe water, as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

C. There are no cross-connections between the well and pump installation and the municipal water system, and

D. The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(6) **Abandonment Procedures**.

A. All wells abandoned under the jurisdiction of this Ordinance or rule shall be abandoned according to the procedures and methods of Chapter NR 812.26. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

B. The owner of the well, or the owner's agent, shall notify the Clerk at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Town Plumbing Inspector.

C. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

10.12 Air-Conditioning and Refrigeration Systems Regulated

(1) Permit Requirements

A. Except as hereinafter provided, before constructing, erecting, or installing any air cooled, water cooled, or mechanically cooled air conditioning or refrigeration system or unit, a permit shall first be obtained from the Building Inspector.

B. Permits shall not be required for the installation of air-conditioning or refrigeration systems or units that do not use water for cooling and the source of operating power is obtained by plugging in an electrical cord connection to an

electrical outlet. This paragraph shall apply to portable units.

C. The installer shall apply for a permit upon a form provided by the Building Inspector, and shall provide the following information:
1. Name and address of contractor.
2. Location of premises where installation is proposed.
3. Name and address of owner.
4. Location of unit on premises including distance to lot lines for exterior apparatus.
5. Manufacturer's identification, classification and size of unit.
6. Nature of coolant.
7. If water-cooled, source of water and method of discharging waste water (refer to Plumbing Inspection Department).
8. Where water conservation devices are required, manufacturer's name, identification, classification, and size of equipment.
9. Such additional information as shall be required by the Building Inspector.

10.13 Garages

(1) Definitions

A. "An Attached Private Garage" means a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or a private garage so constructed as to form an integral part of the principal building.

B. "A Detached Private Garage" means a private garage entirely separate from the principal building.

(2) Location

Detached garages shall be governed by the following unless otherwise provided for in zoning codes.

A. Garages of wood frame construction shall be located not less than ten (10) feet from any residence, except that such distance may be reduced to not less than five (5) feet when the adjacent wall is protected as required for attached garages.

B. Garages of masonry wall construction shall be located more than five (5) feet from any residence building.

C. Distances shall be measured between the farthest protruding part of the garage, whether wall, eave overhang, or other element.

(3) Area

All private garages shall be governed by the following unless otherwise provided for in appropriate zoning codes.

A. Masonry bearing wall, twelve hundred (1200) square feet, maximum.

B. Metal frame construction, nine hundred (900) square feet, maximum.

C. Wood frame construction, nine hundred (900) square feet, maximum.

(4) Foundations and Footings

Attached private garages shall be provided with the same type footings and foundations as required for the principal building. Concrete floors shall not be less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inches, number ten by ten (10 x 10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of slab. Exterior wall burbs shall be provided not less than four (4) inches above the finished ground grade adjacent to the garage. Bolts three-eighths (3/8) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages eight (8) feet on centers.

(5) Floor Surface

The floor in all private garages shall be concrete and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

(6) Construction

Private garages shall be constructed as follows:

A. Load bearing foundation walls and partitions shall be constructed with the following requirements:

1. Studs and rafters may have a maximum spacing of twenty-four (24) inches on center.

2. Diagonal corner bracing may be applied on the inside surface of studs.

3. Corner posts may consist of two (2) two by four (4) (2 x 4) inch studs or a single four (4) by four (4) (4 x 4) inch stud.

4. Horizontal bracing and collar beams may be two (2) by six (6) (2 x 6) inch with a maximum spacing of four (4) foot on centers.

(7) Attached Private Garages

Private garages may be attached to or made part of residence buildings when in compliance with the following regulations:

A. Attached garages shall be separated from the dwelling unit by at least a one (1) hour rated construction. One-hour fire resistive construction shall include the following assemblies and materials.

1. Two (2) inch brick or stone veneer.
2. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
3. Five-eighths (5/8) inch of vermiculite plaster board.
4. Five-eighths (5/8) inch fire code gypsum plaster board.

B. An attached private garage may have a door connecting directly into the principal building, provided the floor of such garage is at least eight (8) inches below the floor of such principal building. Such door shall be a metal or solid wood door not less than one and three-quarter (1-3/4) inches thick. A maximum one hundred (100) square inches of

one-quarter (1/4) inch stationary wire glass window may be permitted in such door.

(8) Garage Heating
All open flame equipment shall be effectively separated by not less than one hour fire-resistive wall, flood or ceiling; however, suspended furnaces or direct fired units fired with a liquid fuel or gas may be used without an enclosure, provided that thy are located at least seven (7) feet above the floor and at least six (6) inches from any combustible wall or ceiling. All units shall be supported by non-combustible brackets or hangers.

10.135 Storage Pods, Polystructures and Polyshelters

(1) Definitions
A. A "Storage Pod" means a box container constructed of wood, steel or other similar material such as "Portable on Demand Storage" also know as "PODS";

B. "Polystructure" and "Polyshelter" means a structure with a frame of steel or other material which is covered by plastic, polyurethane, vinyl, canvas, or other similar flexible sheeting material.

(2) Permits Required
No person, firm, or corporation shall install or place any Storage Pod, Polystructure or Polyshelter within the Town without first obtaining a building permit in compliance with this Section and Section 10.02(5) as determined applicable by the Building Inspector.

(3) Location
Storage Pods, Polystructures and Polyshelters shall be located in the rear and side yards only and shall comply with all Racine County Zoning Requirements.

(4) Duration and Specified Use
The use of Storage Pods, Polystructures and Polyshelters shall be specified and such use shall be of a limited duration with a beginning and ending date. Both the specified use and duration shall be as approved by the Building Inspector. Duration extensions may be granted by the Building Inspector for good cause shown. Storage Pods shall not be used for any seasonal storage, including but not limited to recreational vehicles. Storage Pods, Polystructures and Polyshelters shall not be used as a garage to house any regularly used motor vehicle. Truck trailers shall not be used as Storage Pods for storage.

(5) No Human Habitation
No Storage Pod, Polystructure or Polyshelter shall be used for human habitation of any kind.
Ord. 2005-16 08/31/2005

10.14 Outdoor Swimming Pools

(1) Compliance Required
No person, firm or corporation shall construct, maintain, install or enlarge any swimming pool in the Town of Norway, except in compliance with all the provisions of this section.

(2) Swimming Pool Defined
"Swimming Pool" is a receptacle for water or an artificial pool of water, whether in ground or above ground, having depth at any point of more than 2 feet, intended for the purpose of immersion

or partial immersion of human beings and shall include all appurtenant equipment thereto.

(3) Permits Required

No person, firm or corporation shall construct, install, enlarge or alter a swimming pool and appurtenances thereto unless applicable permits have been obtained from the Town of Norway Building Inspector, Plumbing Inspector and Electrical Inspector.

(4) General Pool Regulations

A. Location

1. Swimming pools shall be located in the rear and side yards only and shall be a minimum of ten (10) feet from the principal structure and shall not be closer than three (3) feet from any lot line.

2. Swimming pools shall not be located closer than four (4) feet to any wall, fence or structure.

3. Swimming pools shall be located away from well and septic systems in accordance with the Wisconsin State Plumbing Code, Chapter Comm.83.

B. Access

1. A fence or other solid structure of not less than three and one-half (3-1/2) feet in height shall completely enclose said premises and/or swimming pool. There shall be no opening in said fence or wall larger than six (6) inches square. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device designed capable of keeping such door or gate securely closed. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs.

2. A fence is not required around an above ground pool where the pool wall is at least three and one-half (3-1/2) feet above grade for the full pool perimeter. The finished grade shall be maintained for a minimum of four (4) feet beyond the outside perimeter of the pool.

3. When not completely fenced, all ladders, steps or other means of access to an above ground pool shall be removed and/or designed to prevent access when the pool is unattended.

4. Notwithstanding the above, the Plan Commission may waive the fencing requirement for any pool with an approved safety pool cover that also complies with any site-specific safety and/or nuisance-related conditions placed upon such approval. For purposes of this subsection, "approved safety pool cover" means a power-operated safety pool cover that meets all of the most-recent performance standards of the American Society for Testing and Materials (ASTM).

C. Swimming Pool Decks
All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions.

D. Drainage
In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool.

E. Lighting
Lights shall be erected so as to eliminate direct rays and minimize reflected rays of lights onto adjoining properties and roadways. Lighting installation shall be done in accordance with the State of Wisconsin Electrical Code.

F. Electrical Separation
Electrical separation from overhead and underground electrical wiring shall be in accordance with the State of Wisconsin Electrical Code. Required electrical wiring supplying all pools shall be installed in accordance with Article 680 of the National Electrical Code.

(5) Application for Permit
The following information is necessary:

A. Survey or accurate drawing of the property, IN DUPLICATE, showing all existing structures, proposed swimming pool location, fencing if required, and overhead or underground electrical wiring.

1. Type of pool installation, above ground or in-ground.
2. Pool height above highest point of grade if above ground installation.
3. Type and height of fence, if proposed.
4. Type and support of decking, if proposed.
5. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
6. Any change in finished grade near pool.
7. County Health Department approval for properties using a private septic system, where applicable.
8. Site inspection letter from a local wiring utility.

ORD 8.10 (1971) ORD 89-6 (1989)
ORD 92-2 (1992) ORD 98-6 (1998)

10.15 Parking and Storage of Recreational Vehicles

(1) Definition
For purposes of this ordinance, a recreational vehicle includes the following vehicles and equipment: Motor Home, Trailer, Camping Trailer, Canoe, Boat, Boat Trailer, Snowmobile and Trailers, Minibikes, or Trailbikes and Trailers, Unoccupied Tent Campers, Travel Trailers, Motor Vehicles defined in Section 340.01 of the Wisconsin Statutes as amended from time to time.

(2) Ownership
Only recreational vehicles owned or leased by the permanent resident on a residential lot may be parked or stored on such premises under conditions set forth in this ordinance and the zoning ordinance.

(3) Size Limits

No recreational Vehicle which is greater than 32 feet long, 8 feet wide or 10 feet tall shall be stored on a residential lot.

(4) Human Habitation
No recreational vehicle shall be used for human habitation while parked or stored on any lot or premises in the Town of Norway excepting mobile home parks or parks for campers.

(5) Recreational vehicles which conform to this ordinance shall be parked in the rear and side yards only.

(6) No more than two (2) boats of any size shall be parked or stored on any residential lot in the open except three or more recreational vehicles may be stored in a totally enclosed garage or storage building located in the residential zoning districts of the Town of Norway.

(7) Guest Permit
A resident may apply to the Town Police Department for a permit allowing a nonpaying guest to park and/or use for human habitation a recreational vehicle owned or leased by such guest or resident on the resident premises. Permits may be issued only if the size and location of the recreational vehicle otherwise conform to this ordinance and, if issued, may not exceed 14 days in duration. Permits may not be issued more than twice in any calendar year with respect to the same residential premises. Permits for human habitation may be issued only with respect to recreational vehicles designed and properly equipped for such use.

10.16 Storage of Firewood Regulated

(1) No person shall store firewood in the front yard, side yard or the side yard that adjoins a street.

(2) Firewood shall be stored at least 3 feet or more from the side and rear lot line.

(3) Firewood piles and storage shall not exceed a height of 4 feet above ground.

(4) The maximum quantity of firewood stored on the premises shall be four full cords.

(5) The four cords shall be divided into two-cord piles. Each two-cord pile shall be placed 3 feet apart from the other.

10.17 Housing Code

(1) Applicability of Standards
The provisions of this Housing Code shall apply to structures containing one or more dwelling units which are either rented for human habitation or to be occupied for human habitation by the owner or a person other than the owner, and to all vacant dwelling type buildings. This chapter establishes minimum standards for the human habitation or occupancy of premises and does not replace or modify the standards otherwise established for the construction, replacement or repair of buildings contained in the Building Code, except such as are in conflict with the provision of this chapter.

(2) Definitions
A. "Owner" – Any person, firm or corporation who alone, or jointly or severally with others own or have charge, care or control of any dwelling unit as owner, lessee, employee or agent of the owner, or as trustee or guardian of the

estate or person of the title holder; and all such other persons shall be bound to comply with the provisions of this chapter to the same extent as the owner.

B. "Habitable Room" – Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations, but shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, room for mechanical equipment for service in the building or other similar spaces used by persons frequently or during extended periods.

C. "Rented Premises" – All premises which are actually rented under verbal or written lease to one or more tenants, and also to the use of premises by one or more persons other than the owner or owners thereof, who may be permitted by such owner to occupy such premises rent free or without consideration being paid to the owner or owners for such use.

D. "Approved" – Approved by or in accordance with regulations under this chapter, enforced and interpreted by the Building Inspector or others as indicated elsewhere in this chapter.

E. "Bedroom" – A habitable room within the dwelling unit which is used or intended to be used primarily for the purpose of sleeping.

F. "Dwelling Unit" – A suite of habitable rooms, occupied by or intended to be occupied by not more than one family as a residence and forming a single habitable unit with cooking, living, sanitary and sleeping facilities.

G. "Basement" – A story having part but not more than one-half of its floor to clear ceiling height below the average finished ground grade adjoining the building walls. When a basement is used for storage garages for use of occupants of the building or facilities common for the operation of the rest of the building other than facilities for dwelling or lodging, it shall not be counted as a story.

H. "Cellar" – A story having more than one-half of the floor to clear ceiling height below the average finished ground grade at the building walls. A cellar is not included in computing the number of stories for the purpose of height measurement.

I. "Family" – One or more persons related by blood, legal adoption or marriage. A Family may also include foster children, plus not more than two persons not related by blood, legal adoption or marriage.

(3) Minimum Standards for Lighting, Ventilation and Heating

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

A. Every habitable room, kitchen, bathroom and toilet room shall have a window or windows with a total glass area equal to at least 8 per cent of its floor area unless, in the opinion of the Building Inspector, the structure of the

building precludes the use of windows, in which case other means of lighting and ventilation approved by the Building Inspector may be used. Such windows shall open onto a street, alley, yard, court or easement open to the sky. Such Window or windows shall be so constructed that at least one-half may be fully opened and so that the sash can be opened and securely closed. Approved mechanical ventilation may be substituted.

B. Every public hall and public stairway of every dwelling containing four or more dwelling units shall be adequately lighted by means of properly located electric light fixtures at all times, provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least 1/10 of the combined horizontal area of such hall and stairway and if such skylights provide adequate natural light to all parts of such public pathway. Every public hall and stairway in dwellings containing two or three dwelling units shall be supplied with convenient light switches controlling adequate lighting system which may be turned on when needed, instead of full-time lighting. Adequate bulbs shall be provided in every public hall and on every public stairway so that a minimum of 2-foot candles of light is delivered to all parts in the public hall or stairway.

C. At least one window in each bedroom, bathroom and kitchen shall be supplied with a screen covering at least 33 percent of the window area, provided that such screens shall not be required in rooms deemed by the Health Officer to be located sufficiently high in the upper stories of dwellings as to be free of mosquitoes, flies and other flying insects. Such screens shall have a wire mesh not less than No. 16, or in lieu thereof, mechanical ventilation.

D. Every kitchen and habitable room within every dwelling and/or dwelling unit shall contain at least two separate wall type electric convenience outlets or one such convenient outlet and one supplied ceiling or wall type electric light fixture. Every toilet room, bathroom, furnace room, laundry room and public hall shall contain at least one supplied ceiling type or wall type electric light fixture. Every outlet shall be installed and maintained in good working condition and shall be connected with the source of electric power in conformance with Ch. 16, Electrical Code. These may be serviced by approved wiring.

E. Each dwelling unit shall have supplied heating facilities and such facilities shall be properly installed, be maintained in reasonably good working condition and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein where intended for use by the occupants thereof to a temperature of at least 68 degrees F at a distance of 3 feet above floor level when the outdoor temperature is at 10 degrees below 0 degree F. Every supplied central heating system shall comply with the following requirements:

1. The central heating unit shall be in reasonably good operating condition.

2. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

(4) Responsibility of Owners for the Maintenance of Dwellings and Dwelling Units.

No person shall occupy as owner-occupant or let or offer to let to another for occupancy any dwelling unit or portion thereof for the purpose of living therein which does not comply with the following requirements:

A. Every foundation, exterior wall and roof shall be reasonably weather-tight and rodent-proof and shall be kept in good state of maintenance and repair.

B. Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.

C. All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the wall, ceiling or floors of any habitable room, bathroom or toilet room.

D. Every window, exterior door and basement hatchway shall be reasonably weather-tight and rodent proof and shall be kept in reasonably good working condition and a reasonably good state of maintenance and repair.

E. All exterior surfaces shall be protected from the elements and against decay and deterioration by paint or by other approved protective coating applied in workmanlike fashion.

F. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be reasonably safe to use and capable of supporting such a load as normal use may cause to be placed thereon and shall be kept in sound condition and reasonably good state of maintenance and repair.

G. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good, sanitary working condition.

H. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

I. Every toilet room floor surface and bathroom floor surface shall be maintained so as to be reasonably impervious of water and so as to permit such floors to be kept in a clean and sanitary condition.

J. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it shall function properly and shall be maintained in reasonably good working condition.

L. No owner or operator shall cause any service facility, equipment or utility which is required to be supplied under the provisions of this chapter to be removed from, shut off

from or disconnected from any occupied dwelling or dwelling unit let or occupied by him except for such temporary interruptions as may be necessary while actual repairs, replacement or alterations are in the process of being made.

M. Every owner of a building containing one or more dwelling units shall be responsible for the extermination of insects, rodents or pests on the premises, where infestation exists in any of the dwellings or in the shared or public parts of any dwelling containing two or more dwelling units extermination thereof shall be the responsibility of the owner.

N. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a reasonably clean, sanitary condition all communal, shared or public areas of dwellings or premises.

O. No owner shall occupy, rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unless it is reasonably clean, sanitary and complies with all provisions of this chapter and all rules and regulations adopted thereto.

P. Every owner of a building constructed prior to June 1, 1980, and containing a dwelling unit or units for rent shall provide a minimum of one operational smoke detector, either battery operated, plug-in or direct-wired A/C for each unit. Every such owner shall maintain the smoke detector in good order and test the detector at least annually.

Q. A written contract assigning any or all of the above responsibilities to the occupant shall be deemed sufficient to place the responsibilities of this article upon the occupant.

(5) Minimum Space Use and Location Requirements

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

A. No dwelling unit shall be occupied by more than one family (including two occupants not related to the family).

B. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than 7’6” and the floor area of that part of any room where the ceiling height is less than 7’6” shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy or habitable area.

C. Every dwelling unit shall contain at least 160 square feet of floor space for the first occupant thereof and at least 100 square feet of additional floor space for every additional occupant.

D. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall such room

arrangement exist that access to a sleeping room can be had only by going through another sleeping room or bathroom or toilet room.

E. In every dwelling unit at least one room occupied for sleeping purposes by one or more occupants shall contain at least 100 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor space for each occupant thereof.

F. Every occupant of every dwelling unit shall have unrestricted access to a toilet and to a kitchen sink or lavatory basin located within the dwelling unit.

G. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

2. The total window area in each room is equal to at least the minimum window area sizes as requested in Section 23.04(1).

3. Such required minimum window area is located entirely above the ground adjoining such window area.

4. The total openable window area in each room is equal to at least the minimum as required in this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.

(6) Responsibility of Owners for the Maintenance of Non-Dwelling Structures and Premises

No owner shall permit any non-dwelling structure to exist on any premise or maintain any premise which does not comply with the following requirements:

A. All exterior surface of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.

B. Every lot shall be graded and maintained so that all water is diverted away from buildings and drained from the lot so as to prevent standing water and soil saturation detrimental to structures and lot use.

C. Any driveway area crossing any public right-of-way shall be paved within two years after an occupancy permit is issued or within one year after the public road serving the property is completed, whichever event occurs later, with a permanent type surface which shall consist of either 5” concrete or 2-1/2” of bituminous concrete on 6” of crushed stone base.

D. All open spaces or areas containing a dwelling unit for which an occupancy permit has been issued shall be put into a lawn (except areas set aside for trees, shrubbery and

gardens) within one year after an occupancy permit has been issued.

E. Every premises and/or lawn thereon shall be maintained in a presentable and reasonably well-kept condition. Grass and weeds shall not exceed eight (8) inches in height.

F. No persons shall store firewood in the front yard, the required side yard setback, the side yard area that adjoins a public street or within three feet of the rear lot line on any lot in a residential district except that a person may temporarily not to exceed fourteen days store firewood in the front yard.

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(7) Inspection by Building Inspector

The Building Inspector or his designated representative is authorized and upon receipt of complaint shall make exterior inspections to determine whether buildings, structures and premises conform to the requirements of this Ordinance. For the purpose of making exterior inspections, the Building Inspector is authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures or premises. Every owner or occupant shall give the Building Inspector free access to any said premises. The Building Inspector or his delegated representative, having probable cause to believe a violation of this Ordinance exists, shall have authority to enter any premises after written notice has been given to the owner, occupant or his agent. If, after such notice is given, access is denied to the Building Inspector, the Inspector may apply to the Circuit Court for a special inspection warrant.

(8) Administrative Provisions

The Building Inspector is responsible for the enforcement of this Ordinance. All inspections, enforcement orders or matters relating to violations of this Ordinance shall be under his direction and supervision. He may appoint or designate such other public officials or employees to perform duties as may be necessary to the enforcement. The Building Inspector shall be supplied with official identification and upon request shall exhibit such identification when entering any premises subject to this Ordinance. The Inspector shall avoid intentional embarrassment or inconvenience to occupants.

(9) Notice

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions to this Ordinance, written notice of such alleged violation shall be given to the person or persons responsible therefore, which shall:

A. State the nature of the violations;

B. State the time for the correction of the violation;

C. Be served upon the owner, his agent, the occupant or operator, as the case may require. Such notice shall be properly served if:

1. Served personally, or

2. Sent by registered or certified mail to the last known address, or

3. Posted in a conspicuous place in or about the building or structure affected by notice.

D. State a reasonable amount of time, not to exceed 30 days, to correct or abate the violation;

E. Advise the person served of the right to request a hearing before the Board and that the notice shall become an order of the Building Inspector five days after service unless such a hearing is requested.

(10) Placard on Building

The Building Inspector shall cause to be placed upon a building, structure or premises a placard, which will state the determinations of the Building Inspector as to the building, structure, or premises being unfit for use or occupancy whenever all of the following occur:

A. Any building, structure or premises does not substantially comply with the requirements of this chapter; and

B. The Building Inspector has given notice of the violations involved as provided in this ordinance;

C. If the owner, occupant or operator has failed to correct the violations set forth in said notice;

D. The Building Inspector has further determined that the building, structure, or premises are so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public and is therefore unfit for use or occupancy.

E. The form of the placard placed under the provisions of this section of the Ordinance shall be determined by the Building Inspector but shall also substantially state the specific violations of this Ordinance.

F. No person shall deface or remove the placard from any building, structure or premise which has been placed by the Building Inspector until removal of such placard is authorized by the Building Inspector.

G. Any building, structure or premises which has been determined by the Building Inspector as being so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health and safety of the occupants, and which said building, structure or premises has been placarded by the Building Inspector, shall be vacated within such reasonable time as is determined and ordered by the Building Inspector.

H. No building, structure, or premises which has been determined by the Building Inspector as unfit for use or occupancy and placarded as provided herein shall again be used or occupied until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall grant such approval and remove such placard in the event that the violations has been corrected and the Building Inspector determines that the building, structure or premises are now fit for use or occupancy.

(11) Noncompliance – Remedy of Defects

A. The owner, occupant or operator of any building, structure or premises shall have the time as specified in the notice to remedy the violations specified in such notice.

B. In the event the Building Inspector shall determine in his discretion that the owner, occupant or operator is making a good faith and timely effort to correct the violations, he may extend the time for compliance.

C. If the owner, occupant or operator of building, structure or premises fails or refuses after notice and order of the Building Inspector to remedy the violations specified in such notice, then the Building Inspection may cause such work to be done and certify the cost thereof to the Clerk, who shall extend such cost against the property upon the next tax roll to the Town.

(12) Transfer of Ownership of Non-Complying Building

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

10.171 Outdoor Lightening

(1) Purpose and Intent

The purpose of this ordinance is to improve night-time public safety, utility and security by restricting the night-time emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Town and/or unnecessarily restrict persons from the peaceful enjoyment of their property. Furthermore, the ordinance is intended to regulate and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, mitigate the impact on ecosystems, promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting. The intent is not to regulate residential or agricultural lighting since lighting concerns can be addressed by Chapter 823 of the Wisconsin State Statutes.

(2) Definitions

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

Acreage, net. The area of a parcel being developed for a development project including the open space required by ordinance.

Classifications of lighting. Lighting shall be classified in one of the following categories:

A. "Functional" lighting. All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

B. "Safety" lighting. All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

C. "Decorative" lighting. Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, and similar features.

D. Multi-class lighting. Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined above. All multi-class lighting shall comply with the most restrictive class of which it falls under.

Color Rendition. How a light source makes the colors of objects appear to the human eye and how subtle variations in color shades are revealed.

Development project. Any commercial, business, industrial, institutional or mixed-use development plan which is required to be submitted to the Town for approval or requires a Town permit.

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 faces.

Foot-candle. A unit of light expressed in lumens per square foot.

Fully shielded fixture or full cutoff fixture. An outdoor light fixture shielded in such a manner that 100 percent of all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

Glare. Intense light from an illumination source which may result in visual impairment or discomfort. Also, a light ray emanating directly from a source such that it falls directly upon the eye of the observer.

Hardscape. Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, and similar materials.

Height. The vertical distance of a light structure measured from the uppermost extremity of any light fixture, pole or supporting member and the ground level at the light structure.

Light Fixture. See Luminaire.

Light source. A single artificial device or source whose primary function is to produce visible or near-visible radiant energy for general illumination.

Light Structure. An outdoor illuminating device consisting of a base, pole (or support structure) and light fixture.

Light trespass. Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Lumen. The unit used to measure the actual amount of light which is produced by a lamp. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered. For avoidance of doubt, a lumens to watts comparison table is below:

Lumens	Incandescent Watts	Fluorescent/LED Watts
375lm	25W	6.23W
600lm	40W	10W
900lm	60W	15W
1125lm	75W	18.75W
1500lm	100W	25W
2250lm	150W	37.5W
3000lm	200W	50W

Luminaire. The complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Measurement. For the purposes of this section, unless otherwise stated, illumination levels shall be measured at a point three feet above grade with the measuring device aimed directly at the light source(s) being measured.

Measurements shall be taken using baffles or shields to separate the source(s) under review from other existing or ambient sources such as streetlights, in a manner that eliminates to the greatest extent possible other light sources.

Opaque. A material that does not transmit light from an internal illumination source through that material.

Outdoor light fixtures. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently

installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, linear strip lights, search lights, spotlights and flood lights for:

A. Buildings and structures;

B. Recreational areas;

C. Parking lot areas;

D. Landscape and architectural lighting;

E. Signs (advertising or other);

F. Product display areas;

G. Private roadway and driveway lighting;

H. Building overhangs and open canopies;

I. Any similar use

Outdoor light output, total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered.

Partially shielded fixture. An outdoor light fixture shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal, as determined by photometric test or certified by the manufacturer.

Shielding. 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 shielded from view from adjacent properties. Any structural part of the light fixture providing this shielding must be permanently affixed.

Temperature. Light temperature shall be measured in degrees of Kelvin.

Temporary lighting. Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension, unless a longer extension is granted by specific approval by the Plan Commission. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. civic events, or construction projects, not including exempt lighting listed in section (4) I.9. Temporary lighting shall be approved by the Plan Commission.

Uniformity ratio. The ratio of the average lighting level in lumens for the area to be lit to the minimum lighting in lumens of the area to be lit.

Use, abandonment of. The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving 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.

Watt. The unit used to measure the electrical power consumption of a lamp, or when describing a fixture, the fixture input wattage before ballast losses.

(3) Applicability

A. This ordinance shall apply to non-residential and non-agricultural proposed new land uses, developments, buildings, and structures that require a permit from the Town, including site plan reviews and permits issued by the County that allow for input from the Town. This scope includes the following:

1. Existing commercial, business, industrial and institutional development projects that abandon or change their existing light fixtures shall comply with these regulations.

2. All new commercial, business, industrial and institutional land uses, development projects, buildings, structures.

3. Any commercial, business, industrial or institutional building addition of 25 percent or more in terms of gross floor area either with a single addition or cumulative additions, shall meet the requirements of this section for the entire property.

4. Additions of any size that increase the number of parking spaces by 25 percent or more.

5. Commercial, business, industrial and institutional building additions less than 25 percent shall meet the provisions of this section for any new outdoor lighting installed.

6. Any change of use to an existing building or structure, except in the case of a single tenant in a multi-tenant building, shall meet the requirements of this section for the entire property to the greatest extent possible as determined by the Plan Commission.

B. Subsection (6) shall apply to special uses not addressed in other subsections.

(4) Regulations

A. Total outdoor lighting lumen output shall not exceed 2.5 lumens per square foot of hardscape. The following shall be included in this limit:

1. Outdoor lighting fixtures that are pole mounted,

ground mounted, mounted on buildings or affixed in any way to provide light on the premises on which the proposed use is taking place, unless otherwise exempt as stated in this code.

2. Outdoor lighting fixtures that are fully shielded and installed under canopies, roof eaves and building overhangs.

B. All outdoor lighting fixtures shall be designed, located, and specified with shielding or be a cut-off type fixture so that no glare or illumination is cast outside the boundaries of the property where the luminaire is located so as to constitute light trespass. No light levels shall be greater than 0.2 foot-candles measure at a height of 3 feet above the grade at a property line or high water mark of a lake on which the luminaire is located, except as set forth herein. Outdoor lighting shall not be aimed toward or directed at a neighboring property.

1. All lighting.

a. Luminaires attached to a building shall not exceed fifteen (15) feet in height from grade.

b. Luminaires attached to poles shall not exceed twenty-two (22) feet.

c. Light poles in parking lots with concrete pedestals shall have a minimum pedestal height of twenty-four (24) inches and a maximum height of thirty-six (36) inches from finished paved grade.

d. Light poles in landscaped areas or islands shall have a minimum pedestal height of twelve (12) inches and a maximum height of twenty-four (24) inches from finished grade.

C. All outdoor luminaries shall be reduced to 25 percent of total illumination by 10:00 p.m. with the following exceptions:

1. Commercial, business, industrial and institutional uses which remain open after 10:00 p.m. as permitted by zoning regulations or conditional use requirements shall be allowed to keep their approved outdoor lighting on for the period of time they remain open and up to one-half hour after closing.

2. Approved commercial, business, industrial, and institutional security lighting shall be allowed in accordance with the provisions of this Code.

3. Motion sensor lighting shall be allowed for security purposes.

D. Functional lighting.

1. The maximum illumination of any interior or exterior illumination sign, including subdivision signs, shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 12 inches.

2. The maximum illumination of any vertical building surface shall not exceed 10 foot-candles.

3. Lighting shall be downcast except as provided in (4) F.

E. Safety lighting.

1. Parking lot lighting shall maintain a 2 foot-candle average and a uniformity ratio of 12:1.
2. The height of parking lot light structures shall not exceed twenty-two (22) feet.

3. Light structures intended for pedestrian traffic shall not exceed 10 feet in height and have average illumination levels between 0.5 and 1 foot-candle.

4. Bollards shall not exceed 42 inches in height and 2,500 lumens per fixture with 0 percent of lumen output at or above the horizontal plane.

5. Security lighting shall not exceed 25 percent of the total allowed lumen output.
6. Lighting at entrance and exit doors shall not exceed 1.5 foot-candles at the floor or grade level.

F. Decorative lighting.

1. Only the United States flag and the state flag shall be permitted to be illuminated from dusk to dawn. Other flags may be illuminated if they are located on the same pole or part of a group or array that includes the United States or state flag. Flag lighting sources shall not exceed 10,000 lamp lumens per flagpole and shall be shielded to prevent viewing the fixture opening and designed to apply 80 percent of the fixture output onto the area of the flag.

2. Lighting of aesthetic features for commercial, business, industrial and institutional uses, including but not limited to hardscapes and landscape features, fountains, displays, and statuary shall not exceed 500 lumens per fixture.

3. The maximum illumination of any vertical building surface or façade shall not exceed 10 foot-candles.

G. Light temperature.

1. Light temperature shall range from 2,000 Kelvin to 4,500 Kelvin.

H. Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the Building Inspector. All applications shall include:

1. A scaled plan depicting the existing and proposed number of fixtures, specific locations, intensity (stated in wattage and lumens) and total lumens.

2. Manufacturers iso-footcandle curve reference plot.

3. Light distribution contour plan.

4. Manufacturers fixture and pole cut sheets with proposed luminaire elements clearly defined on them.

5. Type of illumination of all light sources.

6. Chart indicating the total hardscape area of the site.

7. Chart indicating luminaries and lumen output for the entire lighting system.

8. Height, location and lot line offset of all pole mounted fixtures.

The Building Inspector shall forward the information to the Plan Commission for approval. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to fulfill the technical requirements of the building and electrical ordinance of the Town but are in addition thereto.

Any permit issued by the building inspector under the provisions of this section shall expire and be null and void if not implemented within one year of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same period as the related site plan.

I. The following types of lighting shall be prohibited except as otherwise approved by Plan Commission as allowed in the exceptions below:

1. Swivel mounted luminaries.

2. Outdoor neon lighting.

3. Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.

4. Display of intermittent lights or flashing, blinking, moving lights except as follows:

a. Where such lights are required by state or federal law.

b. Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.

5. Laser source light. The use of laser source light or any similar high intensity light is prohibited.

6. Searchlights. May be allowed by the Plan Commission on a temporary basis in accordance with (4) I.8.

7. Light intended to illuminate naturally occurring environmental features including but not limited to wetlands, rivers, lakes and dedicated open spaces

shall be prohibited except as approved as by the Plan Commission.

8. *Exceptions.* The Plan Commission may approve exceptions to the provisions of this subsection where, in their opinion, strict compliance to the regulations is impractical and the alternative would further the public interest.

9. *Exemptions.* The following types of lighting shall be exempt from the outdoor lighting regulations:

   a. Seasonal decorations are exempt from the requirements of this chapter unless it constitutes a public nuisance (traffic, safety, glare, etc.).

   b. Tower lighting or any other lighting which is required by federal or state regulations.

   c. Special events when use and lighting are approved by the Plan Commission and Town Board.

   d. Public streetlights.

(5) Exterior Lighting Plan Requirements

An Exterior Lighting Plan submitted pursuant to this Code shall have, at a minimum, the following elements:

A. A catalog page, cut sheet, or photograph of the luminaire and its mounting method.

B. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angels vertically and horizontally around the luminaire.

C. A site plan, indicating the location of the luminaries proposed, mounting and I or installation height in feet, and the overall illumination levels (in foot candles) at the property lines. This may be accomplished either by means of an Isolux curve or computer printout projecting the illumination levels.

D. A graphic depiction of the luminaire lamp (or bulb) concealment and light cut off angles.

E. Photometric Plans must accompany Site Plans where exterior lighting is desired. Photometric Plans showing foot-candle extent of exterior lighting should be no more than 0.2 foot candles at the property line unless the Plan Commission finds extenuating circumstances exist such as cross easements or adjacent to a right-of-way.

(6) Regulations For Special Uses

A. Illuminated outdoor recreation facilities:

1. Lighting for publicly owned outdoor recreational facilities including athletic fields, courts, or tracks shall be exempt from the lumens per acre limits of this section.

2. Lighting for private outdoor recreation facilities

including athletic fields, courts or tracks, shall follow the lumens per acre limits of this section.

3. All lighting installations shall be designated to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).

4. Lighting trespass requirements are maintained.

5. Lighting shall only be used (hours of operation) for the period of time that the recreational use continues.

6. Limited hours of operation are to be set by the Plan Commission.

B. Public and Private street lighting. Where private street lighting installed on private or public roads (such as entrances to subdivisions), the luminaries shall be fully shielded and not exceed 2,700 lumens per fixture.

(7) Glare

A. Glare illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, using the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Illumination levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of use.

B. All uses shall conform to the following minimum standards:

1. Maximum illumination increase. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause an illumination increase greater than 0.2 footcandles as measured at a location beyond the site boundary line as measured during the day or at night.

2. Flickering and intrinsically bright sources of illumination, even if meeting the standard set forth in paragraph a. above, shall be controlled by luminaire shielding or aiming the light source away from roads and nearby sites. Exposed sources of light shall be shielded so as not to exceed the outdoor lighting standards set forth in of this ordinance.

C. Reflective materials that cause glare are prohibited. Reflective roofs, sidings, and building surfaces including reflective glass shall not be permitted except solar heating devices.

D. Any operation producing intense glare shall be done within a completely enclosed building and effectively screened so as not to create a public nuisance or hazard along property boundaries.

10.175 Fences

Fences are allowed as accessory structures in all zoning districts, subject to the following regulations:

(1) Fence Locations

A. No fence in front yard shall be located closer to the street than the base setback line. No fence in a vision triangle shall exceed 3 feet in height above the mean street grade. A vision clearance triangle is defined as the triangle created between the point of intersection of the lines of the driveway and the street and two points fifteen (15) feet away from such point of intersection along the lines of the driveway and street, respectively.

B. Fences 50 inches or less in height shall not require building permit.

C. Fences exceeding 50 inches, but not more than 74 inches in height, shall not require a building permit, but shall be constructed at least 2 feet from the property line and shall not be located in the front yard or closer to a public street than the principle structure. On corner lots, the lot facing the side street (or second street) shall be considered a front yard. The Plan Commission may allow the construction of a fence in the front yard, provided that all other requirements for fences are complied with.

D. Metal fences constructed in chain links, or other fences constructed in low-maintenance materials, which are not less than 50 inches and not more than 74 inches in height may be constructed on the lot line, provided that all other requirements for fences are complied with.

E. Fences exceeding 74 inches in height shall be constructed only after Plan Commission review and approval. Before granting approval, the Plan Commission shall notify abutting neighbors, and shall determine that the height of the fence is necessary and will not adversely affect the appearance of the neighborhood or adjacent property values.

F. Fences shall be located outside of easement areas unless Plan Commission approval is granted to place a fence in or on the easement.

(2) Fence Construction

A. All structural and support components of a fence shall face away from adjacent properties.

B. All fences that face a public street shall be constructed of the same face material as adjoining owner’s fences, unless an alternate material is approved by the Plan Commission. Approved alternate materials shall not adversely affect the appearance of the neighborhood or adjacent property values.

C. All fences shall be constructed in such a manner and of such materials and colors that will not adversely affect

the appearance of the neighborhood or adjacent property values.

D. All fences shall be constructed straight and plumb. Any fence that is to be constructed or maintained in other than straight and plumb condition, including but not limited to certain types of split rail fences, shall require Plan Commission review and approval. Before granting approval, the Plan Commission shall notify abutting neighbors, and shall determine that the fence will not adversely affect the neighborhood or adjacent property values.

(3) Fence Maintenance

All fences shall be maintained in good repair at all times or shall be removed. Chain link fences shall be coated with vinyl or another coating acceptable to the town to prevent maintenance problems. No materials shall be stored between fence and lot line.

(4) Exception

A snow fence temporarily constructed for the purpose of catching wind blown snow shall not be subject to these fence requirements provided that it shall be installed no earlier than November 1st of each year and shall be removed no later than April 1st of each year.

ORD 2003-02 02/26/2003

10.176 Retaining Walls.

(1) Retaining Walls

Retaining walls are permitted throughout the Town subject to the following regulations:

A. Wall Locations.

1. No retaining wall in the front yard shall be located closer to the street than the applicable base setback line.

2. No retaining wall in a vision triangle shall exceed three (3) feet in height above the mean street grade. A vison tringle is defined as the triangle created between the point of intersection of the lines of a driveway or intersecting streets and two points fifteen (15) feet away from such point along the lines of the driveway or intersecting streets.

3. Retaining walls less than three (3) feet in height and greater than ten (10) feet from an adjoining property line do not require a building permit or approval of the Building Inspector or Plan Commission.

4. Retaining walls less than three (3) feet in height and greater than five (5) feet and less than ten (10) feet from an adjoining property line require approval by the Building Inspector or Town Engineer. Submission of plans showing the location and elevation of the retaining wall, materials, and schedule for the construction of the wall shall be submitted. Submission of a drainage plan may also be required by the Building Inspector or Town Engineer.

5. Any retaining wall greater than three (3) feet in height and located greater than five (5) feet from ana adjoining property line may be permitted with the approval of the Building Inspector or Town Engineer. If, in the opinion of the Building Inspector or Town Engineer, the retaining wall may adversely affect drainage, aesthetic values to the surrounding area or safety, the Building Inspector or Town Engineer may require that the applicant obtain approval through the Plan Commission.

6. All references to distances of a retaining wall from an adjoining property line shall be from the face of the wall.

B. Any retaining wall located within five (5) feet or less of an adjoining property may be permitted subject to:

1. Approval of the Plan Commission, following written notice by the applicant to the adjoining property owner. The adjoining property owner shall be given written notice from the applicant at least ten days prior to the meeting, setting forth the time and place that the matter will be considered by the Plan Commission. The applicant shall provide a copy of said written notice to the Town Clerk at least seven days prior to the meeting to verify that notice has been provided to the adjoining property owner.

2. Submission of plans showing the location and elevation of the retaining wall(s), materials, and schedule for the construction of the wall(s) shall be submitted. Submission of a drainage plan may also be required by the Town Engineer or Building Inspector.

3. Retaining walls greater than three (3) feet in height and five (5) feet or less from an adjoining property line shall have plans stamped by a Registered Professional Engineer in licensed in the State of Wisconsin.

4. Retaining walls within two (2) feet of an adjoining property line may be required to include drainage features such as swales or drain tile to avoid drainage impacts to the adjoining property owner.

5. In general retaining walls should not be located closer than two (2) feet from an adjoining property.

6. No retaining wall shall be located closer than one (1) foot from the face of the wall to an adjoining property line.

C. Retaining Wall Plan Submittal pursuant to this ordinance shall have, at a minimum, the following elements:

1. Proposed grade elevations at top and bottom of the wall at:

a. Wall ends.

b. Twenty-five (25) foot intervals along the length of the wall.

2. Wall cross-section diagram shall be shown on the plans.

3. Wall material. Materials shall be of durable materials and the material type shall be shown on the plans and approved by the Plan Commission.

4. Retaining walls greater than thirty (30) inches in height shall have guard rails, railings or fences with material type shown on the plans. The height of the guard rail, railing or fence, shall be forty-two (42) inches.

10.18 Culverts, Ditches and Rights-of-Way

(1) Permit Required

No person shall install or make any improvement of a private driveway extending into a public right-of-way or otherwise work in or obstruct a public right-of-way, without a permit from the Town Building Inspector. The Building Inspector shall issue the permit upon application with a non-refundable fee as determined by Resolution adopted by the Town Board of the Town of Norway and kept on file in the Building Inspector's office as part of the permit fee listing and subject to the following terms and conditions:

A. Any culvert placed shall be of such size as required for proper drainage along the right-of-way, but shall have at least a 15" diameter and be 20' in length. The Department of Public Works may require a larger size to be determined from Town road plans and Town drainage plans on file in the office of the Building Inspector. Elliptical equivalent culverts may be used in conditions of insufficient ground cover, if approved by the town planning commission, town board and town engineer. Culverts shall be made of galvanized steel, concrete or any other material approved by the Town of Norway Department of Public Works and updated from time to time.

Ord 2008-006 12/08/2008

B. The cost of any and all repairs to driveways extending into a public right-of-way, including, but not limited to, the moving of existing culverts, maintenance and the covering with gravel, shall be borne by the property owner or permittee, unless such repairs were necessitated by the reconstruction of any portion of the public right-of-way by the Town. Once moved, culverts must meet the requirements of Section 10.18(1)A.

C. Any drainage ditch and public right-of-way affected by the construction of a driveway entrance shall be reconstructed or constructed to allow for proper drainage of such ditch and right-of-way at the expense of the property owner or permittee.

D. Routine maintenance within a public right-of-way, such as cutting of grass and the like, is excepted from the requirements of this ordinance.

(2) Deposit Required

The applicant shall deposit $1,000.00 with the Building Inspector to ensure that the public right-of-way is not damaged and that it is planted with grass and draining properly within 6 months of completion of work.

(3) Construction Required
No building permit shall be issued by the Building Inspector unless a permanent driveway has been constructed from the right-of-way to and on the site upon which construction is to take place. Unless waived by the Town Board, no driveway shall be deemed permanent unless a culvert of required strength and dimension has been laid under such driveway and has been covered with sufficient gravel to bring it to the same grade as the public right-of-way adjacent thereto. The property owner or permittee shall comply with all regulations relating to the construction or reconstruction of private driveways in sub. (1) above.

(4) Improperly Installed Culvert or Damage to Right-of-Way
If a culvert is not properly installed by the property owner, his agent, employee or contractor, the Town shall have the right to remove, reset or replace the culvert at the owner's cost, and deduct the same from the amount on deposit. If the Town's right-of-way is damaged the Town shall have the right to repair the right-of-way at the owner's cost, and deduct the same from the amount on deposit. Prior to removal, resetting or replacement of the culvert or repair of the right-of-way, the Town shall notify the property owner in writing of any defect as to such culvert or right-of-way and shall order the owner to correct any defect within such period of time as the Board shall specify, but not less than 14 days. If the property owner requests a hearing before the Town with respect to the same, the order shall be stayed until after such hearing. The Town shall promptly bill the property owner for the costs of repair, removal, resetting or replacement in excess of the amount on deposit. If such bill is not paid, the same shall be carried onto the tax rolls and collected like other taxes.

Ord 2000-5 (8/30/2000)

10.19 Soil Disturbing Activities

(1) Definitions

A. "Control Measure" means a practice or combination of practice to control erosion and attendant pollution.

B. "Control Plan" means a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval.

C. "Land Disturbance" means any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting crops; growing and tending gardens; or harvesting trees.

D. "Erosion" means the detachment and movement of soil sediment or rock fragments by water, wind, ice or gravity.

(2) Submittal Required
Any person applying for a building permit for the construction, remodeling, alteration or demolition of a building or structure hereunder which may result in a land disturbance shall submit and receive prior approval of a control plan for the site from the

Town of Norway as herein provided. Such person shall pay to the Town of Norway an application fee in an amount equal to the charge by the Town's Consulting Engineer for plan review and oversight.

(3) Standards

All sites on which land disturbances take place shall meet the following standards:

A. The area of bare soil exposed at any one time shall be kept to a minimum by conducting activities in sequence.

B. Disturbed ground which is anticipated to be or has been left inactive for 14 or more days shall be stabilized by seed, mulch or other equivalent means.

C. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if determined practical by the Town's Consulting Engineer.

D. The control measures shall minimize, to the extent reasonably practicable, erosion from occurring at and from the building site.

E. Provisions shall be made for the maintenance of the control measures during the course of construction and for the clean up of soil, sediment, rock fragments and other materials from road, ditches, drainage ditches and other areas where deposited in the event of the failure or inadequacy of the control measures proposed or used by the applicant.

F. All control measures required to comply with this ordinance shall be based upon accepted engineering practice as identified by the Town's Consulting Engineer. The Town's Consulting Engineer and the Plan Commission may impose additional standards upon a site to minimize air and water pollution and erosion and shall use the DNR Construction Site Handbook, as revised from time to time, as a guideline.

(4) Control Plan

A. A control plan for land disturbing activities covering two or more acres shall contain the following:

1. A map of existing site conditions showing the site and immediately adjacent areas including:

a. Site boundaries and adjacent lands which identify site location;

b. Lakes, streams, wetlands, channels, ditches and other water courses immediately adjacent to the site;

c. 100 year recurrence interval flood plains, flood fringe areas, floodways and Conservancy areas;

d. Vegetative cover;

e. Locations and dimensions of utilities, structures, roads, highways and paving; and

f. Such additional information as the Town's Consulting Engineer may request.

2. A plan of final site conditions showing the site changes.

3. A site construction plan including:

a. Locations and dimensions of proposed land disturbing activities;
b. Locations and dimensions of temporary soil or dirt stockpiles;

c. Schedule of anticipated starting and completion date of each land disturbing activity;

d. An erosion control plan statement and map describing the site and erosion controls, including a site development schedule;

e. Such additional information as the Town's Consulting Engineer may request.

B. The control plan for land disturbing activities covering less than two acres shall contain the following:

1. A map of existing site conditions showing the site and immediately adjacent areas including:

a. Existing elevations at property corners;

b. Drainage patterns at site and immediately adjacent areas.

2. An erosion control plan statement and map describing the site and erosion controls as specified in DNR Best Management Practice Handbook, Chart 3, page B.1.3. paragraph 7, Fabric Specifications, including a site development schedule:

3. Such additional information as the Town's Consulting Engineer may request.

(5) Review of Control Plan

After receipt of the application, control plan, and fee the Town's Consulting Engineer shall review the application and control plan to determine if the plan or statement is adequate to meet the purposes of this section. The Town's Consulting Engineer may approve the plan with conditions, request additional information, issue or deny the permit. An applicant aggrieved by the decision of the Town's Consulting Engineer may appeal the decision to the Town Board.

(6) Enforcement

A. Whenever this section or the approved control plan is not complied with, a stop work order shall be served on the violator or his representative and a copy shall be posted at the site by the Town Building Inspector or the Town Board. The stop work order shall not be removed except by written order of the Town Board. After issuance of a stopwork order, the violator or his representative may conduct work on the site only for the purpose of bringing

the site into compliance with this section and the approved plan. Fourteen days after issuance of a stop work order with continued non-compliance shall authorize the Town to perform or contract with others to perform the necessary work and materials to bring the project into compliance. The costs shall be billed to the property owner and in default of payment within 45 days, the amount shall be entered on the tax roll and collected as a special assessment under Section 66.60(16), Wis. Stats.

B. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than $100.00 nor more than $1,000.00 and the costs of prosecution for each violation and in default of payment up to 30 days in the County Jail.

C. Compliance with the provisions of this ordinance may also be enforced by injunction.

10.20 Plan Commission

(1) Established
Pursuant to Sections 60.10(2)(c), 61.35 and 62.23 of the Wisconsin Statutes the Town establishes a Plan Commission.

(2) Membership
The Plan Commission shall consist of at least seven (7) but not more than ten (10) members, three (3) of whom shall be members of the Town Board as ex officio members and the other members shall be citizen members of recognized experience and qualifications appointed by the Town Board. The three (3) Town Board members shall include the Town Chairman and two other Town Board members who shall be nominated by the Town Chairman and appointed by the Town Board. One Town Board member shall be appointed each year after the spring election from among the newly elected members of the Town Board to serve for the period of his or her term of office. No citizen member shall be appointed to more than two (2) consecutive terms of three (3) years each.
ORD. 4/13/94 ORD. 96-6

(3) Procedure
A. The Town Chairman shall be the Presiding Officer. The Town Chairman shall appoint a person to act as Secretary of the Plan Commission.

B. All members shall take official oaths in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving not ice of their appointments.

C. Terms for the citizen members shall commence on the first week of May, and shall be for three (3) year period provided, however, that terms shall be staggered and the initial terms shall be for a period of one, two and three years.
ORD 5/13/92

(4) Organization
A. The Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance.

B. Meetings shall be held monthly and at the call of the Town Chairman or a majority of the full commission and shall be open to the public.

C. Standing and special committees may be appointed by the Town Chairman.

D. A quorum to transact business shall consist of four (4) members, except for a motion to adjourn the meeting.

E. A written record shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made, and a copy shall be filed with the Town Clerk as a public record.

F. The presiding officer shall not vote, except in the case of a tie vote.

ORD. 96-6

(5) Powers of Plan Commission

The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote land useplanning in the Town. Such powers shall include the following:

A. To make reports and recommendations relating to the plan and development of the Town to the public officials, agencies, utilities, and other organizations and citizens.

B. To recommend public improvement programs and financing thereof to the Town Board.

C. To request available information from any public official to be furnished within a reasonable time.

D. The Plan Commission, its members and employees, may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(6) Duties of Plan Commission

The Plan Commission shall review and make recommendations to the Town Board or any other public body or officer of the Town on the following matters which shall be referred to the Town Plan Commission for its consideration and report before final action is taken by the Town Board:

A. Location and architectural design of any public building.

B. Location of any statue or other memorial.

C. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.

D. Location, extension, abandonment, or authorization for any public utility, whether publicly or privately owner.

E. Location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.

F. All annexations, incorporations, or consolidations affecting the Town.

G. All division of lands within the Town's platting jurisdiction.

H. Any master plan, official map, zoning or land division affecting the Town or of ordinances or amendments with respect thereto.

I. Such additional powers and duties granted or assigned by the Town Board or by Town Ordinances.

18.4 ORD (1977)

(7) Fees

The following fees shall be paid to the Plan Commission to defray the costs of review and recommendations by the Plan Commission:

A. Conditional or special use permits - $50.00.
B. Rezoning of lands - $100.00.
C. Subdivision of Lands - $200.00 plus $5.00 per lot.
D. Certified survey map or plat of survey (minor subdivisions) - $50.00.
E. In addition to the foregoing, a submittal of a conceptual plan of any of the foregoing for review or comment - $25.00.

Such fees shall be payable to the Town Treasurer upon filing of a petition or request for the approval of the permit, rezoning or subdivision; provided, however, that the fees for any conceptual plans shall be paid at the time of submittal and that the fees for subdivision plats shall be paid at the time of first formal submittal.

ORD 10/14/91 ORD 96-2

10.21 Enforcement and Penalties

The Building Inspector and the Town Attorney shall enforce the provisions of this chapter. Enforcement may be as follows:

(1) Permit Withholding

Refusal to issue a building permit or certificate of occupancy.

(2) Double Fee

Charge a late permit fee of double the ordinary fee.

(3) Citation

Pursuant to Section 66.119 Statutes issue a citation relating to the building inspector's official responsibilities and upon conviction, the violator shall forfeit not less than $50.00 nor more than $250.00 and the costs of prosecution, fees and assessment and in default of payment may be ordered to county jail for up to sixty (60) days.

(4) Stop Work

Issue a stop work order whenever the provisions of this code or of the approved plans are not complied with. The inspector shall serve a copy on the owner or his representative and post a copy at the site. The order shall not be removed except by the inspector upon receiving satisfactory evidence that the violation has been corrected.

(5) Injunction

Upon authorization of the Town Board, the Town Attorney may seek

injunctive relief in Circuit Court for violations.

(6) Disclaimer of Liability

A. Town Not Liable

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person selling, renting, leasing, owning, using operating, constructing, altering, repairing, removing, replacing, disturbing, or maintaining any buildings and structures for damages to persons or property caused by any defect therein or there from; nor shall the Town be held as assuming any such responsibility or liability by reason of the issuance or revocation of any permit or certificate or by reason of the approval or disapproval of any building construction plans or specifications information or schedules in this chapter; nor shall the Town be held liable for any damages resulting from the enforcement of this chapter.

B. Inspectors and Town Officials Not Liable

Where any action us taken by an Inspector or his authorized representative, or by any member of the Town Board, to enforce this chapter, such action or act shall be considered as done in the names of and on behalf of the Town; and any such person so acting for the Town, shall not be judged as liable for any damage that may accrue to persons or property as the result of any such act committed in the discharge of his duties.

CHAPTER 11
LAND DIVISIONS, DISTURBANCE AND EROSION CONTROL

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
11.01	Title and Purpose		
11.02	Definitions		
11.03	Adoption of Wisconsin Statutes and Racine County Ordinances		
11.04	Applicability and Compliance		
11.05	Required Improvements	*2015-003*	*08/05/15*
11.06	Design Standards	*2015-003*	*08/05/15*
11.07	Subdivision Requirements		
11.08	Preliminary Plat	*2015-003*	*08/05/15*
11.09	Final Plat	*2015-003*	*08/05/15*
11.10	Certified Survey Maps	*2015-003*	*08/05/15*
11.11	Commercial and Industrial Developments and Land Divisions		
11.12	Penalty		
11.13	Modifications or Waivers		
11.14	Temporary Moratorium on Land Divisions	*Repealed 2015-003*	*08/05/15*
11.20	Adoption of Ordinance		
11.21	Introduction		
11.22	Administration		
11.23	Land Disturbing Activities Subject to Erosion		
11.24	Definitions		
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11.26	Standards and Criteria		
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11.28	Enforcement and Inspections		
11.29	Permit Fees, Bond Required or Financial Security		
11.30	Appeals		
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11.01 Title and Purpose

(1) Title

This Chapter shall be known and cited as the “Land Division Control Ordinance of the Town of Norway,” and is enacted pursuant to Ch. 236 of the Wisconsin Statutes.

(2) Purpose

This Ordinance is adopted for the following purposes:

(a) To regulate and control the division of land within the Town.

(b) To promote the public health, safety and general welfare of the community.

(c) To promote the conservation and wise use of the natural resource base and the sound physical, social and economic development within the Town to provide a pleasant and habitable environment.

(d) To guide the future growth and development of the community in accordance with this land use ordinance.

(e) To preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources, including those areas identified in the Town's resource inventory maps, as adopted.

(f) To protect disturbed environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage primary and secondary environmental corridors.

(g) To ensure that appropriate conservation lands will be identified and protected during the development design process to meet future community needs for storm water management, floodwater storage, and ground water recharge.

(h) To use ecological planning principles in the design, construction and long-term management of conservation developments.

(i) To allow housing to be concentrated on portions of a parcel in order to protect, preserve and restore disturbed environmentally sensitive areas or agriculture productive areas on other portions of the parcel.

(j) To preserve scenic views by minimizing visibility of new development from existing roads.

(k) To provide buffering as may be required between residential development and non-residential uses.

(l) To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.

(m) To preserve significant archaeological sites, historic buildings and their settings.

11.02 DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Chapter. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural form. Words used in the plural form shall include the singular form. The word "shall" is mandatory and the word "may" is permissive.

(1) Arterial Street (Major Street)
"Arterial street" means a street used, or intended to be used, primarily for fast or heavy through traffic.

(2) Block
"Block" means a tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways, corporate boundary lines, or subdivision boundary lines.

(3) Certified Survey Map
"Certified Survey Map" means a map showing a division of land, conforming to Sec. 236.34, Wis. Stats. and the Town's Code of Ordinances, and prepared by a land surveyor registered in the State of Wisconsin.

(4) Cluster Subdivision
"Cluster Subdivision" means a subdivision in which dwelling units are concentrated and/or clustered in specific areas in order to allow other portions of the subdivision to be preserved for Common Open Space, including restoration and management of historical, agricultural or environmentally sensitive features. All sections of this chapter that apply to subdivisions shall apply to Cluster Subdivisions.

(5) Collector Street
"Collector Street" means a street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including the principal entrance streets to residential development.

(6) Common Facilities
"Common Facilities" mean those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.

(7) Common Open Space
"Common Open Space" means undeveloped land within a Subdivision, Minor Land Division or Cluster Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development and for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common Open Space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed in accordance with a Stewardship Plan that shall be prepared for the open space.

(8) Condominium
"Condominium" means a community association combining individual unit ownership with shard use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style. All Sections of this Chapter that apply to subdivisions shall apply to a condominium.

(9) Conservation Easement
"Conservation Easement" means a nonpossessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in the Uniform Conservation Easement Act, Wis. Stats. §700.40, and section 170(h) of the Internal Revenue Code.

(10) Cul-de-Sac Street
"Cul-de-Sac street" means a minor street closed at one end with a cul-de-sac turn-around provided for vehicular traffic.

(11) Density Factor
"Density Factor" means the number of dwelling units permitted per acre according to the Town's land use ordinance, the Town's ordinances and applicable zoning regulations.

(12) Development Envelopes
"Development Envelopes" mean those areas within which pavement and buildings will be located.

(13) Dwelling
"Dwelling" means a detached building designed or used exclusively as a residence or sleeping place.

(14) Ecological Restoration
"Ecological Restoration" means to protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a Stewardship Plan for uplands, wetland areas and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas and the planting of those varieties of plants that are indigenous to the area.

(15) Flag Lot
"Flag Lot" means a lot with access to the public street only by a narrow strip of land, easement or private right-of-way and with otherwise insufficient frontage to be considered a buildable lot. Flag lots generally are not considered to conform to sound planning principles.

(16) Frontage
"Frontage" means the smallest dimension of a lot abutting a public street measured along the street line.

(17) Homeowners' Association
"Homeowners' Association" means a community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or common facilities.

(18) Lot
"Lot" means a parcel of land having frontage on a public 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, frontage, area, yard, parking area and other open space provisions of the Racine County Zoning Ordinance and Town Land Division Ordinance.

(19) Lot Corner
"Lot Corner" means a lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot size.

(20) Major Street
See "Arterial Street".

(21) Minor Street
"Minor Street" means a street used, or intended to be used, primarily for access to abutting properties.

(22) Minor Land Division
"Minor Land Division" means any division of land, whether by one or successive owners, which creates one or more parcels or building sites, any one of which is twenty (20) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into one or more parcels or building sites without changing the exterior boundaries of said block, lot or outlot. The remnant parcel, if any, shall count as one of the parcels or building sites created by said division.

(23) Net Density
"Net Density" means the number of dwelling units permitted in the subdivision.

(a) Derive the net acreage for the Parent Parcel by subtracting from the gross acreage of the Parent Parcel the acreage consisting of the following: any land defined to be unsuitable under Section 11.04(5), existing dedicated or reserved street rights-of-way, restrictive utilities rights-of-way, and navigable streams, ponds or lakes;

(b) Determine the Density Factor as permitted for the Parent Parcel, taking into account the Town preference, if any is indicated in this land use ordinance, as well as adjustments made by the Town Board to ensure a Density Factor that is consistent with the surrounding neighborhood: and

(c) Multiply the net acreage result under sub. (a) times the applicable Density Factor under sub. (b) to obtain the Net Density for the Parent Parcel.

(24) Non-Profit Conservation Organization
"Non-Profit Conservation Organization" means any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

(25) Other Terms
All other pertinent terms are as defined in Chapter 236 Wisconsin Statutes.

(26) Outlot
"Outlot" means a parcel of land, other than a lot or block, so designated on the plat, but not of standard size, which can be redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions in the future for the purpose of creating buildable lots or for other lawful uses unless otherwise designated.

(27) Owner
"Owner" means the plural as well as the singular of those having legal title or sufficient proprietary interest to seek development of land.

(28) Parent Parcel
"Parent Parcel" means the existing parcel of record, as of the effective date of this Ordinance or the entire proposed development if combining any existing parcels.

(29) Plan Commission
"Plan Commission" shall refer to the Plan Commission of the Town of Norway.

(30) Primary Environmental Corridor
"Primary Environmental Corridor" means a concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

(31) Professional Ecological Services
"Professional Ecological Services" means an individual or firm with professional qualifications to prepare and implement an

ecological Stewardship Plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of hose variety of plants that are indigenous to the area.

(32) Public Way
"Public Way" means any public road, alley, street, highway, walkway, drainageway or part thereof.

(33) Public Street
"Public Street" means a public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

(34) Racine County Subdivision Ordinance
"Racine County Subdivision Ordinance" means Chapter 18 of the Racine County Code of Ordinances, as amended from time to time.

(35) Racine County Drainage Board of Commissioners
"Racine County Drainage Board of Commissioners" means a Drainage Board legally authorized to act under Chapter 88 of the Wisconsin Statutes, with authority over entities that discharge wastewater, storm water and surface water to its drains.

(36) Racine County Zoning Ordinance
"Racine County Zoning Ordinance" means Chapter 20 of the Racine County Code of Ordinances, as amended from time to time.

(37) Secondary Environmental Corridor
"Secondary Environmental Corridor" means a concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

(38) Single Family Dwelling
"Single Family Dwelling" means a building designed and/or used exclusively for residential purposes for one family only and containing not more than one dwelling unit.

(39) Stewardship Plan
"Stewardship Plan" means a comprehensive management plan for the long-term enhancement and sustainability of natural ecosystems. Such plans shall include but not be limited to management goals, implementation and monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.

(40) Stormwater Treatment Train
"Stormwater Treatment Train" means a combination of physical and biological features that are constructed or planted to convey, cleanse, and enhance stormwater quality before the remaining water is released to receiving waters.

(41) Subdivide
"Subdivide" means the act of dividing land which constitutes a subdivision or a minor land division under this chapter.

(42) Subdivider
"Subdivider" means a person, including an individual, partnership or other entity, who owns a lot, parcel or tract of land and divides it into two or more parcels, or building sites, which division constitutes a subdivision or minor land division as defined in this section.

(43) Subdivision
"Subdivision: means the division of a lot, parcel or tract of land by the owners thereof or their agents where:

(a) The act of division of a Parent Parcel creates five (5) or more parcels or building sites; or

(b) The act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether by one owner or successive owners. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(c) In determining the number of parcels or building sites created by the division of land, the remnant parcel, if any, shall count as one of the parcels or building sites created by said division.

(44) Town
"Town" means the Town of Norway.

(45) Two-Family Dwelling
"Two-Family Dwelling" means a building used for residential occupancy by two families living independently of each other.

All other pertinent terms shall be as defined in Chapter 236 of the Wisconsin Statutes.

11.03 ADOPTION OF WISCONSIN STATUTES AND RACINE COUNTY ORDINANCES
Except as otherwise provided in this chapter, the provisions of Chapter 236 of the Wisconsin Statutes, as amended from time to time, and the Racine County Subdivision Control ordinance and Racine County Zoning Code, as amended from time to time, are adopted by reference and made a part of this ordinance.

11.04 APPLICABILITY AND COMPLIANCE
It is the goal of the Town in adopting this Land Division Control Ordinance that residential development within the Town shall occur through land divisions incorporating conservation themes wherever possible and that Cluster Subdivisions be proposed wherever possible.

(1) No person, firm or corporation shall divide any land located within the limits of the Town of Norway which results in a subdivision, minor land division or replat as defined herein without compliance with all the requirements of this Chapter and the following:

(a) The provisions of Wis. Stats. Ch. 236 and Wis. Stats. Section 82.18.

(b) The rules of the Wisconsin Department of Commerce contained in Chapter COMM 83 of the Wisconsin Administrative Code, for land divisions not served by public sewer.

(c) The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation contained in Chapter TRANS 233 of the Wisconsin

Administrative Code, for subdivisions that abut a state trunk highway or connecting street.

(d) The rules of the Wisconsin Department of Natural Resources contained in Chapters NR 115, 116 and 117 of the Wisconsin Administrative Code for shoreland, shoreland-wetland, and floodplain management.

(e) All applicable local, county, and state regulations including zoning, subdivision, sanitary, utility, building and official mapping ordinances.

(f) All other applicable rules contained in the Wisconsin Administrative Code.

(g) Unless otherwise excepted below, where any provision of these regulations impose restrictions different from those imposed by any other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(h) Section 11.13 (Modifications or Waivers) is made applicable to all land divisions, whether a minor land division or subdivision.

(2) Cluster Subdivisions are required for land divisions resulting in the creation of a subdivision on any Parent Parcel wherever possible, as determined by the Town Board.

(3) A Condominium plat prepared under Chapter 703 of the Wisconsin Statutes shall be reviewed by the Town in the same manner as a Subdivision Plat as set forth in this Chapter and shall comply with the applicable design standards and required improvements of this Chapter.

(4) No person shall divide any land located within the limits of the Town which shall result in a minor land division without complying with the provisions of this Chapter with respect to minor land divisions, including, but not limited to required improvements under Section 11.05, design standards under Section 11.06, and procedures under Section 11.10.

(5) No land shall be subdivided which is held to be unsuitable for any proposed use if identified as environmentally sensitive. Areas identified as environmentally sensitive include, but are not limited to:

(a) All areas mapped as Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.

(b) All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including buffers as required under NR 151 of the Wisconsin Department of Natural Resources.

(c) All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources.

(d) All areas having slopes greater than 20 percent.

(e) Areas that are known to provide habitat for rare, threatened or endangered species.

(f) Burial sites and Indian mounds.

(g) Areas otherwise held by the Town Board to be unsuitable for such use by reason of bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the community.

(h) Areas determined to be environmentally sensitive may be included as Common Open Space in a Cluster Subdivision. These lands may be identified as outlots or other designations that indicate the land is not available for land division.

(6) Failure to comply with the requirements of this Chapter shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of Wis. Stat. §236.31(3). The Town may also take any action authorized under Ch. 236, Wis. Stats. Building permits shall not be issued by the Building Inspector for construction on sites created in violation of these requirements.

(7) Exceptions

The provisions of this ordinance shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order;

(b) Leases for a term not to exceed ten (10) years, mortgages, or easements; and

(c) 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 ordinance, the zoning ordinances, or other applicable laws or ordinances.

11.05 REQUIRED IMPROVEMENTS

All land divisions must comply with the following required improvements:

(1) Water

Where public water service is available to the subdivision, the subdivider shall install water facilities for connection with such public water facilities, including mains and laterals, and appurtenances thereto to the street water main lines. Such facilities shall be installed in accord with and subject to the specifications and inspection of the governmental body with jurisdiction over such public water utility. Water for a Cluster Subdivision shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the State of Wisconsin.

(2) Sewer

(a) Public Sewer Available

Where public sanitary and/or storm sewer service is available to the Subdivision, the Subdivider shall install adequate sanitary and/or storm sewer facilities, including mains and appurtenances thereto and laterals to the street sewer lines. Such facilities shall be installed in accord with and subject to the specifications and inspections of the governmental body with jurisdiction over such public sewer utility. Any such proposed plat shall not be approved unless each lot is provided with access to a public sanitary sewer.

(b) Public Sewer Not Available

If the public sanitary sewer facilities are not available to the Subdivision, lot sizes shall be such that effective private disposal systems can be determined on the basis of recommendations of the agency or agencies of the County or State with jurisdiction over private onsite wastewater treatment systems (POWTS). When a common sewage treatment and disposal unit is used, it should be jointly owner and maintained by the lot owners of the lots serviced. The Town shall have no ownership interest in this type of sanitary sewer system.

(3) Streets

The subdivider shall construct and install all streets, or any portions thereof, dedicated or provided for in such subdivision in accord with the standards for such streets as specified in the Town Ordinances or as otherwise specified by the governmental unit with jurisdiction over such streets as of the time of construction. Street construction shall be completed only after installation of sewer and/or water mains, laterals and appurtenances, if required to be installed by the subdivider. No construction on any building may commence until after the installation of the binder course of asphalt for all streets in the subdivision, including cul-de-sac streets.

(4) Street Lighting

The subdivider shall construct and install standard street lights approved by the Town Board at all intersections where a subdivision street intersects with a town road, and where otherwise specified by the town engineer.

(5) Storm Water

(a) The Subdivider shall comply with all applicable Town, County, State and Federal requirements pertaining to storm water.

(b) Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy dissipating devices.

(c) Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the town engineer.

(d) Where a utility district has been created pursuant to Wisconsin Statutes Section 66.0827 for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the utility district commission.

(e) Where the proposed plat encompasses area within the jurisdiction of the Racine County Board of Drainage Commissioners, and the Subdivision's storm water facilities will connect to a drain within the boundaries of the drainage district, the Subdivider is responsible for submitting its storm water drainage plans to said Board and the State Drainage Engineer for approval.

(f) The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision.

(g) The subdivider may employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate down stream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

1. Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.

2. Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.

3. Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a five-year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.

4. All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.

5. All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on private properties without inundating any building at the ground elevation, or the travel lanes of any parking lot or driveway.

6. Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55" and as accepted and approved by the town engineer.

7. The storage of storm water runoff shall not encroach on any public lands or any private lands outside the site unless an easement providing for such storage has been approved and recorded for the lands.

8. All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.

9. Any wet detention facilities shall include shore protection from wave action.

10. The sides of all detention facilities shall have a maximum slope ration of four-to-one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the town engineer.

11. The town board, upon recommendation by the town engineer and town plan commission, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

(6) Development Agreement

As a condition of final approval of any plat, the Subdivider shall enter into an agreement with the Town, whereby the Subdivider shall agree to install all such improvements required to be installed under the terms of this ordinance.

The Town Board may require the Subdivider to provide security at the commencement of a project in an amount not to exceed 120 percent of the estimated cost to complete the required public improvements. If the Town Board approves of the construction of the project in phases, the amount of security shall be determined on the basis of the phase being constructed. It is the Subdivider's option whether to execute a performance bond or letter of credit to satisfy the Town's amount of required security to ensure that the public improvements are completed within a reasonable time. The Town Board may required the Developer to maintain the required security for up to 14 months after the date the public improvements are substantially completed. Upon substantial completion, the amount of required security shall be reduced to no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements. For the purpose of this section, public improvements are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed. The Development Agreement shall include, but is not limited to, the following terms and conditions:

(a) The roads and highways and appurtenances thereto shall be constructed at the expense of subdivider in accordance with the provisions of the Code which are in effect at the time the Subdivider submits a preliminary plat, or a final plat if no preliminary plat is submitted.

(b) The Subdivider shall be liable for the repair and maintenance of the drainage facilities which are required to be installed as a condition of plat approval, including, but not limited to, drainage swales along the rear and/or sides of the lots as shown on the site grading plan and other drainage easements as shown on the plat, including the elevations established and approved by the Town of Norway for such facilities.

(c) In such cases where the Subdivider shall own the land adjoining the roads and highways, the Subdivider shall agree to prohibit the planting of shrubs or trees or the installation of fences of such construction as would obstruct vision on curves and intersections within such distances from the edge of the highway as is prescribed by the Town.

(d) Sanitary and water mains and laterals and storm water drainage facilities shall be installed by Subdivider prior to submission of the roads to the Town for acceptance.

(e) The subdivider shall agree to indemnify and hold the town and its agents harmless from and against claims related to the performance of work at or for the construction site.

(f) In the event of the failure of payment of such costs, the Town may satisfy the same from any security held by it and/or extend the costs upon tax rolls as a special charge pursuant to Sec. 66.0627, Wis. Stats., in addition to any other rights which the Town may possess. The subdivider and successors in interest shall agree to and shall waive any other right to notice and hearing thereon.

(g) The contract shall provide that in the event the subdivider or any successor or successors in interest thereof, shall fail to perform any such work, the Town shall have the right, but shall not be required, upon ten (10) days written notice to such persons, to perform such work, and that the subdivider or successor or successors in interest shall pay for the cost thereof within thirty (30) days of the submittal of an invoice by the Town.

(h) The Subdivider shall be responsible for payment of the Town's costs, disbursements and attorney's fees in the event the Town brings legal action to enforce compliance with the agreement and a final determination is made in favor of the Town. The contract may provide that the subdivider may be released from personal obligations when the homeowner's association is created with respect to the subdivision and is entitled to impose maintenance liens against lots within the subdivision under Sec. 779.70, Wis. Stats., and the homeowner's association assumes the repair and maintenance obligations under the contract.

(i) The Subdivider shall grant its permission and make application, in advance, for the vacation of the plat in accordance with Chapter 236 of the Wisconsin Statutes in the event improvements to the subdivision, for which the Subdivider is responsible, are not completed within five years of final plat approval.

(j) The terms and conditions of the agreement shall extend to the heirs, administrators, successors in title and assigns of the Subdivider, including personal liability. However, Subdivider may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Town.

(k) The Subdivider shall convey all necessary easements, including a Conservation Easement as required under this Land Division Control Ordinance.

(l) Other terms that the Town and Subdivider shall deem appropriate.

(7) Sanitary and Other Utility Districts

Where a town sanitary district, utility district or other type of governmental unit has been created for the purpose of providing and constructing a system or systems for providing sewer, water or drainage for an area which includes all or any part of the proposed subdivision, as condition of plat approval the subdivider shall enter into a contract with the governmental unit to provide such service to the proposed subdivision.

The Subdivider shall cause gas, electrical power, telephone and other communication facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision. Plans indicating the proposed location of all gas, electrical power, telephone, and other communications, distribution and transmission lines required to serve the subdivision shall be submitted to the Town Engineer.

(8) Building Permits

Until all improvements are installed as required by this ordinance, including the binder course of asphalt, and the development agreement is signed, the Town Building Inspector shall not issue any building permits for construction in such subdivision; provided, however, upon written consent of the Town Board the subdivider may develop the subdivision in such stages as approved by the Town Board, in which case the Town Board may provide that building permits may issue as to such portions of the subdivision wherein all such improvements have been installed.

(9) Monuments

All monuments erected, established or used in laying out and platting a Subdivision, unless otherwise specifically provided by the Town Board, shall be oriented to the monuments erected with respect to the nearest State Highway or County Trunk Highway.

(10) Street Signs

The Subdivider shall install at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the Town Engineer. The Town may require additional signs to be installed within the Subdivision, as it deems necessary. The Subdivider shall be liable for all costs associated with the procurement and installation of street signs within or adjacent to the Subdivision. However, the Town shall procure and install the street signs. New street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

(11) Reimbursement of Engineering, Planning, Legal and Administrative Costs.

(a) The Subdivider and the Town shall enter into a predevelopment agreement requiring the Subdivider to pay to the Town all reasonable costs for engineering, planning, legal and administrative expenses incurred by the Town in:

1. processing, reviewing, revising and approving conceptual, preliminary or final development plans, including Certified Survey Maps, preliminary and final plats; and

2. processing, reviewing, revising, drafting and approving any agreements, easements, deed

restrictions or other documents associated with the proposed subdivision or development.

(b) Such costs shall include the costs of the Town's own engineer, attorney, inspector, agent, sub-contractors and/or employees. The cost for Town employees' time shall be based upon classification of the employee and the rates established by the Town Board, from time to time, for each such classification.

(c) At the time of the submission or review of a conceptual plan, Certified Survey Map, or preliminary plat, the Subdivider shall agree to pay all expenses generated for the approval. Expenses generated will be billed by the clerk's office. Any such amounts billed are due and payable within thirty (30) days of receipt of the statement. After thirty (30) days, interest will be charged. Any documents requiring signatures will not be signed until all bills have been paid in full.

11.06 DESIGN STANDARDS

(1) Streets

(a) General

Streets shall be designed and located in proper relation to existing and proposed streets, topography, natural features as streams and tree growth, public convenience and safety, the proposed use of the land to be served by such streets, and the most advantageous development of adjoining areas. The subdivision shall be such as to provide each lot satisfactory access by means of a public street to any existing public street. All rights-of-way shall be 66 feet unless otherwise authorized by these ordinances.

(b) Arrangements

1. Major streets and highways shall be properly integrated with the existing and proposed system of major streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

2. Collector streets shall be properly located to the transportation system, to specific traffic generators such as schools, churches and shopping centers, to concentrations of population, and to the major streets into which they feed.

3. Minor streets shall be designed to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems, and require the minimum street area necessary to provide safe and convenient access to abutting property.

4. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(c) Intersections

1. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

2. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

3. The number of intersections along major streets shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.

(d) Minor Streets

Minor streets shall not necessarily continue across major or collector streets, but if the center lines of such minor streets approach the major from the opposite sides thereof, within 300 feet of each other, measured along the center line of the major or collector street, their location shall be adjusted so that the alignment across the major or collector street is continuous and a jog is avoided.

(e) Widths of Streets and Pavements

1. The minimum right-of-way of all proposed streets shall be 66 feet. The pavement width shall be a minimum of twenty-two (22) feet. A three (3) foot gravel shoulder shall be constructed for all collector and minor streets.

2. All cul-de-sac streets shall terminate in a circular turn around having a minimum right-of-way radius of 66 feet. The pavement radius shall be forty-eight (48) feet and a three (3) foot gravel shoulder shall be constructed.

3. All roadways shall be surfaced with a four (4) inch hot mix bituminous concrete pavement consisting of a two and one-half (2-1/2) inch binder course and one and one-half (1-1/2) inch surface course, placed on a minimum ten (10) inch thick compacted gravel base. If it can be demonstrated that the underlying soils possess sufficient strength to justify a thinner cross section, the town engineer may allow a substitute.

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(f) Street Names

New street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

(g) Geometrics

1. Street Grades

Unless dictated by extraordinary topography and approved by the town engineer, centerline street slopes shall fall in the following range:

a. Collector streets: Minimum of 0.6% and maximum of 8.0%

b. Minor streets: Minimum of 0.6% and maximum of 8.0%

2. Radii of Curvature
When a continuous street center line deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on the center line of not less than the following:

a. Collector streets: Three-hundred (300) feet

b. Minor streets: One-hundred (100) feet

3. Vertical Curves
Different connecting street gradients shall be connected with vertical parabolic curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for streets.

4. Cul-de-Sacs
Cul-de-sac streets designed to have one end permanently closed shall not exceed eight-hundred (800) feet in length.

(2) Easements

(a) Required
The Town Board may require easements of widths deemed adequate by the Board for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines. Wherever possible storm water drainage shall be maintained by either landscaped open channels or enclosed conduits of adequate size and grade to hydraulically accommodate maximum potential volumes of flow.

(b) Drainage Easement
Where a subdivision or minor land division is traversed by a watercourse, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Town Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Board. Where a subdivision or minor land division is traversed by a public or private drainage tile line, the Town Board shall require that provision be made for the reconstruction, relocation or replacement of any such tile line which may be disturbed by the development of such subdivision or minor land division so as to provide for the continued operation of such tile line as before development of such subdivision or minor land division.

(3) Blocks
The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.

(4) Lots

(a) The following lot requirements apply to lots created by minor land division. Subdivision lot requirements are set forth in Section 11.07.

(b) Appropriate Dimensions
The size, shape and orientation of the lots shall be appropriate for the location of the land division and for

the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. Provided, however,

1. A lot located on a public street shall be at least 20,000 square feet in size.

2. A lot not served by public sanitary sewer shall have an area of not less than 1-1/2 acres, exclusive of areas dedicated for public rights-of-way, and at least 200' of frontage on a public street and at the setback line as measured from side lot line to side lot line.

3. A lot zoned in the A-2 General Farming and Residential District II or R-2 Suburban Residential District (Unsewered) shall have at least 200 feet of frontage on the right-of-way and at the setback line.

4. A lot zoned in the A-2 General Farming and Residential District II and containing a two-family dwelling shall have at least 400 feet of frontage on the right-of-way and at the setback line.

5. A lot on a cul-de-sac street must satisfy the above front footage requirements on the right-of-way or at the setback line.

6. The road frontage requirements for a lot located in a zoning district not specified above shall be equivalent to the minimum width requirement specified for that zoning district. Frontage shall be measured on the right-of-way and at the setback line, except for lots on a cul-de-sac which must satisfy the road frontage requirement on the right-of-way or at the setback line. For example, a lot located in an R-3 Zoning District with a minimum lot width requirement of 100 feet would also require 100 feet of road frontage on the Town road and at the setback line.

7. Flag lots shall not be approved.

(c) Front on Public Street
Every lot shall front or abut on a public street.

(d) Conform to Laws
Except as otherwise provided herein, lot dimensions shall conform to the requirements of the Racine County Zoning Ordinance and the Racine County Subdivision Control Ordinance, as amended from time to time and any applicable statutes and regulations. Where not served by a public sewer, lot dimensions and areas shall, in addition, conform to the requirements of the agency of the State of Wisconsin having jurisdiction over private sewer facilities.

(e) Side Lot Lines
Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.

(f) Lot Depth
Lots shall not have excessive depth in relation to width, and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions.

(g) Corner Lots
Corner lots shall be designed and platted with at least ten (10) feet of extra width over and above the minimum required for the zoning district in which it is located.

(5) (a) Building Setback Lines
The Town Board may require building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the zoning district in which the plat is located.

(b) Setback Lines in A-2 District
The minimum rear yard setback requirement in the A-2 General Farming and Residential District II is 50 feet.

(6) Public Sites and Open Spaces
In the design of the plat due consideration may be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. In the location of such sites consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes and ponds, water courses, water sheds and ravines.

(7) Minimum Floor Areas for Dwellings
(a) Floor Area for Dwelling
1. The ground floor area of all one-floor single-family dwelling units exclusive of attics, open porches, basements, crawl spaces and garages, shall not be less than 1,400 square feet.

2. For other than single floor structures, the upper and lower floors shall have not less than 1,800 square feet with a minimum of 1,000 square feet on the first floor.

(b) Single Family Dwellings
No bedroom, family room or den shall have a floor area less than 100 square feet.

(c) Two-Family Dwellings: Minimum Floor Area
1. The minimum floor area for a two-family dwelling shall not be less than 1,400 square feet per family. For a two-family dwelling with multiple floors for each family, there shall be a minimum floor area of 1,000 square feet per family on the first floor. No bedroom shall have the floor area less than 100 square feet.

2. No bedroom shall have the floor area less than 100 square feet.

(8) Open Space and Conservation
(a) Consideration
Every Subdivider shall consider the creation, preservation and restoration of open and natural spaces within a Subdivision and a Minor Land division, including farmland and agricultural soils, natural habitats for rare, threatened and endangered species, wildlife habitat areas, parklands, prairies, stands of trees and woodlands, marshes, lakes, streams, ponds, watercourses, watersheds and other wetland areas, ravines and outdoor recreation areas.

(b) Required
Subdividers proposing to subdivide land on Parent Parcels shall create a Cluster Subdivision and comply with Section 11.07 in addition to all other applicable provisions of this Chapter. The Town Board may permit the Subdivider to create a conventional Subdivision if warranted after consideration of the criteria set forth in Section 11.13.

(9) Foundation Requirements for Dwellings
All Dwellings must be set on an enclosed foundation in accordance with subchapters III, Iv and V of Chapter Comm. 21 of the Wisconsin Administrative Code. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home. The Town Plan Commission may require borings and soundings in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Wisconsin Administrative Code relating to Comm 83 shall be complied with and the appropriate data shall be submitted with the Preliminary Plat.

(10) Landscape Plan
A landscape plan may be required, at the discretion of the Town Board, for all Subdivisions or Minor Land divisions, except those preparing a Stewardship Plan. The required full-size copies of a landscape plan shall be submitted with a Final Plat.

11.07 SUBDIVISION REQUIREMENTS
All proposed Subdivisions, whether by condominium or Subdivision plat, are required to be developed as a Cluster Subdivision. The Town Board may permit the Subdivider to create a conventional subdivision if warranted after consideration of the criteria set forth in Section 11.13. The Subdivider must comply with the requirements of this Section in addition to all other applicable Sections of this Chapter.

(1) Concept Plan Required
(a) Submission
The Subdivider shall submit a series of maps and descriptive information and a conceptual plan according to the criteria set forth below. Mapping can be done in any combination of features as long as individual map components can be distinguished and the relationship between many components can be determined.

1. Inventory and Mapping of Existing Resources
The Subdivider shall include the following, mapped at a scale of no less than one inch = 50 feet:

a. Topographic contours at 2-foot intervals.

b. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil characteristics such as agricultural capability, depth to bedrock and water table and suitability for wastewater disposal systems. Identification of hydric soils (wetland soils).

c. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas (using existing data from local, state and federal sources; i.e., no new field work is required),

wetlands, natural swales, drainageways and slopes of 20% or greater.

d. Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand alone trees with a caliper of more than 24 inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Woodlands shall be classified as deciduous, coniferous or mixed. Use Wisconsin land or comparable cover type classifications and do on-site cover type analysis.

e. Known critical habitat areas for rare, threatened or endangered species.

f. Views of the site, including views onto the site from surrounding roads, publics areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.

g. Mapping of offsite adjacent ecological, hydrological, recreational and cultural resources.

2. Site Analysis and Concept Plan

The Subdivider shall submit a concept plan including at least the information set forth below at a scale of no less than one inch = 50 feet. The concept plan shall be submitted as an overlay to the inventory map.

a. Open space areas indicating which areas are to remain undeveloped, areas for interior open space and trail location.

b. Boundaries of areas to be developed and proposed general street and lot layout.

c. Number and type (i.e., single-family, multi-family) of housing units proposed.

d. Proposed methods for and location of water supply, storm water management (e.g., best management practices) and sewage treatment.

e. Inventory of preserved and disturbed natural features and prominent views.

f. Preliminary Development Envelopes showing areas for lawns, pavement, buildings and grading.

g. Proposed methods for ownership and management of open space.

h. Formal open spaces indicating parks, easements, trail routing and drainage easements.

i. Integration of Ecological Restoration, buffers and Stormwater Treatment Train.

3. General Location Map
The Subdivider shall submit a map showing the general outlines of existing buildings, land use and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch:400 feet.

4. Evidence of Ownership and Survey Required
Subdivider shall submit a report of title from a title company acceptable to the Town showing current ownership of the property proposed to be developed and all encumbrances, together with copies of all easements, covenants, liens and any other encumbrances, defects or clouds on the title appearing in the public record or known to the Subdivider or owner of record and shall provide a land survey by a registered land surveyor showing encumbrances of record including the requirements as specified in this Section. A copy of the report of title and survey shall be delivered to the Town Attorney and the proposed Conservation Easement holder at the same time it is delivered to the Town Engineer.

5. Phase I Environmental Site Assessment
Subdivider shall have a Phase I Environmental Site Assessment in compliance with ASTM Standard E1527-00 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and shall provide a copy of the assessment to the Town and to the proposed Conservation Easement holder. All costs incurred for this assessment shall be the responsibility of Subdivider.

(a) Review of Concept Plan

1. The Town Engineer shall make the determination of whether the entire submittal is complete within 30 days following the filing of a submittal. If it is incomplete, the Town Engineer will contact the Subdivider regarding the additional information required. No action will be taken by the Town on incomplete submittals.

2. Within 30 days of the determination of a complete submittal, the Town Clerk shall place the submittal on the agenda of the next regularly scheduled Plan Commission meeting.

3. Prior to the Plan Commission meeting, the Town Engineer and any other Municipal Officials may schedule a site visit with the Subdivider to review the existing features of the site and the Concept Plan. As a condition of further review of the concept plan, the Subdivider shall and hereby does grant permission for Town officials, employees and agents to enter upon the subject property in furtherance of their official duties. The Town Engineer shall provide a written report informing the Subdivider and the Plan Commission of his/her evaluation of the submittal and any additions, changes or corrections to the concept plan.

4. Staff from appropriate county and state agencies may also be requested, by the Town, to review the submittal under this Section.

5. Subdivider is required to provide written notice of the Plan Commission meeting to all adjacent landowners to the Parent Parcel at least seven days in advance of the meeting to permit members of the public an opportunity to speak as to the proposed concept plan. Said notice must be by certified mail, return receipt requested. Subdivider shall provide copies of the mailings and return receipts to the Town Clerk prior to Plan Commission meeting. Failure of the Subdivider to provide such notice may, at the option of the Plan Commission, result in all discussions concerning the submittal being deferred to the next regularly scheduled Plan Commission meeting.

6. The Plan Commission shall review the Concept Plan and other documents submitted and request adjustments if deemed necessary, based upon the Town Engineer's report, consideration of the natural features of the site, the Town's land use ordinance, available neighborhood plans, available or anticipated infrastructure and the density of the surrounding areas. The Town Board is not bound by the Plan Commission review and any requested adjustments.

(2) Preliminary Plat for Subdivisions
The Preliminary Plat shall be submitted and reviewed pursuant to Section 11.08.

(3) Final Plat for Subdivisions
The Final Plat shall be submitted and reviewed pursuant to Section 11.09.

(4) Standards
(a) Subdivisions shall identify a conservation theme or themes. Their theme shall be identified at the time of the concept plan. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation and enhancement, farmland preservation, archaeological and historic properties preservation, integration of ecological resources or passive recreational uses. The Town Board, upon recommendation of the Plan Commission, shall have the authority to specify which areas shall be preserved.

(b) Subdivisions shall preserve and/or restore damage from construction (if needed), environmentally sensitive areas such as wetlands, natural habitats for rare, threatened and endangered species, woodlands, shorelands, rain gardens, prairies, meadows, primary or secondary environmental corridors, parklands and viewsheds and establish plans and the means to restore these damaged areas (if needed), manage and maintain such areas.

(c) Common Open Space shall, to the extent practicable, include open space areas in addition to water bodies, ponds or mapped wetlands that have been identified.

(5) Residential Lot Requirements
(a) Areas within a public sanitary sewer area shall satisfy the applicable lot and setback requirements of the Racine County Zoning Code, except that a lot shall have an area of

not less than 20,000 square feet, exclusive of areas dedicated for public rights-of-way, and a minimum of 100 feet of road frontage, as determined in accordance with Section 11.06(4). All lots shall front on a public (Town) road.

(b) Cluster and Conventional Subdivisions

1. Cluster Subdivisions

Areas to be developed as Cluster Subdivisions that are not served by public sanitary sewer shall be zoned for a C-2 Conditional Use (C-2) single-family development per the Racine County Code of Ordinances. The front-footage requirements, single-family principal building setbacks, accessory building setbacks, rear lot line and maximum building height shall be as established for a C-2 development. Such areas shall have a minimum Net Density of one dwelling unit per three acres. A lot shall have an area of not less than one and one-half acres, exclusive of areas dedicated for public rights-of-way, unless a larger lot is necessary to accommodate a private on-site wastewater treatment facility in accordance with Section 11.05(3). All lots shall front on a public (Town) road.

2. Conventional Subdivisions

Areas to be developed as Conventional Subdivisions that are not served by public sanitary sewer shall be zoned in accordance with the applicable requirements of the Racine County Zoning Ordinance, but shall have a minimum Net Density of one dwelling unit per three acres, with each lot having an area of not less than three acres, exclusive of areas dedicated for public right-of-way. All lots shall front on a public (Town) road.

(c) All areas shall comply with the following:

1. Most lots shall have access from interior local Streets. However, any existing farmstead that is to be preserved that has a driveway, as part of the historic landscape and that does not access a local Street, should also be preserved; and a farmstead that requires a driveway that does not access a local Street should be allowed.

2. Lots shall be configured to minimize the amount of impervious surface including street length and width required for the subdivision.

3. Development Envelopes shall be configured to minimize loss of wetlands. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well and/or private on-site waste treatment system.

4. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

5. At least 75% of the lots within a neighborhood shall abut Common Open Space on at leas tone side. A local street may separate lots from the Common Open Space.

6. Lots shall be adjacent to or around one or more of the following:
   i. A central green or square; and/or
   ii. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural or restored feature.

7. To the greatest extent possible, Development Envelopes should be screened from peripheral public Streets or other visually prominent areas.

8. A 30-foot area of native vegetation shall be maintained around open water areas, unless a specific common beach or grassed area is identified.

9. Storm water management.
   a. Minimize the use of curb and gutter and maximize the use of open swales.

   b. Peak discharge during the 2, 10 and 100-year storm events shall be in accordance with NR 151.

   c. The development should have storm water management practices and facilities designed to capture at least 80 percent of the post development sediment load on an annual basis.

   d. Landscape plantings should be used to increase infiltration and decrease runoff where soil conditions are suitable and building foundation problems or sanitary sewer infiltration problems will not be created.

   e. Preserve natural open drainage systems and incorporate them into the storm water management system of the subdivision where permitted by the Department of Natural Resources guidelines.

10. If the above density, area or front-footage requirements conflict with the Town's Land Use ordinance, the provisions which is more restrictive or imposes higher standards shall control.

(6) Residential Dwellings Siting Standards

(a) Residential dwellings shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

(b) Trails and common open space connecting to local or regional recreational trails do not need to be made public.

(c) Residential dwellings should be sited to achieve the following goals, to the extent practicable.
   1. Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.

   2. Minimize disturbance to woodlands, wetlands, grasslands, primary or secondary environmental

corridors, mature trees or other significant native vegetation.

3. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.

4. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through the use of landscaping or other features.

5. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

6. Landscaping around the proposed residential dwellings may be necessary to reduce off site views of residences.

(7) Open Space Design

(a) Common Open Space shall be designated as part of the Subdivision. The minimum required Common Open Space is 50% of the gross acreage.

(b) The minimum Common Open Space required shall be owned and managed under one of the alternatives listed in Section 11.07(f), as approved by the Town. The uses within the Common Open Space shall be accessible to the residents of the Subdivision. The required Common Open Space shall be undivided and restricted from further development, as specified in Section 11.07(f).

(c) Common Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

1. First priority will be given to farmland preservation, intact natural communities, rare, threatened and endangered species, primary or secondary environmental corridors, natural and restored prairies, significant historic and archaeological properties, and slopes of 20% or greater.

2. Second priority will be given to areas providing some plant and wildlife habitat and Common Open Space values.

3. Third priority will be given to areas providing little habitat but providing view shed, recreation or a sense of Common Open Space.

(d) The following areas or structures may be located within the Common Open Space area and shall be counted toward the overall Common Open Space percentage required:

1. Parking areas for access to and use of the Common Open Space developed at a scale limited to the potential users of the Common Open Space.

2. Privately held buildings or structures provided they are accessory to the use of the Common Open Space, except that farming shall be cropland with no buildings or structures permitted.

3. Shared septic systems and shared potable water systems located on Common Open Space.

(e) Road rights-of-way shall not be counted towards the required minimum Common Open Space, except medians of boulevards may be counted upon recommendation by the Plan Commission and approval of the Town Board. That portion of Common Open Space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.

(f) Accessible Common Open Space in upland areas shall be available for recreational uses such as trails, play fields or community gardens but should be designed in a manner that avoids adversely impacting archaeological sites.

(g) A pathway system connecting Common Open Space areas accessible to Subdivision residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall, if applicable, be identified on the plan.

(h) The design shall provide for the connection of internal open spaces, whenever possible and connection with existing or potential open space lands.

(i) Common Open Space in Condominium Plats.
In Condominium plats where the Subdivider proposes a Condominium in which the unit will encompass only the Building Pod and the remaining areas will be limited common areas and/or facilities or common areas and/or facilities, the side, back and front yards shall not be counted toward the required minimum Common Open Space.

1. Purpose.
The purpose of this section is to exclude side, back and front yards as Common Open Space because inclusion of these areas does not fulfill the definitional requirement of Common Open Space or meet the purposes of this Ordinance.

2. Definitions.
For the purposes of this subsection, the following shall mean:

a. Building Pod.
The area of a lot including the house, garage, patio, deck, air conditioning unit and other similar improvements attached or abutting the house.

b. Building Envelope.
The area of a lot including a Building Pod in addition to setbacks of seven and one-half (7.5) feet for each side of the Building Pod and twenty-five (25) feet each for the front and back yards.

c. Calculation.
If the Subdivider is proposing a Condominium in which the lot will encompass only the Building Pod and the remaining areas will be limited common areas and/ or facilities or common areas and/or facilities, then one of the following shall not be counted toward the minimum Common Open Space requirements:

i. If the actual square footage of the Building Pod and Building Envelope are not known, subtract Four thousand (4,000) square feet for each proposed unit, the calculation being: # of units multiplies by 4,000 square feet for the total amount of square feet not to be included in Common Open Space.

ii. If the actual square footage of the Building Pod is known, then perform the following: Calculate the total area of setbacks around the Building Pod of seven and one-half (7.5) feet for each side yard and twenty-five (25) feet each for the front and back yards for each proposed unit; and (2) Add together the total area encompassing the setbacks for each unit for the total amount of square feet to be excluded from the Common Open Space.

(8) Ownership and Maintenance of Common Open Space and Common Facilities

(a) Alternatives.
The designated Common Open Space and/or Common facilities may be owned and managed by one or a combination of the following:

1. A Homeowners' Association.

2. A Condominium Association established in accordance with the Condominium Ownership Act, Chapter 703, of the Wisconsin Statutes.

3. An individual who will use the land for Common Open Space purposes as provided by a Conservation Easement.

(b) Conservation Easement.
Common Open Space and/or Common Facilities shall be subject to a Conservation Easement conveyed to a qualified holder.

(c) Homeowners' Association.
A Homeowners' Association shall be established if the Common Open Space and/or Common Facilities are proposed to be owned by a Homeowners' Association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The Homeowners' Association bylaws, guaranteeing continuing management of the Common Open Space and/or other Common Facilities, and the declaration of covenants, conditions and restrictions of the Homeowners' Association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The Homeowners' Association bylaws or the declaration of covenants, conditions and restrictions of the Homeowners' Association bylaws or the declaration of covenants, conditions and restrictions of the Homeowners' Association shall contain the following information:

1. The legal description of the proposed Common Open Space;

2. A description of Common Facilities;

3. The restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities;

4. Persons or entities entitled to enforce restrictions;

5. A mechanism to assess and enforce the common expenses for the Common Open Space and/or Common Facilities including upkeep and management expenses, real estate taxes and insurance premiums;

6. A mechanism to implement restoration, maintenance and management of the Common Open Space and/or Common Facilities;

7. A mechanism for resolving disputes among the owners or association members;

8. The conditions and timing of the transfer of ownership and control of Common Open Space and/or Common Facilities to the Association;

9. Any other matter the Subdivider or Town deems appropriate.

(d) Condominium Association.
If the Common Open Space and/or Common Facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities. The condominium instruments shall be submitted for approval to the Town as part of the information required for the preliminary plat and shall comply with subsection 3 above. All Common Open Space and Common Facilities shall be held as a "common element" as defined in section 703.02(2) of the Wisconsin Statutes.

(e) Stewardship Plan.
Every Subdivision must include a plan that provides a means to properly manage the Common Open Space in perpetuity, and the long term means to properly manage and maintain all Common Facilities. The Plan shall be approved by the Town in conjunction with the Development Agreement prior to or as a condition of final plat approval.

1. The plan may include the following:

   a. Designate the ownership of the Common Open Space and/or Common Facilities in accordance with Section 11.07(4)(f)(1).

   b. Establish necessary regular and periodic operation and management responsibilities.

   c. Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an on-going basis.

   d. Include a land Stewardship Plan specifically focusing on the long-term management of Common Open Space lands. The land Stewardship Plan shall include a narrative, based on the site

analysis required in Section 11.07(1) describing:

i. Existing conditions including all natural, cultural, historic and scenic elements in the landscape. This baseline documentation of existing site conditions shall be agreed upon at the time of execution of the Conservation Easement.

ii. The proposed end state for each Common Open Space area; and the measures proposed for achieving the end state.

iii. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.

iv. The operations needed for managing the stability of the resources for five (5) years, including but not limited to: mowing schedules; weed control; planting schedules; assessment schedule and clearing and clean up. At the Town's discretion, the applicant may be required to place in escrow sufficient funds for the management and operation costs of the Common Open Spaces and/or Common Facilities for a maximum of five (5) years.

v. Education component for educating the homeowners on the stewardship plan and status of the common open space. The holder of the conservation easement shall determine the content of the educational component; however, the holder shall hold an educational meeting with the homeowners at least annually after the annual assessment is conducted.

vi. Any Stewardship Plan of an abutting Subdivision that has a Stewardship Plan in place and addressing any impact that Stewardship Plan may have on the proposed Subdivision.

e. If ownership is vested in a Homeowners' Association, then the Association must contract with a competent contractor, such as a Professional Ecological Service, as approved by the Town to oversee and sustain the plan. The Town's approval shall not be unreasonably withheld.

(f) In the event that the organization established to own and manage the common open space and/or common facilities, or any successor organization, fails to manage all or any portion of the common open space and/or common facilities in reasonable order and condition in accordance with the stewardship plan and all applicable laws, rules and

regulations, the town may serve written notice upon such organization and upon the residents and owners of the common open space and/or common facilities, setting forth the manner in which the organization has failed to manage the common open space and/or common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The town may enter the premises and take corrective action.

(g) The costs of corrective action by the town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common open space and/or common facilities and shall become alien on said properties. The town, at the time of entering upon such common open space and/or common facilities for the purpose of management, shall file a notice of such lien in the office of the county register of deeds upon the properties affected by such lien.

(h) Stewardship Plans may be amended by the owner identified under Section 11.07(4)(f) with the approval of the Town Board.

(i) The town may require the common open space to be inspected and assessed annually by the holder of the conservation easement or an independent professional ecologist, or may contract with an independent individual, organization or business, for a periodic assessment of the common open spaces and/or common facilities of the development to ensure compliance with the stewardship plans. The cost for this periodic assessment of the common open spaces and/or common facilities shall be specially assessed, equally against the properties that have the right of enjoyment of the common open spaces and/or common facilities and shall become alien on such properties if not paid.

11.08 PRELIMINARY PLAT

(1) Filing application with town.
The subdivider shall file with the town an application for approval of a preliminary plat prepared in accordance with this chapter along with a completed checklist and sufficient copies of the preliminary plat for review by the town. Additional copies of the preliminary plat shall be provided to the town attorney and to the proposed conservation easement holder. No preliminary plat shall be accepted for review unless the subdivider has completed the concept plan requirements set forth above. If the preliminary plat is not complete or is not submitted in accordance with applicable statutes or ordinances, it shall not be considered filed.

(2) Review and approval procedures.

(a) Referral; administrative staff and utility commission reviews.
The clerk shall provide copies of the preliminary plat to the town department heads and to the appropriate utilities for their review and comment. The town staff and utility comments will be forwarded to the town plan commission and town board for consideration during the review process.

(b) Town plan commission review; informational meeting.
The clerk shall give notice of the plan commission's review of the preliminary plat by listing it as an agenda item in the plan commission's meeting notice. The notice shall include the name of the subdivider, the address if the parent parcel and the requested action. The clerk may schedule an informational meeting on the preliminary plat prior to plan commission review. The subdivider shall provide written notice of the plan commission review and/or the informational meeting to all property owners within 300 feet of the parent parcel at least seven days in advance of such meeting. The cost for such written notice shall be borne by the subdivider. Such notice must be by certified mail, return receipt requested. The subdivider shall provide copies of the mailings and return receipts to the clerk prior to the plan commission meeting. Failure of the subdivider to provide such notice may, at the option of the plan commission, result in all discussions concerning the submittal being deferred to the next regularly scheduled plan commission meeting.

(c) Plan commission recommendation.
After review of the preliminary plat and discussions with the subdivider on changes and the kind and extent of public improvements that will be required, the plan commission shall recommend to the town board disapproval, approval or conditional approval of the preliminary plat within 60 days of the filing date. Any preliminary plat recommended for approval shall be deemed to include conditions, to the extent applicable, of a development agreement, conservation easement, and stewardship plan in forms acceptable to the town board and in compliance with the town ordinances.

(d) Board action.
After receipt of the town plan commission's recommendation, the town board shall, within 90 days of the date the preliminary plat was filed with the town, approve, approve conditionally or reject such preliminary plat and shall state, in writing, 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. The clerk shall communicate to the subdivider the action of the town board. If the preliminary plat is approved, the town chairperson shall endorse it for the town board. Any preliminary plat recommended for approval shall be deemed to include conditions, to the extent applicable, of a development agreement, conservation easement, and stewardship plan in forms acceptable to the town board and in compliance with the town ordinances.

(e) Effect of approval.
Approval of a preliminary plat shall be valid for 36 months from the date of approval or conditional approval. Subject to Wis. Stats. §236.11(1)(b), approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. 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) Amendment.
If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, unless the amendment is, in the opinion of the town board, of such scope as to constitute a new plat, in which case it shall be refilled. The town reserves the right to require an additional fee where, in the opinion of the town board, such amendment requires significant additional town resources.

(3) Requirements.
A licensed land surveyor or engineer shall prepare the preliminary plat at a convenient scale not less than one inch equals 100 feet. A preliminary plat shall be prepared in accordance with applicable state statutes, the County Code and this chapter. More than one sheet may be used to present the following required information:

(a) Name of the proposed subdivision.
The proposed name of the subdivision shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the County.

(b) Project ownership and development information.

(1) Name, address and telephone number of the legal owner of the parent parcel and, if applicable, agent of the property.

(2) Name, address and telephone number of the professional persons responsible for subdivision design, for the design of public improvements and for surveys.

(3) Date of preparation.

(b) Existing site conditions.
Provide this information on a property survey map. It is the responsibility of the subdivider to verify the accuracy of information and resources relied upon to compile the following information:

1. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.

2. Location, width and names of all existing platted streets and rights-of-way to a distance of 300 feet beyond the site.

3. Show the type, width and condition of street improvements; railroad or major utility rights-of-way, parks and other public open spaces, location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of 300 feet beyond the site, if any.

4. Location, widths and names of all existing public and private easements to a distance of 300 feet beyond the site.

5. Identify the name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.

6. Topographic data including contours at vertical intervals of not more than two feet. Elevation values

shall be based on the National geodetic Vertical Datum of 1929 (NGVD 29) or the North American Vertical Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey, if applicable for that parcel, and should also be so noted on the plat.

7. Significant natural resource features on the site, including: jurisdictional wetlands, floodplains, watercourses, existing wooded areas, slopes of 20 percent or greater, drainageways, rare threatened and endangered species, all environmental corridors as mapped by the Southeastern Wisconsin Regional Planning Commission and official mapping on file with the county and other natural resource features, views and other prominent visual features. Where steep slopes may be present, the town may require a survey by a registered land surveyor of the areas containing slopes. This survey shall be referenced to the proposed cross section of the adjacent road.

8. Burial sites categorized under Wis. Stats. §157.70, Indian mounds, national and state register listed properties and locally designated historic properties.

9. Existing soil classifications including identification of poor, hydric soils.

10. Legal description of the property.

11. Existing zoning classifications for land in and abutting the subdivision.

12. Total acreage of the proposed site.

13. Provide graphic scale, north arrow and date.

14. Conservation easements.

15. Restoration zones, including association land included in native landscaping, buffers and drainage easements.

(d) Subdivision design features.

Provide the following information on the preliminary plat:

1. Layout of proposed streets, showing right-of-way widths, pedestrian walkways, types of improvements, street surface widths and proposed street names.

2. Locations and type of proposed public easements (i.e., drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.

3. Layout of proposed blocks and lots within the plat.

4. Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers and dimensions, area.

5. Minimum front, side and rear yard building setback lines for all lots.

6. Indication of the use of any lot.

7. Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system or individual on-site septic systems and potable water sources.

8. Location and size of all proposed and existing storm sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other storm water facilities within the plat and to a distance of 100 feet beyond the site.

9. Common open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for use by the residents of the development, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.

10. Proposed preservation, if any, of historical buildings and structures.

11. Development envelopes showing areas for grading, lawns, pavement and buildings.

12. Stewardship plan for restoration and long-term management of the open space areas.

(e) Preliminary construction plans.
Provide the following information on one or more sheets:

1. Plan and profile. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.

2. Grading and erosion control plan. A plan showing existing and proposed grades, drainage patterns and storm water facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious surface area of project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices, including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of four inches or more measured 12 inches above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan.

3. Disposal, management and flood control. Provisions for sewage disposal, water supply, stormwater management and flood control.

(f) Easements. No plat or subdivision shall be accepted by the town unless the plat or subdivision provides for an easement across the rear 12 feet of each lot abutting upon a lot in the same plat subjected to a similar easement, making it all an easement of 24 feet. The easement shall be established for the installation of all public utilities. In the event such lot does not abut upon a lot subjected to a similar easement, such nonabutting lot shall be subject to an easement of at least 12 feet in width for the same purposes as hereinbefore set forth. In the event compliance with this requirement is not practicable in the opinion of

the town board, the town board may waive the requirements herein provided. The subdivider shall dedicate such other lands or grant such other easements as the town board determines to be reasonably required in accord with state statutes, to provide for public utilities and public uses and needs with respect to such subdivision development.

11.09 FINAL PLAT

A final subdivision plat shall be filed in accordance with the following:

(1) Review and Approval.

(a) Final Plat.

The Subdivider shall prepare a final plat, a checklist and a letter of application in accordance with this Ordinance and shall file necessary copies of the plat and the application with the Town Clerk at least 21 days prior to the meeting of the Plan Commission at which action is desired. Copies of the final plat shall also be filed with the Town Attorney, the proposed Conservation Easement holder and with the Racine County Planning and Development Department in accordance with the Racine County Code of Ordinances. The Owner or Subdivider shall file 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 Subdivider shall also submit, at this time, a current certified abstract of title or such other evidence as the Town may require showing ownership or control in the applicant. Preparation of the final plat shall be in accordance with applicable state statutes, the Racine County Code of Ordinances and this Ordinance. If the final plat is not complete or is not submitted in accordance with applicable statutes or ordinances, it shall not be considered filed.

(b) Objecting Agencies.

The Subdivider shall submit the original plat to the Plat Review Section, Wisconsin Department of Administration, which shall forward two copies to each of the agencies authorized to object under section 236.12(2) of the Wisconsin Statutes. The department shall have the required number of copies made at the Subdivider's expense.

(c) Final Construction Plans.

Simultaneously with the filing of the final plat, the Subdivider shall file with the Town necessary copies of the final plans and specifications of public improvements required by the Town.

(d) Referral of Final Plat.

The Town Clerk shall provide copies of the final plat to Town department heads and to the appropriate utilities for their review and comment. The Town staff and utility comments will be forwarded to the Town Plan Commission and Town Board for their consideration during the review process. Prior to the referral of the final plat by the Town Clerk, the final drainage plans must have received their necessary approvals.

(e) Town Plan Commission Review.

1. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat; any conditions of approval of the preliminary plat; this Ordinance; and all applicable ordinances, rules, regulations, the Stewardship Plan and Town's land use

plan elements that may affect it and shall recommend approval or rejection of the plat to the Town Board.

2. The Plan Commission shall, within 30 days of the date of filing of the final plat, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Board. Any condition of approval of the preliminary plat that has not been complied with shall remain a condition if the final plat is approved by the Town Board. Plats with incomplete or inadequate information shall be rejected unless an extension of the review period is requested by the Subdivider and agreed to in writing by the Plan Commission.

(f) Town Board Review and Approval.
The Town Clerk shall provide a copy of the final plat, the recommendation of the Plan Commission, a draft of the proposed Conservation Easement and the Stewardship Plan to the Town Board for its review, consideration and possible approval. In addition, a professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the Town Board with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendations on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered, and are not required to be submitted in writing. The Town Board shall, within 60 days of the date of filing the original final plat, 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 in the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required in this section, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.

1. The Developer shall give written notice of this intention to the municipal clerk of any municipality with extraterritorial approval.

2. If the Town Board fails to act within 60 days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed approved.

3. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a contract and security ensuring their satisfaction 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, along with all Conservation Easements and deed restrictions. The final plat can be recorded when it has received all required approvals pursuant to applicable state statutes, the Racine County Code of Ordinances and this Ordinance. The Register of Deeds cannot record the plat unless it is offered within 12 months from the date of the Town Board's

final approval and within 36 months after the first approval.

4. Copies. The Subdivider shall file eight copies of the final plat with the Town Clerk for distribution to the approving agencies, affected utility districts and other affected agencies for their files. Subdivider shall also provide a copy of the recorded final plat to the Conservation Easement holder and the Town Attorney.

(g) Final Plat Requirements.

1. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of Section 236.20 of the Wisconsin Statutes, with the Racine County Code of Ordinances and this Ordinance.

2. Additional information. In addition to the information required by Section 236.20 of the Wisconsin Statutes, the final plat shall show correctly on its face, have attached to it, or submitted with it, the following:
   a. Exact length and bearing of the centerline of all streets.
   b. Exact street width along the line of any obliquely intersecting street.
   c. Exact location and description of utility and drainage easements.
   d. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
   e. Special Restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
   f. Setback or building lines.
   g. Any restrictive covenants, deed restrictions or conservation easements for the proposed subdivision shall be filed with or placed on the face of the Final Plat.
   h. The legal instruments detailing the ownership of the Common Open Space, as required in Section 11.07(4)(f).
   i. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
   j. 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 two 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 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.

3. Certificates.
All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all the provisions of this ordinance.

4. Recording.
The final plat shall be recorded as required by Wisconsin Statutes Section 236.25.

11.10 CERTIFIED SURVEY MAPS

(1) A certified survey map is required for all land divisions.

(2) Application; certified survey maps
The subdivider shall submit an executed predevelopment agreement, the requisite fees, the checklist for certified survey maps and three (3) copies of the certified survey map to the town clerk. As a condition of further review of the certified survey map, the subdivider shall and hereby does grant permission for town officers, employees and agents to enter upon the subject property in furtherance of their official duties.

(3) Proof of ownership.
The subdivider shall submit a report of title from a title company acceptable to the town showing current ownership of the property proposed to be divided and all encumbrances shall be detailed on the certified survey map when submitted.

(4) General requirement for Certified Survey Map.

(a) The certified survey map shall comply with the provisions of Wis. Stats. §236.34 and shall describe all new lots created by the division. Following Plan Commission recommendation, and with prior town board approval, remnant parcels larger than forty acres need not be shown on the certified survey map but may instead be depicted by a plat of survey. The town board may, in its discretion and upon recommendation of the Plan Commission, require that all lands that are owned or controlled by the subdivider that are contiguous to the land to be divided also be described on the certified survey map.

(b) If any lots in the certified survey map are not served by municipal sanitary sewer, soil and site evaluations shall be submitted for approval to the County Code Administration office and/or Department of Commerce according to the procedure and standards established under the applicable rules of Wis. Admin. Code Ch. SPS 383.

(c) Where the subdivider owns or controls land that is contiguous to the land being divided, a conceptual development plan shall be submitted along with the certified survey map. The plan shall be drawn to scale and shall identify proposed future development of the parcels, including approximate street, driveway and building locations.

(5) Detailed Requirements.
A certified survey map shall comply with the provisions of Wis. Stats. §236.34, applicable sections of this chapter, and shall set forth the following:

(a) Date of map.
(b) Graphic scale, location map and north point.

(c) Name and address of the owner, subdivider and surveyor.
(d) All existing buildings, watercourses, drainage ditches, drain tiles, existing and required easements and other features pertinent to proper division.
(e) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowage and wetlands.
(f) Soil boring locations on sites to be served with a private on-site wastewater treatment system.
(g) All lands reserved for future public acquisition or dedication.
(h) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.
(i) Significant natural resource features on the site, including wetlands, floodplains, watercourses, shoreland boundaries, existing wooded areas, slopes of 20 percent or greater, drainageways, rare, threatened and endangered species, all environmental corridors as mapped by the Southeastern Wisconsin Regional Planning Commission ("SEWRPC") and the County and other natural resource features, views and other prominent visual features.
(j) Where the map is located within a quarter section, the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System by the State Department of Transportation, Southeastern Wisconsin Regional Planning Commission, the County or any city, village or town, the map shall be tied directly to one of the section or quarter corners so coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements and the material and Wisconsin State Plane Coordinate System, south zone, and adjusted to the County control survey.
(k) The surveyor shall certify on the face of the map that it fully complies with all the provisions of this chapter.
(l) Any additional information required by the town board.

(6) Plan Commission Review and Informational Meeting.
The clerk shall give notice of the planning commission's review of the certified survey map by listing it as an agenda item in the planning commission's meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. The clerk may schedule an informational meeting. Notice of the planning commission review and informational meeting shall be sent to neighboring property owners in accordance with the procedures set forth in Section 11.08 of this chapter. The cost for such written notice shall be borne by the subdivider. The Plan Commission may submit the certified survey map to the town engineer or town attorney for review and comment.

(7) Plan Commission recommendation.
After review of the certified survey map and discussions with the subdivider on changes and the type and extent of public improvements that will be required, if any, the planning commission shall recommend to the town board disapproval, approval or conditional approval of the certified survey map within 45 days of the filing date of the proposed final certified survey map.

(8) Board Action.
After receipt of the town planning commission's recommendation, the town board shall, within 90 days of the date the proposed final certified survey map as filed with the town engineer, approve, approve conditionally or reject such certified survey map and shall state, in writing, 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 proposed final certified survey map. The clerk shall communicate to the subdivider the action of the town board. If the certified survey map is approved, the town engineer shall endorse it for the town board. The certified survey map shall be recorded with the Register of Deeds office for the county within 12 months after final town board approval and within 36 months after the first approval of the map.

(9) Public Improvements.
In the event public improvements are required, plans, computations and specifications, which conform to the provisions, required for subdivision improvements shall be submitted to the town engineer at the time of submission of the proposed certified survey map. Such plans must be approved by the town engineer before town board approval of the certified survey map. Prior to, or as a condition of, town board approval of the certified survey map, the subdivider shall enter into a developmental agreement, as addressed elsewhere in this Article, and deposit the required fees. In cases where public lands or rights-of-way are reserved or dedicated for future construction of public improvements, the subdivider shall enter into an agreement with the town concerning future costs and liability prior to, or as a condition of, certified survey map approval.

11.11 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS AND LAND DIVISIONS.

(1) Application of Ordinance
Because it is impracticable to determine the required lot size for a proposed commercial or industrial development, a subdivider shall not be required to prepare a subdivision plat, unless required by Chapter 236 of Wisconsin Statutes, Chapter 18 (entitled "Subdivisions") of the Racine County Ordinances, or any other applicable ordinances.

(2) Procedure for Commercial and Industrial Developments

(a) Where Chapter 236 of Wisconsin Statutes, the Racine County Ordinances or other applicable ordinances require a subdivision plat of a proposed commercial or industrial development, or where the subdivider chooses to use a subdivision plat to subdivide the land for a commercial or industrial development, the procedures for subdivision plats as set forth in this Chapter 11 shall be followed and fully met.

(b) Where neither Chapter 236 of Wisconsin Statutes, the Racine County Ordinances nor any other applicable ordinances require a subdivision plat and the subdivider does not choose to use a subdivision plat to subdivide the land for a commercial or industrial development because of the impracticability of determining lot sizes, the following procedures shall be followed:

1. The Subdivider shall file 4 copies of a Plan of Development of the area proposed to be subdivided for commercial or industrial purposes, along with a letter of application with the Town Clerk requesting approval of the Plan of development. The Plan of Development shall meet the requirements of a preliminary plat, except that the lot layout shall be tentative.

2. If the concept and layout are acceptable to the Town Plan Commission and the Town Board, the subdivider shall submit plans for roads, grading, drainage and

other public improvements required under Section 11.05 hereof, as well as such other plans as the Town Board may deem necessary to properly plan for the development.

3. If the plans submitted by the subdivider are acceptable, the Town Board shall approve of the Plan of Development, conditioned upon (a) the dedication of the public roads, easements and other public lands as shown on the approved Plan of Development, and (b) the installation of the required public improvements as approved by the Town Board. Subject to approval of the Town Board, the improvements may be installed in phases. The subdivider shall enter into a development agreement with the Town of Norway as provided in Section 11.05(7) hereof.

4. As lands within the approved Plan of Development are proposed to be divided, the subdivider shall submit a certified survey or maps for minor subdivisions. The provisions for certified survey maps shall apply to the review and approval of the certified survey map or maps. The subdivider shall not be required to file a subdivision plat as to lands within the approved Plan of Development, unless required by Chapter 236 of Wisconsin Statutes, the Racine County ordinances, or other applicable ordinances.

11.12 PENALTY

Any person, firm or corporation who violates any provision of Chapter 11 shall forfeit not less than $50 nor more than $500, for each day of a violation plus the costs of prosecution and in default of payment, may be imprisoned in the county jail pursuant to Sec. 800.095, Wis. Stats.

11.13 MODIFICATIONS OR WAIVERS

(1) Authority, Application

(a) Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because an exceptional circumstance exists, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(b) Application for any such modification or waiver shall be made in writing by the Subdivider at the time when the concept plan, certified survey map, or preliminary plat is filed for consideration whichever occurs first, stating fully all facts relied upon by the Subdivider, and shall be supplemented with maps, plans or other additional data that may aid the Town Board in the analysis of the proposed project.

(c) Before the Town Board may act on a request for modification or waiver, the application and all supporting material must first be presented to the Plan Commission for its review and recommendation based upon the factors set forth below. The Secretary of the Plan Commission shall, within forty-five (45) days of receipt of the Application for a modification or waiver, place the matter on the Town Plan Commission agenda for review and action.

(2) Considerations

(a) The Town Board shall consider the following factors, in addition, to any other factors deemed relevant by it:

1. Whether the request for a waiver or modification, if granted, would be consistent with the general intent of this Chapter.

2. Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.

3. Whether the request for waiver or modification, if granted, would benefit the Subdivider's project in a way that is not consistent with the Town's interest.

4. Whether Subdivider is in full compliance with other applicable ordinances and agreements with the Town.

5. Whether, instead of granting the request for a waiver or modification, the Chapter itself should be changed to accommodate the kind of situation presented by Subdivider.

6. Whether the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.

7. Whether the request for modification or waiver, if granted, would 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.

(3) Granting by Town Board

(a) The Town Board, if it approves of the modification or waiver of the application of this chapter or any portion of it, shall do so by motion or resolution and shall instruct the Town Clerk to notify the Subdivider.

(b) A majority of the Town Board shall be required to grant any modification or waiver to this Chapter. The reasons why such modification or waiver was granted shall be entered into the minutes.

(4) Past Non-Compliance Not Waived

A waiver or modification that is granted pursuant to a written request, as described in this Section, shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of this Chapter that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Town Board.

11.20 Adoption Of Ordinance

This ordinance is adopted under the authority granted by Wis. Stat. Section 60.627.

11.21 Introduction

(1) Findings And Declaration Of Policy. The Town finds that changing land uses may accelerate the process of soil erosion, and sedimentation in the waters of the Town. It is, therefore, declared to be the policy of the Town to provide for the control and, if possible, the prevention of soil erosion, and thereby to preserve the natural resources, control floods, protect the capacity of drainage facilities, and prevent impairment of dams

and reservoirs, protect the quality of public waters, preserve wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Town.

(2) Intent And Purpose. The purpose of this Chapter is to promote the public health, safety, property and general welfare of the citizens of the Town and to conserve the soil, prevent the obstruction of the flow of water, water and related resources and control erosion, and sedimentation caused by land disturbing activities.

(3) Applicability. This Chapter shall apply to the use of lands within the boundaries of the Town.

(4) Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) Time For Compliance. Land disturbing activities commenced after the effective date of this Chapter shall be in compliance with all provisions of the Chapter.

11.22 Administration

(1) Delegation Of Authority. The Town Board herewith designates the Town Engineer or Building Inspector to administer and enforce the provisions of this Chapter. The Town Engineer or Building Inspector may appoint assistants (designees) to aid in the performance of duties and may seek technical advice as needed from the Wisconsin Department of Natural Resources (WDNR) as to the adequacy of any proposed plan and permit application.

(2) Administrative Duties. In the administration and enforcement of this Chapter, the Town Engineer, Building Inspector or designee shall perform the following duties:

(a) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions.

(b) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issue the permits required by this Chapter in accordance with the procedure as set forth in this Chapter, but only when the erosion and sedimentation will be controlled to meet the standards of this Chapter.

(c) Investigate all complaints made to the application of this Chapter.

(d) Revoke any permit granted under this Chapter if it is found that the holder of the permit has misrepresented any material fact in the permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing subsequently by the Town Engineer, Building Inspector or designee; or has willfully refused to correct a violation within the time specified on a correction order; or has denied the Town Engineer, Building Inspector or designee access to the site; or has violated any of the other conditions of the permit as issued to the applicant.

11.23 Land Disturbing Activities Subject to Erosion Control

(1) General Requirement. Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities; or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this Chapter.

(2) Land Disturbing Activities Subject To Erosion Control. Land disturbing activities shall be subject to the erosion and sediment control provisions of this Chapter if:

(a) An area of 1,000 square feet or greater will be disturbed by excavation, grading, loss or removal of protective ground cover or vegetation, filling, demolition, or other earth-moving activities, or

(b) Excavation, fill or any combination thereof, will exceed 50 cubic yards, or

(c) Any watercourse including but not limited to swales, ditches, creeks, streams, rivers or other waterways is to be changed, filled, enlarged or materials are removed from stream or lake beds, or

(d) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, piping, wiring, waterlines, sanitary sewers or storm sewers, or similar structures will be laid, repaired, replaced or enlarged, if such use involves more than 200 linear feet of trenching or earth disturbance, or

(e) Any subdivision or minor land division as defined by Ch. 11 of this Code which requires plat or certified survey map approval.

(f) Any excavation, filling, demolition, removal of protective ground cover, or other land disturbance, within 1000 feet of a lake or within 300 feet of any stream, wetland, channel, ditch or other watercourse.

(g) Any other activity regardless of any area, volume or length requirements set forth above that the Town Engineer, Building Inspector or designee has deemed may create a condition requiring the implementation of erosion control measures.

(h) Installation of culverts under Chapter 10, Section 10.18 of the Town Code will be governed by this ordinance when determined necessary by the Town Engineer, Building Inspector or designee. Culvert installation, location and elevations shall be determined by the Town Engineer and inspected by the Building Inspector.

11.24 Definitions

(1) Agricultural Facilities and Practices. This phase has the meaning set forth in Wis. Stat. § 281.16(1) and includes, without limitation: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

(2) Applicant(s). Shall mean Land Occupier or Land User.

(3) Best Management Practice (BMP) means structural or non-structural measures, practices, techniques or devices employed to:

(a) Avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state or

(b) Manage the rate or volume of runoff.

(4) Control Plan. This term, which is also known as an Erosion and Sedimentation Control Plan, means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction. It shall include a written description of the number, sizes, location, and other information designed to meet the requirements of this ordinance.

(4.5) Disturbed Condition. A condition resulting from Land Disturbing Activities as defined below.

(5) Erosion. The detachment or movement of soils, sediment or rock fragments by water, wind, ice or gravity.

(6) Excavation. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(7) Exemptions. Activities that are exempt from this ordinance, including agricultural facilities and practices as defined in 11.24(1).

(8) Existing Grade. The vertical location of the existing ground surface prior to excavation or filling.

(9) Fill. Any act by which earth, sand, gravel, rock, construction rubble, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom. Any fill permitted under this Chapter shall be “clean fill” as determined by the Town and taken from a location approved by the Town.

(10) Land Disturbing Activities. Any man-made or caused alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state.

(11) Land Treatment Measures. Structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.

(12) Land Occupier Or Occupier Of Land. Any person who has a fee simple interest in the land either as sole owner, as a tenant in common or a joint tenant or holds as a trustee, assignee, or holds as a tenant or land contract vendee.

(13) Land User. Those who use land, individually or collectively as owners, operators, lessors, renters, occupiers who are providing a service that requires access or alterations of the land in order to perform the service, or by other arrangement which gives them the responsibility of private or public land use.

(14) Parcel. All contiguous lands under the ownership or control of a land occupier or land user.

(15) Permit. The signed written statement issued under this Chapter authorizing the applicant to engage in general land disturbing activities specified and for a specified period of time.

(16) Permittee. Any person to whom a permit is issued under this Chapter.

(17) Removal. Cutting vegetation to the ground or stumps, complete extraction or killing by spraying.

(18) Runoff. Means storm water or precipitation including rainfall, snowmelt, icemelt, dewatering or irrigation water flowing over the ground surface.

(19) Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

(20) Sedimentation. Settling or deposition of sediment.

(21) Soil Loss. Soil moved from a given site because of land disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.

(22) Stop Work Order. A means of giving notice to the permittee that the Town Engineer, Building Inspector or his designee believes that the permittee has violated one or more provisions of this Chapter.

(23) Storm Frequency. The average period of time in which a storm of given duration and intensity can be expected to be equaled or exceeded, expressed in years. The 100 year recurrence interval storm, that storm having a 1% probability of being equaled or exceeded in any given year. Other commonly used storm events, which are applicable to this Chapter, include the 50 year recurrence interval storm, that storm having a 2% probability of being equaled or exceeded in any given year, the 10 year recurrence interval storm, that storm having a 10% probability of being equaled or exceeded in any given year, and the 2 year recurrence interval storm, that storm having a 50% probability of being equaled or exceeded in any given year.

(24) Storm Water Drainage System. All facilities used for conducting storm water 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, streets, pumping stations, grass waterways, detention basins, retention basins, sedimentation basins and sedimentation traps.

(25) Structural Measures. Any works or improvement for land stabilization to prevent erosion, sediment or runoff which includes, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

(26) Technical Standards. Wisconsin Department of Natural Resources (WDNR) Stormwater and Post-Construction Technical Standards. The WDNR in accordance with s. NR 151, Wis. Adm. Code, has approved

certain technical standards, which are incorporated herein by reference. The WDNR recommends that these technical standards be used for erosion/sediment control or storm water management as they have been determined to be adequate and effective to implement the performance standards of subch. III or IV of ch. NR 151, Wis. Adm. Code. These standards can generally be located on the WDNR web-site.

(27) Watercourse. Any lake, pond, stream or other waters which are navigable or non-navigable under the laws of the State.

(28) Waters of the state. This phrase has the meaning given in Wis. Stat. **§281.01(18).**

(29) Work Day. A calendar day, except Saturdays, Sundays and State recognized legal holidays. A Saturday, Sunday or Holiday shall be included in any computations under this Chapter where work is being carried out on such days.

11.25 Regulations of Lands Not Otherwise Subject to This Chapter

(1) Notwithstanding any other provisions of this Chapter, it shall be a violation of this Chapter for any condition to be established, maintained or allowed to be maintained, that results in excessive erosion or sedimentation to adjacent land, public streets or water bodies. Penalties and remedies may be sought for such activities as provided in this Chapter. Erosion is excessive when, contrary to the standards set forth in Sec. 11.26 below, an unsafe condition results in the streets; undue sedimentation occurs in waters of the state; erosion endangers downstream property owners or their property; or the public health and safety or general welfare of the citizens of the Town is harmed or threatened.

(2) The Town shall be notified by the owner, occupant or permittee of any land disturbing activity undertaken pursuant to a permit issued by any other governmental entity. Copies of permits shall be filed with the Town prior to commencing any land disturbing activity or receiving any Town permit.

11.26 Standards and Criteria

(1) Effect Of Compliance. Compliance with the standards and criteria of this Section shall not bar a nuisance action or other civil action brought by any injured public or private party for damage to property upon which the erosion directly occurred or to property or other rights which were damaged by erosion or sedimentation.

(2) Standard For Erosion And Sediment Control For Land Disturbing Activities. The Town Engineer, Building Inspector or designee shall not approve plans nor issue permits required by this Chapter for land disturbing activities unless erosion and sedimentation during and after the land disturbance will not exceed that which would have been eroded if the land had been left in its undisturbed state and/or controlled in accordance with established design criteria, standards and specifications, as set forth in the Wisconsin Department of Natural Resources Stormwater Construction and Post-Construction Technical Standards (in accordance with Chapter NR 151, Wisconsin Administrative Code) or as approved by the Town.

(3) Standard For Tracking. For plan approval and issuance of a permit there must be adequate provision to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street or road.

(4) Erosion Control General Principles. The following general principles of erosion control shall be used by the Town Engineer or designee when evaluating erosion control plans and granting permits under this Chapter:

(a) Erosion control plans shall incorporate BEST MANAGEMENT PRACTICES to reduce soil loss during construction.

(b) "Clean water" from the upslope areas should be diverted around disturbed areas to keep clean water clean and to reduce the amount of water that must be handled and treated on the disturbed area.

(c) The construction area size and duration of exposure must be minimized, to the extent practicable, to reduce the amount of pollutants leaving the site.

(d) Temporary vegetation, mulching or other cover shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

(e) Receiving channels, drainageways or outlets must be prepared to handle runoff from the construction site during and after construction without erosion or other degradation.

(f) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.

(g) Existing plant covering or vegetation shall be retained and protected whenever feasible.

(h) While the site is disturbed, temporary measures must be used to trap pollutants and prevent their movement off site.

(i) Continuous monitoring and maintenance of all measures shown on the CONTROL PLAN must be done to keep the measures functioning properly. Maintenance shall be completed immediately following any inspection which results in the detection of a deficiency.

(5) Erosion And Other Pollutant Control Requirements. The following requirements shall be met on all sites described in 11.23(2):

(a) Tracking prevention. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be contained by filter fabric, straw bale barrier, sediment trap, sediment basin or equivalent.

(b) Drain Inlet Protection. All storm drain inlets shall be protected with straw bale barriers, filter fabric or equivalent barrier.

(c) Soil Stockpile Protection. All soil or dirt storage piles shall be located 25 feet away from any downslope roadway, lake, stream, channel, ditch, wetland, or other watercourse. Soil or dirt piles located closer than 25 feet to any roadway, waterbody or watercourse must be covered

with tarps or protected by the use of additional measures as outlined in the TECHNICAL STANDARDS.

(d) Site Dewatering. Water pumped from the site shall be discharged to an appropriately sized filter fabric barrier, straw bale barrier, sediment trap, sediment basin or equivalent measure outlined in the TECHNICAL STANDARDS. Water may not be discharged in a manner that causes erosion, damages the site, adjacent properties or receiving channels.

(e) Sediment Cleanup. All off-site sediment deposits occurring as a result of a storm event shall be cleaned up within 24 hours of the occurrence. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up each work day.

(f) Waste, Material Management and Disposal. All waste and unused building materials shall be properly managed and disposed to prevent pollutants and debris from being carried by runoff off the site.

(g) Clean Water Diversions. Channelized runoff or sheetflow runoff from adjacent areas passing through the construction site shall be diverted around the disturbed area, if practical and if such diversion will not create adverse affect on receiving areas, as well as properties near or adjacent to the site.

(h) Site Stabilization. The construction site shall be stabilized by seeding, sodding or other permanent method.

1. All disturbed ground left inactive for 7 or more work days, shall be stabilized by temporary or permanent seeding, sodding, mulching or other equivalent method. The Town Engineer or his designee may vary this requirement, if delay or failure to comply is beyond the control of the permittee and/or the landowner.

2. After the disturbed area is properly stabilized and erosion resistant vegetation or other permanent measures have been established and determined to be adequate by the Town Engineer or his designee, the control measures can be removed.

(6) Nuisance Abatement. The permittee shall also address measures that will be taken to minimize the impact of the land disturbing activity on third parties, including without limitation, hours of operation, route of travel, noise and lighting issues, and control of trash and construction debris.

(7) Design Criteria, Standards and Specifications required to comply with this ordinance shall meet the design criteria, standards, specifications and maintenance requirements of the TECHNICAL STANDARDS. Design criteria, standards and specifications not contained in the TECHNICAL STANDARDS shall be approved by the Town Engineer or his designee.

(8) Project Schedule. The permit holder shall submit a schedule of operation that details start and end dates, days of week that grading, filling, or land disturbance will occur and hours of operation.

11.27 Application and Issuance of Permits

(1) Land Disturbance Permit Required. Unless specifically excluded by this Chapter, no land occupier or land user may undertake a land-disturbing activity subject to this Chapter without receiving a permit prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this Chapter shall submit to the Building Inspection Department an application for a permit together with a fee. **Exceptions to this requirement are as follows:**

(a) Any land disturbing activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. Comm 21.125 or 50.115, Wis. Adm. Code.

(b) The owner and occupier of public lands are exempt from payment of any permit fees.

(c) In lieu of an individual permit for each land-disturbing permit activity, subject to this Chapter, an annual permit may be issued to public or private utilities and governmental units, for a fee. The utility or government unit shall agree to adopt and follow a procedure for each land-disturbing activity which meets all applicable standards contained in this Chapter. Further, the permit shall stipulate that in the event a utility or governmental unit activity fails to meet the standard, the permit shall terminate and the utility or governmental unit shall be subject to the penalties of this Chapter. An erosion control plan, as specified in Subsections (3) and (4) below, shall be submitted for each activity prior to any land disturbance within the time frame as specified in Subsection (6) (d) below.

(d) Nonpoint discharges, from agricultural facilities and practices.

(e) Minor land disturbing activities such as growing and tending of gardens, and repair and maintenance of private driveways, provided drainage is not impeded and the area and/or volume limitations set forth in Section 11.23 are not exceeded.

(2) No Permits To Violators: Applicants having outstanding orders, notices, or unpaid fees or forfeitures, relative to this Chapter or other Chapters enforced by the Town, shall not be issued any additional permits, prior to such orders, notices, or fees being corrected and/or paid to the inspection department's satisfaction.

(a) Exception: The Building Inspector or other authorized individual **may** issue permits to applicants with outstanding orders, notices, or unpaid fees or forfeitures, when the permit is required to comply with an outstanding order or notice.

(b) No permit shall be issued under this Code to any person for work to be performed on land, if any occupier or user of said land has outstanding orders, notices, or unpaid fees or forfeitures, relative to this chapter or other chapters enforced by the City.

(3) Erosion Control Plan Required: Unless specifically exempted by this Chapter, every applicant for a permit required by this Chapter shall develop and submit a plan to control erosion and

sedimentation which would result from the proposed activity. Where required by the Town Engineer, Building Inspector or designee, third parties who own or control land that may be affected by the land disturbing activity shall be notified by the permittee, and provided a copy of the Erosion Control Plan.

(4) Contents of the Erosion Control Plan Disturbing Less Than One Acre Of Land.

(a) Existing site map.

1. Site boundaries and adjacent lands which accurately identify the site location.

2. A topographic map at a scale not smaller than one inch equals 100 feet with a vertical contour interval of 2 feet, of the site including enough of the contiguous properties to show existing drainage patterns, watercourses, lakes, wetlands, streams, ditches on and immediately adjacent to the building site. At least 100 feet of adjacent surrounding lands topographic features must be shown.

3. The limits of 100 year floodplains, floodfringes and floodways if any.

4. Existing vegetative cover:

(b) Plan of Final Conditions. A plan of final site conditions at the same scale as the existing map, showing the changes, including the finished grade, stormwater runoff and drainage patterns, the location of proposed paved and other impervious surfaces and the location and kinds of utilities.

(c) Site Construction Erosion And Sediment Control Plan.

1. Location and dimension of all proposed land disturbing activities and proposed temporary drainage patterns.

2. Locations and dimension of all temporary soil or dirt piles.

3. Locations, dimensions, design computations and construction specifications of all proposed measures per the TECHNICAL STANDARDS necessary to meet the requirements of this ordinance.

4. Measures are required as outlined in the TECHNICAL STANDARDS that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control measures as outlined in the TECHNICAL STANDARDS may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism. Note to Users: Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in

subch. V. of ch. NR 151, Wis. Adm. Code, may be used to calculate sediment reduction.

5. Subject to the permit duration provisions of Section 11.27, the schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of all proposed measures per the TECHNICAL STANDARDS needed to meet the requirements of this ordinance; and

6. Provisions for maintenance of the BEST MANAGEMENT PRACTICES during construction.

7. Description of temporary and permanent vegetation and/or erosion resistant materials to be utilized to stabilize the site, including a schedule for establishment or installation and maintenance.

(5) Contents Of The Erosion Control Plan Disturbing One Or More Acres Of Land.

(a) The erosion and sediment control plan shall include, at a minimum, follow all requirements for disturbance of less than 1 acre of land as described in 11.27(4) and the following items:

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

5. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

6. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls. Measures are required as outlined in the TECHNICAL STANDARDS that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual

basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control measures as outlined in the TECHNICAL STANDARDS may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism. Note to Users: Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in subch. V. of ch. NR 151, Wis. Adm. Code, may be used to calculate sediment reduction.

7. Existing data describing the surface soil as well as subsoils.

8. Depth to groundwater, as indicated by Natural Resources Conservation
Service soil information where available.

9. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(b) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet:

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.

2. Boundaries of the construction site and site boundaries and adjacent lands that accurately identify the site location.

3. Drainage patterns and approximate slopes anticipated after major grading activities.

4. Areas of soil disturbance.

5. Location of major structural and non-structural controls identified in the plan.

6. Location of areas where stabilization practices will be employed.

7. Areas which will be vegetated following construction.

8. Aerial extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.

9. A topographic map at a scale not smaller than one inch equals 100 feet with a vertical contour interval

of 2 feet, of the site including enough of the contiguous properties to show existing drainage patterns, watercourses, lakes, wetlands, streams, ditches on and immediately adjacent to the building site. At least 200 feet of adjacent surrounding lands topographic features must be shown.

10. Location of wells, cisterns, septic fields, holding tanks, or drain tiles within 200 feet of the limits of activity.

(c) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation (sequence of operations) schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town, structural measures shall be installed on upland soils.

3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.

4. Trapping of sediment in channelized flow.

5. Staging construction to limit bare areas subject to erosion.

6. Protection of downslope drainage inlets where they occur.

7. Minimization of tracking at all sites.

8. Clean up of off-site sediment deposits.

9. Proper disposal of building and waste materials at all sites.

10. Stabilization of drainage ways.

11. Control of soil erosion from dirt stockpiles.

12. Installation of permanent stabilization practices as soon as possible after final grading.

13. Minimization of dust to the maximum extent practicable.

(d) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(e) For each construction site identified an erosion and sediment control plan statement shall be prepared. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(f) The Town reserves the right to require that the discharge of any newly created pond, diversion, channel or swale be located at least 25 feet from any abutting property line or right-of-way.

(6) Review Of Application. The Town Engineer, Building Inspector or designee shall receive and review all permit applications which are accompanied by either an erosion control plan together with the appropriate fee. The Town Engineer, Building Inspector or designee shall determine if measures included in the plan to control erosion and sedimentation during and after the land disturbing activities are adequate to meet all the applicable standards as set out in Sec. 11.26 of this Chapter. The Town Engineer, Building Inspector or designee shall inform the applicant in writing whether he approves, conditionally approves with modifications, or disapproves the control plan within 45 days of receipt of application. If the Town Engineer, Building Inspector or designee approves the control plan, he shall issue the permit. If additional information or modifications are required, the Town Engineer, Building Inspector or designee shall so notify the applicant and place the application on hold until such time that the applicant submits the requested information. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Town Engineer's decision as provided in Sec. 11.30 of this Chapter. If the Town Engineer, Building Inspector or designee requires modification of the erosion control plan, the applicant must modify the permit application and control plan accordingly and reapply for the permit, or the applicant may appeal the decision as provided in Sec. 11.30 of this Chapter.

(7) Permit Conditions: All permits issued under this Chapter shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions.

(a) That all land disturbances, construction and development will be done pursuant to the erosion control plan as approved by the Town Engineer, Building Inspector or designee.

(b) That the permittee shall give at least 3 working days written notice to the Town Engineer, Building Inspector or designee in advance of the start of any land disturbing activity.

(c) That the permittee shall file written notice of completion of all land disturbing activities and/or the completion of installation of all on-site sedimentation facilities within 10 work days of completion.

(d) That approval in writing must be obtained from the Town Engineer, Building Inspector or designee prior to any modifications to the approved erosion control plan.

(e) That the permittee will be responsible for maintaining all public rights of way, streets, runoff and drainage systems and drainageways as specified in the approved erosion control plan until they are accepted and become the responsibility of the Town.

(f) That the permittee will be responsible for repairing any damage at his expense to all adjoining streets, waterways, and properties caused by excessive sedimentation resulting from activities which are not in compliance with the approved erosion control plan.

(g) That the permittee and/or owner must provide, install and maintain at his/her expense, all drainage and erosion control improvements required by this Chapter and the approved erosion control plan. Standards for maintenance of control measures, shall be as set forth by the TECHNICAL STANDARDS. Inspect the measures required by the TECHNICAL STANDARDS within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) That no work will be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and blowing dirt.

(i) That all disturbed ground left inactive for 7 or more work days shall be stabilized by temporary or permanent seeding, sodding, mulching or other equivalent method. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.

(j) That the permittee agrees to permit the Town Engineer, Building Inspector or designee to enter onto the land regulated under this Chapter for the purpose of inspecting for compliance with the approved control plan and permit.

(k) That the permittee authorizes the Town Engineer, Building Inspector or designee to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the Town Engineer, Building Inspector or designee and further consents to the Town placing the total of the costs and expenses of such work and operations upon the tax roll as a special charge against the property.

(l) That as a condition of permit issuance, any drain tile or other drainage structure or appurtenance damaged during construction shall be repaired and restored to its condition prior to such construction, replacement or rerouted if necessary, in the reasonable opinion of the Town Engineer, Building Inspector or designee. Any drain

tile that is repaired, restored, replaced, or rerouted shall require written confirmation by the Town Engineer, Building Inspector or designee to the Town Board that such work was completed in an acceptable manner.

(m) That as a condition of permit issuance, the owner, occupant, land user and/or permittee agree to reimburse the Town for engineering, planning, legal and administrative costs incurred by the Town in reviewing and approving the permit application and required submittals, as well as such costs incurred in overseeing the land disturbing activity, ensuring compliance with the approved Plan and any costs related to enforcement and prosecution of violations.

(8) Permit Duration. Permits issued under the Chapter shall be valid for a period, as specified on the face of the permit by the Building Department, but in no case will a permit be valid for more than 12 months and all work including site restoration, shall be completed prior to the expiration date of the permit. However, the Town Engineer, Building Inspector or designee is authorized to extend the expiration date of the permit if he finds that such an extension will not cause an increase in erosion, sedimentation or runoff. The Town Engineer, Building Inspector or designee is further authorized to revoke or suspend the permit or modify the conditions and/or plans if necessary to prevent any increase in sedimentation, erosion or runoff resulting from any extension. The Town Engineer, Building Inspector or designee shall immediately notify the permit holder in writing by first class mail addressed to the permit holders last known address of any modifications made under this authority.

(9) Address change notification. The applicant shall notify the Town in the event that there is a change of address of the land owner or contractor or if the person performing the work should change or if any other pertinent details of the permit change or if there is a significant change in the project plan from the original submittal. A significant change includes, without limitation, any changes of the land owner, contractor, or an increase of greater than 10 percent or the gross area or volume of the area to be filled or disturbed.

(10) Other Permits Obtained. In addition to the permit required from the Town, all other necessary permitting must be obtained and approved by regulating agencies and is the responsibility of the applicant to obtain. Securing a permit solely from the Town of Norway does not absolve the applicant from obtaining all other necessary permits or from adhering to all other rules and regulations that may exist from other permitting entities.

11.28 <u>Enforcement and Inspections</u>

(1) Inspection Authority. The Town Engineer, Building Inspector or designee is authorized to enter upon any public or private lands affected by this Chapter to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan and, after permit issuance, to determine compliance with this Chapter. If permission cannot be received from the land occupier or user, the Town Engineer, Building Inspector or designee may reject the permit application. The Town Engineer, Building Inspector or designee will inspect each site a minimum of once every thirty days (at the cost of the permit holder), but may inspect at more frequent intervals for more active construction sites at the discretion of the Town Engineer, Building Inspector or designee. Inspections under this subsection may be waived in

the event of weather conditions or a determination of a stabilized site.

(2) Enforcement Authority. The Town Engineer, Building Inspector or designee is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this Chapter. The order shall specify that the activity must be ceased or brought into compliance with this Chapter immediately. Notice shall given both by posting, upon the lands where the disturbing activity occurs, one or more copies of a notice and by personal service or certified mail to the permittee at the address shown on the permit. Any stop work order shall remain in effect until the land disturbing activity is brought into compliance with this Chapter. The Town Engineer, Building Inspector or designee is authorized to refer any violation of this chapter or of a stop work order issued pursuant to this Chapter to the Town Attorney for the commencement of further legal proceedings.

(3) Record Drawings. Upon completion of all land disturbance activities, the permit holder shall submit, if required by the Town Engineer or his designee, a record drawing survey. The record drawing survey shall include all pertinent topographic information of revisions to grading swales, ponds, conduits, culverts, ditches, walls, building pads and lot corners. The scale shall not exceed 1 inch=100 feet and when possible, final topographic contours shall be overlayed on proposed design contours with sufficient survey elevations to adequately show constructed site drainage patterns. Data shall be in accordance with a checklist supplied by the Town Engineer and Building Inspector.

11.29 Permit Fees, Bond Required or Financial Security

(1) The Town Engineer, Building Inspector or designee as a condition to the approval of the Land Disturbance permit, may require the permittee to file cash, letter of credit, or a performance bond with the Town Clerk. The bond amount shall be determined by the Town Engineer utilizing an estimate for potential repairs to Town Facilities, such as roadways, ditches, swales, conduits, culverts, or storm water piping systems. The bond shall be posted to ensure that if damages do occur that repairs will take place in accordance with the then current standards for the Town.

(2) A permit fee shall be collected prior to the time a permit is issued under this Code. The permit fee required by this Code shall be as from time to time established by Resolution of the Town Board. Such Resolution shall remain on file with the Clerk-Treasurer and in the office of Building Inspection.

(3) The applicant may be required by the Town Engineer, Building inspector or designee to place on deposit an amount equal to the estimated cost of the review and approval of the project plans or project construction, including engineering, planning, legal and administrative costs referenced above in Section 11.27(7)(m). The applicant shall also be responsible for the costs of construction inspection costs to ensure that the construction of the proposed improvements is in compliance with the plans, specifications, and ordinances of the Town of any other governmental authority. The applicant shall present a Letter of Credit or cash deposit equal to 125 percent of such estimated costs as determined by the Town Engineer, Building Inspector or designee at the time of the submission of the project plans and specifications to cover the costs of the Town. The deposit may be recomputed upon demand

by the applicant or Town Engineer after completion of the improvement or if it is determined the initial estimate was incorrect. Money shall be placed into a separate account and any funds that remain will be refunded to the applicant at the end of the review period.

11.30 Appeals

(1) Authority. The Plan Commission shall:

(a) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Town Engineer, Building Inspector or designee in administering this Chapter.

(b) Authorize, upon appeal in specific cases, 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 would cause an undue hardship.

(2) Who May Appeal. Appeals may be taken by any person aggrieved or by any officer, department or board of the Town affected by the order, or requirement, decision or determination made by the Town Engineer, Building Inspector or designee. Such appeals shall be filed with the Town Clerk within 20 days of the date of the written notice of the decision or order of the Town Engineer, Building Inspector or designee. Appeals from the decision of the Plan Commission shall proceed in accordance with Chapter 68 of the Wisconsin Statutes.

11.31 Violations

(1) Penalty. Any person, including the owner or the occupant of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter, shall be subject to a forfeiture of not less than $50.00 nor more than $1,000.00 plus the costs of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense. Once land disturbing activities are performed in violation of any provision of this chapter, each day that a DISTURBED CONDITION exists without benefit of proper erosion control measures as required by the measures outlined in the TECHNICAL STANDARDS, shall constitute a separate offense and shall be subject to a forfeiture of not less than $50.00 nor more than $1,000.00 for each day that said condition continues to exist. The Town may also seek an order to restore the property to the condition required by this chapter. Note: For purposes of establishing days of violation, all calendar days, including weekends and holidays shall be counted as separate violations until compliance is achieved. "WORK DAY" is intended to help establish a time frame for compliance prior to the issuance of a citation and shall not be utilized when determining total days of violation.

(2) Enforcement Of Injunction. Compliance with the provisions of this Chapter may also be enforced by injunction. It shall not be necessary to prosecute for forfeiture before resorting to injunction proceedings.

(3) Performance Of Work By The Town. When the Town Engineer, Building Inspector or designee determines that the holder of a permit issued pursuant to this Chapter has failed to make any improvements or follow practices as approved in the plan, or has failed to comply with the time schedule as included in the plan, the Town Engineer, Building Inspector or designee after giving not less than two (2) days written notice to the permittee, enter upon the land and cause to be performed the work or other operations

necessary to bring the condition of said lands into conformity with the requirements of the approved plan. The Town Engineer, Building Inspector or designee shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed, pursuant to Wis. Stat. **§ 66.0627.**

CHAPTER 12
TOWN ROADS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
12.01	Width of Road		
12.02	Roads		
12.03	Contract with Town		
12.04	Dead-End Roads		
12.05	Street Signs		
12.06	Ditch Restoration		
12.07	Bond Required or Financial Security		
12.08	Sale of Land Abutting Road		
12.09	Proper Drainage of Overflow Water		
12.10	Opening Town Roads		
12.11	Location and Naming of Roads		
12.12	Property Numbering		
12.13	Maintenance and Obstruction of Ditches and Easements		
12.14	Penalty		

12.01 Width of Road

No road or highway, not a part of a subdivision, shall be accepted or laid out by the Town Board unless such road or highway is at least sixty-six (66) feet in width unless otherwise authorized by these ordinances.

12.02 Roads

No road, highway, lane or other public way which is shown on any plat which has been recorded or on which improvements have been made at the rate of at least 10 homes per mile prior to October 9, 1961 shall be accepted as a part of the Town Highway System by the Town Board until such road, highway, lane or other public way shall have been made to conform to the terms of this ordinance as nearly as may be possible, within the following limitations:

(1) Right-of-Way

In cases where building encroachments render provisions for a four-rod (66 feet) right-of-way impossible, the Town Board may accept a three-rod (49 1/2 feet) right-of-way.

(2) Petition for Improvement

The Town may grade, drain and gravel any road and bring it as nearly as possible to the standards set forth in this ordinance providing a petition containing a legal number of signatures is filed with the Town Board requesting the work to be done and the cost charged to the benefited properties. The legal number of signatures shall be defined as follows:

A. In a recorded subdivision, signatures of the owners of 55% of the lots abutting on said road or benefited by said improvement.

B. In all other cases including unrecorded plats, assessors' plats or metes and bounds descriptions, signatures of the owners of all lots abutting the road or benefited by the improvement.

C. A combination of ownership on any proposed road shall require the proper percentage, as defined in A and B above, of signatures of the owners of lots falling in each category.

(3) Culverts

Private driveway culverts shall be installed unless excepted by the Town Board and such culverts be charged to the individual owners and not considered a part of the cost of draining the road, highway or lane. Culverts shall be installed and fees and deposits will be assessed in accordance with Section 10.18 (1-4).

12.03 Contract with Town

Prior to acceptance of the subdivision plat, the subdivider shall enter into a contract with the Town that the roads, lanes, highways or other public ways shown thereon shall be constructed in accordance with the following specifications:

(1) Grading

The roads, lanes, highways or other public ways shall be graded so that there is a minimum of twenty-eight (28) feet between the outer edge of one shoulder and the outer edge of the opposite shoulder.

Ord 2010-003 04/28/2010

(2) Drainage Ditches

The drainage ditches on either side of the road, lane, highway or other public way shall have at least three (3) feet of side slope outside of the shoulder for every foot of depth and shall be at least fifteen (15) inches deep.

15.04 ORD. (1971)

(3) Road Bed

The bed of the road, lane, highway or other public road shall consist of at least twenty-two (22) feet in width surfaced with at least ten (10) inches of compacted gravel and four (4) inches of bituminous concrete. Adjacent and parallel to the traveled way on each side thereof a shoulder of at least three (3) feet wide shall be covered with at least six (6) inches of gravel.

15.04 ORD. (1977) Ord 2008-004 10/28/2008
Ord 2010-003 04/28/2010

(4) Culverts

Whenever the contours of the land make it necessary that drainage be carried across any road, lane, highway or other public way, a culvert approved as to size and length by the Town shall be installed. In no case shall a culvert be less than twelve (12) inches in diameter nor less than forty (40) feet in length. Exposed culvert ends should terminate with a flared end section, which cannot contribute to the forty (40) foot length. Elliptical equivalent culvert pipes will be allowed if conditions warrant and upon approval by the town engineer. The Town Board may require a greater length should conditions require it. Posts not less than five (5) inches at top and properly painted shall be installed at each end of culverts. Culverts shall be made of corrugated steel, or reinforced concrete. Culverts shall be installed according to manufacturer's specifications.

(5) Drainage Easements

Easements shall be provided for all drainage waters wherever, in the estimation of the Town Board, such easements may be necessary.

(6) Stopping Sight Distances

The horizontal and vertical alignment of proposed roads shall be so designed and constructed that a minimum stopping sight distance of three hundred (300) feet shall be provided at all times. Stopping sight distances shall be measured from a driver's eye height four (4) feet above the road to a four (4) inch object lying on the road in the lane of travel.

(7) Soil Conditions

In cases where unstable material such as peat soil shall be encountered, the Town Board may require that such material be excavated and excavation be filled with crushed gravel or suitable bank run material.

12.04 Dead-End Roads

Every dead-end road, lane, highway or other public way shall be provided with a cul-de-sac at least one hundred twenty (120) feet in diameter with its outer perimeter contiguous to the property line of lands owned by the subdivider, unless unanimous Town Board conditional or unconditional, approval is obtained for any use of the area between the edge of the section provided for turning and the property line. As an alternative to a cul-de-sac the Town Board may authorize the construction of a "T" at the end of the road provided that the cross member of the "T" shall be not less than 132 feet in length and 50 feet in width.

15.05 ORD. (1971)

12.05 Street Signs

Street signs and sign posts shall be obtained and installed by the Town and the entire cost shall be paid by the subdivider unless otherwise authorized by the Town Board.

15.06 ORD. (1971)

12.06 Ditch Restoration

The slopes of ditches shall be dressed with a minimum of one inch of top soil and seeded with rye grass mixed with Kentucky Blue Grass. Ditch side slopes should not exceed four (4) feet horizontal to one (1) foot (4:1) unless approved by the town engineer.

15.07 ORD (1971)

12.07 Bond Required or Financial Security

The Town Board, as a condition precedent to the approval of the subdivision, shall require the subdivider to file cash, a letter of credit, or performance bond with the Town Clerk guaranteeing compliance with the terms and conditions of the contract specified in ORD. 11.05. Such financial security shall be in such amount and with such sureties as shall meet with the approval of the Town Board.

15.08 ORD. (1971)

12.08 Sale of Land Abutting Road

No owner of any land abutting upon any road accepted by the Town Board under the terms of this ordinance and no owner of any land abutting upon any road, lane, highway or other public way accepted as a part of a subdivision pursuant to the terms of this ordinance shall offer for sale any of such land unless such proposed road, lane, highway or other public way within such area has been constructed according to the terms of provisions hereof. The Town Board may waive compliance with this section upon the filing of a surety bond as herein provided.

15.09 ORD. (1971)

12.09 Proper Drainage of Overflow Water

(1) Construction

To ensure the proper drainage of overflow or surface water along the public highways, the Town may cause to be laid common drain tile of proper size to be laid on either or both sides of highways. The work of construction shall be under the supervision of the Town Board, and the cost of drain tile, digging ditches, and laying tile shall be borne by the owners of adjacent lands along such portions of the road so drained.

15.10 ORD. (1971)

(2) Maintenance

All property owners within the Town of Norway shall keep and maintain any drainage ditches, swales, easements or facilities located on or adjacent

to his or her property in a clean, unobstructed and operable condition and at the elevations as established and approved by the Town of Norway. No person shall permit or cause any drainage ditches, swales, easements or facilities which were provided and/or installed as a part of the subdivision plat approval to be altered, obstructed or fall into disrepair. In the event of any such failure to keep, maintain or repair, the Town of Norway shall have the right to cause the required maintenance and/or repair to be performed and to charge such cost to the property owner or owners of the parcels on or adjacent to which the ditches, swales, easements or facilities are located. In the event of failure to pay, the cost shall be carried on to the tax rolls as a special charge against the parcels on or adjacent to which the ditches, swales, easements or facilities are located pursuant to Section 676.60(16), Wis. Stats. This Section shall not apply to farm drainage ditches.

ORD. 97-6

12.10 Opening Town Roads

(1) Permit Required

No person, firm or corporation, other than Sanitary District Number 1 of the Town shall open any Town road without securing a permit from the Town Clerk as herein provided.

(2) Permit

As a precondition of such permit, any such person, other than a public utility, shall file an application on a form provided by the Town Clerk and shall pay a permit fee as has been determined by Resolution approved by the Town Board and updated from time to time. No permit fees shall be refunded. As a condition of such permit the permittee shall agree to the following permit conditions:

Ord 2008-007 12/8/2008

A. Excavation of Roadway

Before any Town of Norway road is opened, the foreman or a representative from the Town of Norway Department of Public Works shall be present to confirm that the paved portion of the road has been sawed cut before excavation is started. Any debris removed from the road opening shall be immediately removed and disposed of by the permittee.

B. Slurry Backfill

The excavation shall be filled with concrete slurry to within 16 inches of the paved portion of the road. The slurry backfill material must be prepared in the quantities set forth below. The materials shall be placed in a clean cement mixer truck and thoroughly mixed.

1,350 lbs. Sand
775 lbs. #1 stone (1")
1,150 lb. #2 stone (2")
25 gal. (+0 to -0.5 gal.) water per cubic yd.

No additional water will be allowed. The above weights are damp weights. Just prior to placing the slurry, the mixer shall be run at mixing speed for one full minute to ensure an even mixture.

C. Traffic Bond

The last 16 inches shall be filled with 3/4" traffic bond (TB) compacted after the slurry is set up. Prior to placing the 3/4" TB, the foreman or representative shall inspect the excavation to ensure proper slurry use and set up. After completion of the work, the permittee shall notify the DPW, which shall inspect the site for compliance with this ordinance.

D. Maintenance and Resurfacing

1. The permittee shall have the responsibility for the maintenance of the road opening. All openings in Town roads shall be enclosed with sufficient barricades, and flashers shall be maintained upon said location during the hours of darkness. All other necessary precautions to guard the public against accidents shall be taken by the permittee.

2. The permittee shall have the responsibility for the final resurfacing of the road opening, which must be completed within 30 days after the road has been opened unless an extension is granted by the DPW. With respect to patching asphaltic pavements, the pavement shall consist of a minimum of 2-1/2" compacted lower layer and 1-½" compacted upper layer. Prior to placement of asphaltic pavement, the base course shall be compacted and uniformly graded.

Ord. 2008-004 10/28/2008

E. Alternate Method

If the permittee wishes to vary the requirements of this section so as to employ an equal or more effective method of backfilling, compaction or resurfacing, he shall first obtain written permission of the Town Engineer. If such permission is received and it later appears that the alternate method being employed is not, in the judgment of the Town Engineer, equally or more effective than the provisions of this section, the contractor shall revert to the means specified in this section.

ORD. 97-10

12.11 **Location and Naming of Roads**

TOWN ROADS:
In order to locate the various properties of the Town, all roads shall be named; therefore, the following described roads shall be known by the following names:

(001) Allis Avenue
Located in Norway Industrial Park, in Sec. 12, T4N, R20E, at a right turn off the entrance road named Norway Boulevard shall be named "Allis Avenue".

(002) Anna Avenue
Located at the far end of Anna Acres Subdivision, a subdivision in Sec. 5, T4N, R20E, intersecting with Richard Drive shall be named "Anna Avenue".

(003) Apple Road
The road, also known as State Highway K, beginning at the west end of the Town line and continuing east for 4.92 miles and joining North Britton Road. Also, 0.08 miles of this road continuing east where Hwy. K joins North Britton Road shall be named "Apple Road".

(004) Arbor Road
The road beginning at East Main Drive in Sec. 31 and running Northeasterly 0.58 miles to Hwy. K, Apple Road shall be named "Arbor Road".

(005) Arrowhead Drive
Located in Windermere Subdivision being a subdivision in the Northwesterly part of Sec. 16 and northeasterly part of Sec. 17, T4N,

R20E; being 0.12 miles and beginning at the northeasterly end of Legend Lane and joining Palmer Drive to the west shall be named “Arrowhead Drive”.

(006) Ashwood Lane
Located in Woodberry Estates, being a subdivision in Sec. 8 T4N, R20E; being 0.24 miles beginning at S. Wind Lake Road and running northeasterly to Kendra Lane shall be named “Ashwood Lane”.

(007) Auburn Court
Located in Harbor Point subdivision, being a subdivision in the southwesterly part of Sec. 4, T4N, R20E; being 0.11 miles in the midsection of this subdivision at an easterly intersect with the Greenbriar Road shall be named “Auburn Court”.

(008) Barberry Lane
Located in Windermere Subdivision, being a subdivision in the northwesterly part of Sec., 16 and northeasterly part of Sec. 17, T4N, R20E; being 0.31 miles running from an intersection with Palmer Drive westerly toward Brian Drive shall be named “Barberry Drive”.

(009) Beaumont Avenue (North)
The road beginning at the intersection of Sections 26, 27, 34 and35 running southerly 1.07 miles to the south Town line and on to an intersection with State Trunk Highway 20 shall be named “North Beaumont Avenue”.

(010) Bennett Road
The Road beginning at State Trunk Highway 45 on the southerly Town line of Sec. 36 and running westerly one mile to intersect with North Britton Road shall be named “Bennett Road”.

(011) Bennington Drive
Located in Harbor Point Subdivision, being a subdivision in the southwesterly portion of Sec. 4, T4N, R20E, and running 0.09 miles at the southwesterly portion of said subdivision off Point Drive and Burgandy Drive shall be named “Bennington Drive”.

(012) Bluebird Lane
Located in Creekside Meadows Subdivision, being a subdivision in Sec. 5, T4N, R20E, and beginning near the westerly end of Muskego Dan Road traveling southwesterly for 0.16 miles to connect with Hummingbird Drive shall be named “Bluebird Lane”.

(013) Brian Drive
Located at the easterly end of Oaks of Norway Subdivision, being a subdivision in the northeasterly part of Sec. 17, T4N, R20E, and beginning at an intersect with Barberry Lane running northeasterly for 0.32 miles shall be named “Brian Drive”.

(014) Britton Road (North)
The road beginning where Sec. 35 and 36 intersect at the south Town line; running three miles northerly on the section lines of sections 35, 36, 25, 26, 23 and 24 ending at the beginning if Burmeister Road shall be named “North Britton Road”.

(015) Burgandy Drive
Located in Harbor Point Subdivision, being a subdivision in the Southwesterly part of Sec. 4, T4N, R20E, and running southwesterly for 0.15 miles between Portsmouth Road and Waverly Court shall be named “Burgandy Drive”.

(016) Burmeister Road
The road beginning on the section line of Sections 14, 15, 22 and 23 and running east/west along this section for two miles shall be named “Burmeister Road”.

(017) Canary Court
Located in Creekside Meadows Subdivision, being a subdivision in Sec. 5, T4N, R20E, and running northeasterly for 0.12 miles from an intersect with Hummingbird Drive shall be named “Canary Court”.

(018) Christiania Alle
Located in Viking Manor Subdivision, being a subdivision in Sec 8, T4N, R20E and running westerly for 0.08 miles between Farsund Alle and Friisgard Vei shall be named “Christiania Alle”.

(019) Church Street
The road going east/west between Long Lake Road and Julia Street for 0.14 miles shall be named “Church Street”.

(020) Cook Drive
Located in Oaks of Norway Subdivision, being a subdivision in the northeasterly part of Se, 17, T4N, R20E and running southerly from South Wind Lake Road for 0.13 miles to an intersect with Grace Drive shall be named “Cook Drive”.

(021) Crescent Way
Located in Windermere Subdivision, being a subdivision in the northwesterly Portion of Sec. 16 and northeasterly portion of Sec. 17, T4N R20E and running north/south for 0.07 miles between Palmer Drive and Legend Lane shall be named “Crescent Way”.

(022) Daybreak Court
Located in Day-Break Subdivision, being a subdivision in the northwesterly portion of Sec. 17, T4N, R20E and running easterly for 0.14 miles from South Loomis Road shall be named “Daybreak Court”.

(023) Deerpath Lane
Located in Whispering Hills Subdivision, being a subdivision in the southeaster portion of Sec. 7, T4N, R20E and running north for 0.07 miles after the intersect with Foxhaven Drive shall be named “Deerpath Lane”.

(024) Deer Ridge Trail
Located in Deer Ridge Trail Subdivision, being a subdivision in the mid-western portion of Sec. 33, T4N, R20E and running westerly then northwesterly for 0.85 miles turning right at the intersect with White Tail Court shall be named “Deer Ridge Trail”.

(025) Denoon Road (South)
The road beginning the northern Town line and running east to Lake Denoon and thence southerly and easterly along the south shore of Lake Denoon to County Trunk “Y”, Racine Avenue shall be named “South Denoon Road”.

(026) Dover Line Road
The road beginning at the mid-section of the south Town line in Sec. 33 off Jacobs Road and running westerly to the mid-section of Sec. 32, then northerly and westerly to an intersect with East Main Drive covering 0.70 miles shall be named “Dover Line Road”.

(027) Dukleth Drive
Located in Little Norway Subdivision, being a subdivision at the westerly end of Oaks of Norway Subdivision in the northeast portion of Sec. 17,

T4N, R20E and running westerly for 0.10 miles off an intersect with Brian Drive shall be named “Dukleth Drive”.

(028) East Main Drive
The road beginning at mid-Sec. 31, being the westerly Town line and running east for a mile entering Sec. 32 and continuing easterly for one-quarter of a mile then southerly for one-quarter of a mile to an intersect with Dover Line Road shall be names “East Main Drive”.

(029) East Wind Lake Road
The road beginning at the intersection of the west one-sixteenth line of Sec. 3 and County Trunk Highway ‘G’ and thence running south approximately 700 feet, thence in a generally southerly direction along the east shore of Wind Lake through the Kurtz property, Rybacki’s unrecorded plat, Henbest’s recorded subdivision, Harass Park, a recorded subdivision, and Peter Mueller’s Park, a recorded subdivision and thence South along the lines of Sections 9, 10, 15, 16, 21, 22, 27 and 28 to intersect with State Highway K, Apple Road shall be named “East Wind Lake Road”.

(030) Eden Place
The road running easterly for 0.06 miles at the north end of Rainer Drive to an intersect with Park Lane in the northeasterly portion of Sec. 18 shall be named “Eden Place”.

(031) Edgemere Drive
Located in Windermere Subdivision, being a subdivision in the northeasterly portion of Sec. 17, T4N, R20E and running for 0.06 miles between Windermere Drive and Barberry Lane shall be named “Edgemere Drive”.

(032) Eight Mile Road
The road beginning at the northeast corner of the Town and running west along the Town/County line two and three-fourths miles to West Loomis Road shall be named “Eight Mile Road”.

(033) El Camino Way
The road beginning pprox.. one-quarter of a mile from the southwestern corner of the Town line and running northerly for 0.50 miles to an intersect with East Main Drive shall be named “El Camino Way”.

(034) Even Heg Court
Located in Nordic Ridge Subdivision, being a subdivision in Sec. 5, T4N, R20E and running for 0.24 miles northerly, easterly and southeasterly beginning and ending with an intersect on Nordic Ridge Drive shall be named “Even Heg Court”.

(035) Fairfax Court
Located in Harbor Point Subdivision, being a subdivision in the southwesterly portion of Sec. 4, T4N, R20E and extending 0.02 miles off Bennington Drive shall be named “Fairfax Court”.

(036) Farsund Alle
Located in Viking Manor Subdivision, being a subdivision in the mid-southern portion of Sec. 8, T4N, R20E and running for 0.12 miles between Christiania Alle and Kendra Lane shall be named “Farsund Alle”.

(037) Foxhaven Court

Located in Whispering Hills Subdivision, being a subdivision in the southeasterly part of Sec. 7, T4N, R20E and running westerly for 0.09 miles to an intersect with “Foxhaven Drive”.

(038) Foxhaven Drive
Located in Whispering Hills Subdivision, being a subdivision in the southeasterly part of Sec. 7, T4N, R20E and running southwesterly for 0.37 miles; West View Drive turns to the left at the entrance to this subdivision, shall be named Foxhaven Drive”.

(039) Francis Way
The road beginning on the north side of North Wind Lake Road, approx. 280 feet west of East Wind Lake Road in the northwesterly part of Sec. 3, T4N, R20E and proceeding north for approx. 400 feet ending in a cul-de-sac and returning to North Wind Lake Road, shall be named “Francis Way”.

(040) Fries Lane
The road beginning on the centerline of West Wind Lake Road at a point located 0.45 miles North of the South line of Sec. 8; running thence westerly 1000 feet more or less, crossing State Hwy. 36 to the intersection with the center line of South Loomis Road shall be known as “Fries Lane”.

(041) Friisgard Vei
Located in Viking Manor Subdivision, being a subdivision in the mid-southern portion of Sec. 8, T4N, R20E and proceeding north off a mid-point of South Wind Lake Road for 0.17 miles shall be named “Friisgard Vei”.

(042) Fritz Street
The road going south from Long Lake Road to and Intersect with Waubeesee Lake Drive in Sec. 8 and being 0.21 miles shall be named “Fritz Street”.

(043) Glenn Court
Located in the Oaks of Norway Subdivision, being a subdivision in the northeasterly portion of Sec. 17, T4N, R20E and going north from Grace Drive for 0.06 miles shall be named “Grace Drive”.

(044) Grace Drive
Located in the Oaks of Norway Subdivision, being a subdivision in the northeasterly portion of Sec. 17, T4N, R20E and going east-southeast from Cook Drive to Brian Drive for 0.26 miles shall be named “Grace Drive”.

(045) Greenbriar Road
Located in Harbor Point Subdivision, being a subdivision in the southwesterly portion of Sec. 4, T4N, R20E and running northwest-southwest for 0.20 miles from Portsmouth Road to Stonegate Road shall be named “Greenbriar Road”.

(046) Gunderson Road
The road beginning at the intersection of Sections 28 and 29 and going north for one and one-half miles to Malchine Road and continuing north for approx. another one-half mile shall be named “Gunderson Road”.

(047) Hanson Road
The road beginning at the intersection of Sections 19, 20, 29 and 30 and running west for 0.60 miles beginning at Hillcrest Road to an intersect with South Division Road and thence continuing for two miles in an easterly direction beginning at the intersection of Sections 21,22,27 and 28 beginning at East Wind Lake Road to an intersect with North Britton Road shall be named “Hanson Road”.

(048) Hart Drive

The road beginning at an intersect with Denoon Road in Sec. 5 about a quarter of a mile west of Racine Avenue and continuing south-southwest for 0.74 miles shall be named “Hart Drive”.

(049) Heg Park Road
The road beginning at South Loomis Road north of Heg Park in Sec. 18 and running south and southwesterly through Sec. 19 and Sec. 19 until intersecting with State Highway 36 shall be named “Heg Park Road”.

(050) Hillcrest Road
The road beginning on the south line of Sec. 29 at the former Hillcrest School and running northerly and northwesterly to the section line of Sec. 29 and 30, thence north to the intersection of Sections 19, 20, 29 and 30 for 1.06 miles between State Highway K, Apple Road and Hanson Road. Also, that road running north from East Main Drive to Arbor Road, 0.20 miles and that road running south on the section line of Sec. 17 and 18 to the corner of those sections, 0.14 miles shall be named “Hillcrest Road”.

(051) Homestead Road
The road beginning at the intersection of the southwest corner of Sec. 7 and the northwest corner of Sec. 18 at the Waterford Town Line and thence running East one-half mile shall be named “Homestead Road”.

(052) Hummingbird Drive
Located in Jacobs Court Subdivision, being a subdivision in Sec. 5, T4N, R20E and running along the southerly portion of the subdivision between Oriole Lane and Bluebird Lane for 0.16 miles shall be named “Hummingbird Drive”.

(053) Jacobs Court
Located in Jacobs Court Subdivision, being a subdivision in the southwestern portion of Sec.33, T4N, R20E off the centerline which is Jacobs Road running west for 0.19 miles shall be named “Jacobs Court”.

(054) Jacobs Road
The road running north and south for one mile through the center of Sec. 33 shall be named “Jacobs Road”.

(055) Johnson Court
Located in Johnson Subdivision, being a subdivision in Sec. 16, T4N, R20E and running southeasterly for 0.18 miles at the mid-north point of said section shall be named “Johnson Court”.

(056) Julia Street
The road beginning at Fritz Street and going west for 0.12 miles to an intersect with Church Street then continuing west after a small turn in the road for 0.19 miles to an intersect with West Lake Drive shall be named “Julia Street”.

(057) Katherine Street
The road beginning at Church Street and continuing westerly for 0.20 miles to an intersect with West Lake Drive shall be named “Katherine Street”.

(058) Kendra Lane
Located in Woodberry Estates, a subdivision Sec. 8,T4N, R20E and going east for 0.10 miles into the northwesterly portion of Viking Manor shall be named “Kendra Lane”.

(059) Kramer Road

The road beginning at the midpoint of the west line of Sec. 30 and running east one and one-third miles shall be named “Kramer Road”.

(060) Lakeview Drive
The road in the southwesterly portion of Sec. 5 approx. 0.06 miles north of Oak Ridge Drive and running west from Meadow Lane for 0.21 miles to an intersect with West Lake Drive shall be named “Lakeview Drive”.

(061) Lee Circle
Located in Norwood Subdivision, being a subdivision in the southeast portion of Sec. 27, T4N, R20E and running southeasterly for 0.06 miles after the intersect with Norwood Drive and shall be named “Lee Circle”.

(062) Legend Lane
Located in Windermere Subdivision, being a subdivision in the northwesterly portion of Sec. 16 and the northeasterly portion of Sec. 17, T4N, R20E and traveling north/south for 0.15 miles between Crescent Way and Arrowhead Drive shall be named “Legend Lane”.

(063) LeMay’s Court
Located in LeMay’s Long Lake Acres, a subdivision in the northern portion of Sec. 7, T4N, R20E and running for 0.15 miles to West View Drive shall be named “LeMay’s Court”

(064) Lilac Lane
The road running easterly in the mid-northerly portion of Sec. 8 for 0.09 miles from South Loomis Road to a dead-end before State Highway 36; also, the part of the road running westerly for 0.13 miles at the intersect with South Loomis Road shall be named “Lilac Lane”.

(065) Long Lake Road
The road beginning at the intersection of the north one-sixteenth line of Sec. 8 and South Loomis Road and running west approximately seven-tenths miles to West View Drive and continuing as a private road to the west shall be named “Long Lake Road.”

(066) Loomis Road (South and West)
Former State Trunk Highway 36 before its relocation in 1966 shall be known as “Loomis Road”. “South Loomis Road shall be from Town Line Road to Highway 36. West Loomis Road shall be from Highway 36 to Eight Mile Road. That part of South Loomis Road from Fries Lane Northeast to State H Highway 36 shall be under Town jurisdiction and that part of South Loomis Road running southwesterly from Fries Lane to Town Line Road shall be under Racine County jurisdiction.

(067) Lorie Drive
Located in Scenic View Subdivision, being a subdivision in the northeast corner of Sec. 7, T4N, R20E and running easterly for 0.08 miles from the intersect with Scenic View Drive shall be named “Lorie Drive”.

(068) Lorraine Circle
Located in Wind Crest Subdivision, being a subdivision in the north-westerly portion of Sec. 16, T4N, R20E and running 0.23 miles from an intersect with Regina Lane to an intersect with Wind Crest Drive shall be named “Lorraine Circle”.

(069) Malchine Road
The road running east and west through the center of Sec. 20, 21 and part of Sec. 19 shall be named “Malchine Road”.

(070) Mallard Crossing

Located in Whispering Hills Subdivision, being a subdivision in the southern portion of Sec. 7, T4N, R20E and running southerly for 0.05 miles from Foxhaven Drive shall be named “Mallard Crossing”.

(071) Marion Court
Located in the Oaks of Norway Subdivision, being a subdivision in the northeasterly portion of Sec. 17, T4N, R20E and running 0.16 miles to an intersect with Cook Drive shall be named “Marion Court”.

(072) Martha Circle
The road running south southwesterly for 0.12 miles from and back to an intersect with Long Lake Road in Sec. 7 shall be named “Martha Circle”.

(073) Mary Street
Located in the Norwood Subdivision, being a subdivision in the southeasterly portion of Sec. 27, T4N, R20E and running through the subdivision for 0.09 miles from and to an intersect with Norwood Drive shall be named “Mary Street”.

(074) Meadow Lane
The road running northerly for 0.06 miles from Oak Ridge Drive in the southwestern portion of Sec. 5 shall be named “Meadow Lane”.

(075) Meadowlark Court
Located in Whispering Hills Subdivision, being a subdivision in the southeasterly portion of Sec. 7, T4N, R20E and running westerly for 0.10 miles from West View Drive shall be named “Meadowlark Court”.

(076) Meyer Drive
From a point on South Loomis Road a distance of about 582 feet southwesterly at the entrance to Richard J. Meyer Park thence southeasterly a distance of about 246 feet; thence southerly a distance of about 45 feet to the south line of the NE one-quarter of Sec 18, T4N, R20E shall be named “Meyer Drive”.

(077) Milwaukee Avenue
That part of State Trunk Highway 36 running southwesterly from Eight Mile Road to the Waterford Town Line for approx. 3.25 miles shall be named “Milwaukee Avenue”.

(078) Muskego Dam Road
The road running east along the northerly Count Line division for 0.23 miles from Racine Avenue, State Trunk Highway Y, formerly the farm buildings owned by Louis Rolfson Estate and shall be named “Muskego Dam Road”.

(079) Nelson Court
The road in the northwesterly portion of Sec. 3 running westerly for 0.04 miles from State Trunk Highway S shall be named “Nelson Court”.

(080) Noraire Drive
The road running at the westerly portion of the Norway Industrial Park in the easterly portion of Sec. 12 on the West side of Raynor Avenue, State Trunk Highway 45 shall be named “Noraire Drive”.

(081) Norcine Avenue
The road running southerly off Omega Circle in the Norway Industrial Park in the easterly portion of Sec.12 on the west side of Raynor Avenue, State Trunk Highway 45 shall be named “Norcine Avenue”.

(082) Nordale Avenue

The road running northerly off Allis Avenue to an intersect with Omega Circle in the Norway Industrial Park in the easterly portion of Sec. 12 on the west side of Raynor Avenue, State Trunk Highway shall be named "Nordale Avenue".

(083) Nordic Ridge Drive
Located in the Nordic Ridge Subdivision, being a subdivision in the mid to southerly portion of Sec. 5, T4N, R20E and continuing for 0.26 miles into the subdivision off Racine Avenue, State Trunk Highway Y, shall be named "Nordic Ridge Drive".

(084) North Cape Street
The road beginning at a midpoint on the section line for Sec. 25 and continuing east/west for 0.09 miles from State Trunk Highway 45, Raynor Avenue to Highway K at North Britton Road shall be named "North Cape Street".

(085) North Wind Lake Road
The road beginning at the intersection of the west one-sixteenth line and the east and west one-fourth line of Sec. 3 and running thence westerly approx. one-half mile to West Loomis Road and shall be named "North Wind Lake Road".

(086) Norway Boulevard
The road beginning as the entrance to the Norway Industrial Park, Sec. 12, running west from State Trunk Highway 45, Raynor Avenue shall be named "Norway Boulevard".

(087) Norway Hill Road
The road beginning on the south one-sixteenth line in Sec. 18 at the southeast portion of Heg Park Road and running east approximately 0.16 miles (formerly Narum Road) shall be known as "Norway Hill Road". This road no longer is a through road to State Highway 36.

(088) Norwood Drive
Located in Norwood Subdivision, being a subdivision in the southeasterly portion of Sec. 27, T4N, R20E and running from the entrance to the subdivision in a circular manner around the subdivision for 0.52 miles shall be named "Norwood Drive".

(089) Oak Ridge Drive
The road beginning at Racine Avenue, State Trunk Highway Y, and running westerly for 0.43 miles to an intersect with West Lake Drive shall be named "Oak Ridge Drive".

(090) Olson Road
The road beginning in the northeast portion of the northeast quarter of Sec. 24 (south of North Cape Church Cemetery) and running west one mile to an intersect with North Britton Road shall be named "Olson Road".

(091) Omega Circle
The road running in a westerly direction as the southern mist road in the Norway Industrial Park to an intersect with Norcine Drive shall be named "Omega Circle".

(092) Oriole Lane
Located in Creekside Meadows Subdivision, being a subdivision in Sec., 5, T4N, R20E and running 0.17 miles from Muskego Dan Road to Hummingbird Drive shall be named "Oriole Lane".

(093) Palmer Drive

Located in Windermere Subdivision, being a subdivision in the northwestern portion of Sec. 16 and the northeastern portion of Sec. 17, T4N, R20E and running southeasterly for 0.16 miles from and intersect with Windermere Drive to an intersect with Crescent Way shall be named “Palmer Drive”.

(094) Park Lane
Located in Rainer Heights Number 2, being a subdivision in Sec. 18, T4N, R20E being 66 feet in width and 725.46 feet long shall remain so named “Park Lane”.

(095) Park Ridge
The road beginning near the western end of Pioneer Road and running northerly for 0.04 miles shall be named “Park Ridge”.

(096) Pheasant Court
Located in Whispering Hills Subdivision, being a subdivision in the southeasterly portion of Sec. 7, T4N, R20E and running southeasterly for 0.05 miles from the intersect with Foxhaven Drive shall be named Pheasant Court”.

(097) Pine Ridge Drive
Located in the northeastern portion of Sec. 27, T4N, R20E, this road runs west then south of Hanson Road on the section line between sections 26 and 27 and shall be named “Pine Ridge Drive”.

(098) Pioneer Road
The road beginning 120 rods south of the north one-fourth corner of Sec. 18 thence east one-half mile to South Loomis Road shall be known as Pioneer Road”.

(099) Point Drive
Located in Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4, T4N, R20E and running north/south for 0.22 miles at the southwestern corner of the subdivision to an intersect with Portsmouth Road shall be named “Point Drive”.

(100) Portsmouth Road
Located in Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4, T4N, R20E and running westerly for 0.24 miles as the entrance road to this subdivision shall be named “Portsmouth Road”.

(101) Racine Avenue
The road beginning at the northwest portion of Sec. 5, just off the centerline and running southeasterly for one mile ending in a southwesterly direction at the intersect with South Loomis Road shall be named “Racine Avenue”, State Trunk Highway ‘Y’.

(102) Rainer Drive
The road running north of Pioneer Road for 0.13 miles to an intersect with Eden Place in the northeast portion of Sec. 18 shall be named “Rainer Drive”.

(103) Rasmusson Drive
The road running northerly and easterly for 0.40 miles off Seven Mile Road in the southeastern corner of Sec. 3 shall be named “Rasmusson Drive”.

(104) Raynor Avenue (North)

The road making up the eastern edge Town line and running north/south for six miles from the northeastern corner of Sec. 1 to the southeastern corner of Sec. 36 shall be named “North Raynor Avenue”. This road is also known as State Highway 45.

(105) Regina Lane
Located in Wind Crest Subdivision, being a subdivision in the northwestern portion of Sec. 16, T4N, R20E and running northeasterly from Wind Crest Drive to Lorraine Circle for 0.09 miles shall be named “Regina Lane”.

(106) Richard Drive
Located in Anna Acres Subdivision, being a subdivision in mid-Sec. 5, T4N, R20E and running westerly off Racine Avenue, State Highway Y to an intersect with Anna Avenue shall be named “Richard Drive”.

(107) Sandy Point Drive
The road running from the east line of Sec. 9 along the south shore of Wind Lake approx. one-fourth of a mile shall be named “Sandy Point Drive”.

(108) Scenic View DriveBeginning in Scenic View Subdivision, being a subdivision in the northeastern corner of Sec. 7, T4N, R20E, off Long Lake Road and continuing through Kee Nong Ga Mong Subdivision for 0.40 miles shall be named “Scenic View Drive”.

(109) Settler Avenue
The road beginning at the north mid-Sec. 18 line and running south 120 rods from Homestead Road to Pioneer Road and shall be known as “Settler Avenue”.

(110) Seven Mile Road (West)
The road beginning on the southeastern corner line of Sec. 1 and northeastern corner line of Sec. 12 on the easterly edge of the Town at Raynor Avenue, State Trunk Highway 45, and running westerly for two miles on the section lines of Sec. 1, 12, 2 and 11 then northwesterly through Sec. 3 for approx. one mile to an intersect with East Wind Lake Road, State highway S. and shall be named “(West) Seven Mile Road”.

(111) Severt Court
Located in Little Norway Subdivision, being a subdivision located within the Oaks of Norway Subdivision in northeastern Sec. 17, T4N, R20E and running westerly for 0.07 miles off Brian Drive shall be named “Severt Court”.

(112) Six Mile Road (West)
The road beginning at on the section lines between Sec. 12 and 13 on State Trunk Highway 45 of the Norway-Raymond Town line and running west one and one-quarter miles shall be named “Six Mile Road”.

(113) South Division Road
The road going southwesterly for approx. one mile form Malchine Road in mid-Sec. 19, intersecting Town of Waterford and continuing to intersection of State Highway K shall be known as “South Division Road”.

(114) South Wind Lake Road
The road beginning at the intersection of Sec. 9, 10, 15 and 16 and running thence west approx. one-half mile to Ole A. Johnson’s subdivision at Johnson Court, a recorded plat, thence southerly and westerly around the south shore of Wind Lake to the line between Sec. 8 and 17 to State Trunk Highway 36 shall be named “South Wind Lake Road”.

(115) Stonegate Road
Located in Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4, T4N, R20E and running at the back of this subdivision for 0.34 miles shall be named “Stonegate Road”.

(116) Town Line Road
The road beginning at the northwest corner of Sec. 7 and running south along the Waterford-Norway Town Line, approx. two and two-tenths miles to South Loomis Road shall be named “Town Line Road”.

(117) Trillium Trail
The road beginning approx. 300 feet west of South Loomis Road and south of the west portion of Lilac Land and continuing for approx. 0.07 miles shall be named “Trillium Trail”.

(118) Walczak Road
The road beginning on the north mid-section line of Sec. 12 and thence running south one-quarter mile, thence west one-quarter mile, thence south three-quarters of a mile shall be named “Walczak Road”.

(119) Ward’s Way
Located in Wind Crest Subdivision, being a subdivision in the northwesterly portion of Sec. 16 and running easterly for 0.06 miles as the entrance road for this subdivision from the Windermere Subdivision and shall be named “Ward’s Way”.

(120) Waubeesee Lake Drive
The road beginning in Mid-Sec. 8 and running westerly for 0.52 miles off South Loomis Road, north of Fries Lane and south of Long Lake Road shall be named “Waubeesee Lake Drive”.

(121) Waverly Court
Located in Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4 and running southeasterly of Burgandy Drive for 0.05 miles shall be named “Waverly Court”.

(122) Wayland Court
Located in Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4 and running westerly off Point Drive shall be named “Wayland Court”.

(123) West Lake Drive
The road near the southwestern section line of Sec. 5 and running north/south for 0.06 miles between Oak Ridge Drive and Lakeview Drive. Also, that part of the road near the mid-western section line of Sec. 8 and running north/south for 0.21 miles between Long Lake Road and Waubeesee Lake Drive shall be named “West Lake Drive”.

(124) West Overson Road
The road beginning at the intersection of Sec. 27, 28, 33 and 34 running for 0.58 miles in a southeasterly and northeasterly manner through Sec. 34 and the west one-half of Sec. 35 shall be named “West Overson Road”.

(125) West View Drive
The road beginning in the northeast portion of Sec. 7 and thence running S to termination for 0.38 miles form Long Lake Road. Also, that road in the southeastern portion of this section and running for 0.09 miles as a private road and shall be named “West View Drive”.

(126) West Wind Lake Road

The road beginning on the south line of Sec. 8, 0.20 miles east of the south quarter of said Sec. 8, thence northerly for a distance of 0.5 miles. Beginning again on the centerline of Fries Lane, 225 feet east of STH 36; thence northerly 0.6 miles to its intersection with West Loomis Road shall be known as "West Wind Lake Road".

(127) Whippoorwill Court
Located in Whispering Hills Subdivision, being a subdivision located in the southeastern portion of Sec. 7, T4N, R20E and running southeasterly for 0.09 miles off Foxhaven Drive shall be named "Whippoorwill Court".

(128) White Tail Court
Located in the Deer Ridge Trail Subdivision, being a subdivision in mid-western portion of Sec. 33 and running west/south for 0.20 miles off the road named Deer Ridge Trail shall be named "White Tail Court".

(129) Wildwood Court
Located in the Harbor Point Subdivision, being a subdivision in the southwestern portion of Sec. 4, T4N, R20E and running 0.02 miles at the intersect with Woodmere Square shall be named "Wildwood Court".

(130) Wind Crest Drive
Located in Wind Crest Subdivision, being a subdivision in the northwestern portion of Sec. 16, T4N, R20E and running southeasterly and then south for 0.20 miles on the western edge of the subdivision shall be named "Wind Crest Drive".

(131) Windermere Drive
Located in the Windermere Subdivision, being a subdivision in the northwestern portion of Sec. 17 and the northwestern portion of Sec. 16 and running east/west for 0.21 miles between Palmer Drive and Edgemere Drive at the north edge of the subdivision shall be named "Windermere Drive".

(132) Windermere Trail
Located as the entrance road, off South Wind Lake Road, to the Windermere Subdivision, being a subdivision in the northwestern portion of Sec. 17 and the northwestern portion of Sec. 16 and running southwesterly for 0.07 miles to an intersect with Palmer Drive shall be named "Windermere Trail".

(133) Windsong Court
Located in the Harbor Point Subdivision, being a subdivision in the southwesterly portion of Sec. 4 and running northeasterly for 0.17 miles off Greenbriar Road shall be named "Windsong Court".

(134) Woodmere Square
Located in the Harbor Point Subdivision, being a subdivision in the southwesterly portion of Sec. 4 and running southeasterly for 0.08 miles off Wildwood Court at the far northwestern portion of said subdivision shall be named "Woodmere Square".

PRIVATE ROADS:
In order to locate various properties in the Town, all roads shall be named; therefore, the following described private roads shall be known by the following names:

(01) Bendickson Drive
Located in Sec. 8, T4N, R20E, this private road runs east from South Loomis Road to State Highway 36 between Long Lake Road and Waubeesee Lake Drive. Also, east of West Wind Lake Road from State Highway 36 to Wind

Lake between West Loomis Road and Fries Lane and shall be named "Bendickson Drive".

(02) Breezy Point Road
Located in the mid-southern portion of Sec. 9, T4N, R20E, this private road runs north and east off South Wind Lake Road just west of Johnson Court and shall be named "Breezy Point Road".

(03) Butternut Road
Located in mid-north portion of Sec. 7, T4N, R20E, this private road runs southwesterly off the private road, North Lake Drive and shall be named "Butternut Road".

(04) Cornwell Lane
Located in Shepherd Oaks Subdivision, being a subdivision in the mid-southern portion of Sec. 28, T4N, R20E, this private road runs to the east/northeast off Shepherd Oaks Drive and shall be named "Cornwell Lane".

(05) East Long Lake Drive
Located in the northeastern portion of Sec. 7, T4N, R20E, this private road run north off Long Lake Road before the public boat launch and shall be named "East Long Lake Drive".

(06) Gregorson Court
Located off the mid-north line of Sec. 8, T4N, R20E, this private road runs south off West Loomis Road and shall be named "Gregorson Court".

(07) Hampshire Hill
Located in Shepherd Oaks Subdivision, being a Subdivision in the mid-southern portion of Sec. 28, T4N, R20E, this private road runs westerly after the intersect with Cornwell Lane and shall be named "Hampshire Hill".

(08) Iverson Road
Located off the mid-southern line of Sec. 6, T4N, R20E, this private road runs northwesterly then northeasterly off North Lake Drive and shall be named "Iverson Road".

(09) Kurtz Lane
Located in the westerly portion of Sec. 3, T4N, R20E, this private road runs westerly off East Wind Lake Road just south of North Wind Lake Road and shall be named "Kurtz Lane".

(10) Long Lake Road
Located in the northern portion of Sec. 7, T4N, R20E, this private road is an extension of Long Lake Road proceeding westerly then southwesterly off Long Lake Road and shall also be named "Long Lake Road".

(11) Mehring Road
Located in the mid-northerly portion of Sec. 7, T4N, R20E, this private road runs southerly off the private road, North Lake Drive and shall be named "Mehring Road".

(12) North Lake Drive
Located on the southern section line of Sec. 7, T4N, R20E, this private road runs easterly to the intersects with Butternut and Iverson Road and shall be named "North Lake Drive".

(13) Oak Lane
Located in the midwestern portion of Sec. 8 T4N, R20E, this private road runs westerly off South Loomis Road and shall be named "Oak Lane".

(14) Ora Drive
Located in the easterly portion of Sec. 7, T4N, R20E, this private road runs easterly to Waubeesee Lake, off West View Drive and shall be named "Ora Drive".

(15) Oxford Court
Located in Shepherd Oaks Subdivision, being a subdivision in mid-southern portion of Sec. 28, T4N, R20E, this private road runs westerly off Shepherd Oaks Drive and shall be named "Oxford Court".

(16) Ridgewood Trail
Located in the northern portion of Sec. 18, T4N, R20E, this private road runs easterly off Park Lane and Park Lane extension and shall be named "Ridgewood Trail."

(17) Roosevelt Lane
Located in the westerly portion of Sec. 8, T4N, R20E, this private road runs westerly off South Loomis Road to Waubeesee Lake Drive and shall be named "Roosevelt Lane."

(18) Sadler Drive
Located in the easterly portion of Sec. 4, T4N, R20E, this private road runs northerly off West Loomis Road north of the Wind Lake Canal and shall be named "Sadler Drive."

(19) Schad Drive
Located in Sec. 8, T4N, R20E, this private road runs east from South Loomis Road to State Highway 36 just north of Waubeesee Lake Drive. Also, east from Wind Lake Road to Wind Lake and shall be named "Schad Drive".

(20) Schroeder Road
Located on the south section line of Sec. 30 which is the north section line of Sec. 21, this private road runs west off Apple Road, State Trunk Highway 'K' and shall be named "Schroeder Road".

(21) Shepherd Oaks Drive
Located in the Shepherd Oaks Subdivision, being a subdivision in the mid-southern portion of Sec. 28, T4N, R20E, this private road runs north as the entrance to this subdivision and shall be named "Shepherd Oaks Drive."

(22) South Elm Lane
Located in the northwesterly portion of Sec. 17 and the northeasterly portion of Sec. 18, this private road runs west southeast off South Loomis Road at the southern portion of Waubeesee Lake and shall be named "South Elm Lane."

(23) Southdown Drive
Located in Shepherd Oaks Subdivision, being a subdivision in the mid-southern portion of Sec. 28, T4N, R20E, this private road runs northwesterly then turns north off Shepherd Oaks Drive and shall be named "Southdown Drive."

(24) Thompson Drive
Located in the northeasterly portion of Sec. 4, T4N, R20E, this private road runs north off West Loomis Road just south of the Wind Lake Canal and shall be named "Thompson Drive."

(25) Valley Drive
Located off the mid-southern section line of Sec. 4, T4N, R20E, this private road runs north off Oak Ridge Drive, just west of Racine Avenue (Hwy. 'Y') and shall be named "Valley Drive."

(26) West View Drive
Located in the southeasterly portion of Sec. 7, T3N, R20E, this private road runs southwesterly as an extension of the Town road, West View Drive, on the westerly shore of Waubeesee Lake and shall be named "West View Drive."

(27) Willow Lane
Located in the southeastern portion of Sec. 4, T4N, R20E, this private road runs southerly off West Loomis Road before the Wind Lake Canal and shall be named "Willow Lane".

(28) Woodstead Road
Located in the southwesterly portion of Sec. 21, T4N, R20E, this private road turns east off Gunderson Road then continues north and shall be named "Woodstead Road".

11.01 ORD. (1971) ORD. 6/13/94'

12.12 Property Numbering

(1) Declaration of Policy
The Town Board finds that property numbering and uniform address signs and the location of such signage serves the health, safety, and welfare of the residents of the Town of Norway by providing an efficient means for locating properties in the event of a necessary police, sheriff, fire or other emergency response, as well as serving the interests of the traveling public at large.

(2) County System Adopted
The Town hereby adopts by reference as though fully set forth herein the Countywide Numbering System, County Point of Reference, County Base Lines and Basic Numbering Grid as set forth in the Uniform Street Naming and Property Numbering System for Racine County, printed in SEWRPC Community Assistance Planning Report Number 6. (Nov. 1976)

(3) Failure to Display Number Prohibited

A. Every owner of a building, whether occupied or not, shall display its address number(s) clearly visible on the side of the building which faces the street.

B. Numbers used on the buildings shall be a minimum of three inches in height and shall be of contrasting color to the background material on which they are displayed.

C. The posting requirements in this section shall not apply to accessory buildings.

(4) Uniform Address Signs Required
Signs displaying a parcel's official address shall be installed in all improved parcels within the Town of Norway. Such address signs shall be obtained through the Town Building Inspector and shall be installed by the Town or its contractor. Except where installation at such a location would be impossible or incompatible with the policy pertinent to uniform address signage, such signs shall be installed in the Town's right-of-way near to the parcel's driveway or other point of access, or at such other location as designated by the Town.

(5) Installation of Signs for New Address
At the time of application for a building permit for a new or previously unimproved parcel, the parcel owner shall apply to the Town Building Inspector for an address sign. The Town Building Inspector shall also collect for the actual costs of acquiring and installing a new address sign and an address sign shall thereafter be installed in the new parcel

in conformance with the requirements of subparagraph (4).

(6) Maintenance
All property owners shall maintain the address numbers and, for uniform address signs on their properties, keep the signs clear of organic growth, debris, and any other impediments to provide a direct line of sight either way from the public roadway at all times. Property owners, at their own risk, may change the location of the address sign from its original placement for ease of property maintenance such as grass mowing providing the sign location is near the parcels access as in 12.12(4).

(7) Replacement of Address Signs
Within twenty (20) days after a uniform address sign is stolen, destroyed or materially damaged beyond repair, (such determination, when in doubt, to be made by the Town Building Inspector), the parcel owner shall apply for a replacement address sign with the Town Building Inspector. Sign replacement shall be at the owner's expense. If any landlord refuses to pay for the replacement of the address sign, the Town will order it, install it, and the cost will be added to the appropriate homeowner's tax bill. If the parcel owner fails to apply for a new sign, or violates any provision of this chapter, the condition shall be considered as creating a public nuisance, subject to the abatement procedures set forth in Section 6.09 (6) of the Code of Ordinances of the Town of Norway.

(8) Destruction of Address Signs
It shall be unlawful for any person to remove, intentionally damage, intentionally cause to be damaged, or to change the sign installation, in a malicious manner from the original vertical post/horizontal sign array to any other configuration, any uniform address sign installed under this section. Any person convicted of so doing shall be fined not less than $100, nor more than $500, plus court costs and assessments. Each address sign so damaged or moved shall constitute a separate violation.

(9) Enforcement

A. The Town of Norway Building Inspector and the Norway Police Department shall monitor for compliance shall monitor for compliance with this numbering ordinance. The Building Inspector and/or Police Department shall give each noncomplying owner of a building a written warning that the owner has twenty (20) days from the date of the written warning to correct the violation. If not corrected within the twenty (20) days, the Police Department shall issue a citation. Each day of noncompliance is considered a separate violation subject to a separate citation.

B. The Town of Norway Building Inspector shall monitor for compliance with this section as to owners of buildings who apply for occupancy or building permits. Every owner of a newly constructed building shall comply with this section before an occupancy permit may be issued to the owner by the Building Inspector. In addition, every owner of a building who is required to take out a building permit for subsequent building improvements shall comply with this section before such permit may be issued to the owner by the Building Inspector.

ORD. 98-1 Ord 2005-06 05/09/05

12.13 Maintenance and Obstruction of Ditches and Easements
Road ditches and town drainage easements, and drainage easements, whether public or private, established in subdivisions, as a condition of plat approval shall be maintained at the elevations established or approved by the Town of Norway. No person shall alter the elevations or obstruct any such ditches or easements without prior approval of the Town of Norway. Because of the risk of destroying vegetation and resultant erosion, no person shall burn materials of any kind in

any such ditches or easements unless prior approval is obtained form the Town of Norway. In the event of any unapproved alteration, burning, or obstruction, the owner of the lot or parcel adjacent to the road ditch or easement or on which the easement is located shall cause the elevations and the ditches or easements to be restored and any obstructions to be removed on ten (10) days' notice in writing from the Town of Norway. Notice hereunder may be served personally or by mailing a copy to the last known address of the owner of the lot or parcel. In the event the elevations, ditches or easements are not restored or the obstructions are not removed within such period, the Town may cause the restoration or removal to be completed and charge the costs thereof as a special charge against the lot or parcel pursuant to Section 66.60(16), Wis. Stats. ORD. 96-11 (9/9/96)

12.14 Penalty

(1) Forfeiture
Any person violating any provision of this chapter shall forfeit not less than $50.00 nor more than $200.00 together with the costs of prosecution, fees and penalty assessment. Upon failure to pay the person may be committed to the county jail for a period not to exceed thirty (30) days in accordance with Sec. 800.095, Stats.
ORD. 98-1

(2) Injunction
Upon Town Board authorization, the Town may additionally seek injunctive relief for violations.

CHAPTER 13
CABLE TELEVISION

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
13.01	Title		
13.02	Purpose		
13.03	Definitions		
13.04	Use of Town Roads		
13.05	Term of Franchise		
13.06	System Installation		
13.07	Financial Obligations		
13.08	Services Provided by Grantee		
13.09	Rates		
13.10	Individual Rights Protected		
13.11	Grantee Protected		
13.12	Supervision of Grantee		
13.13	Town Rights		
13.14	Franchise Forfeiture		
13.15	Franchise Acceptance		
13.16	Franchise Surrender		

13.01 Title

This ordinance shall be known, and may be cited as the "Town of Norway Cable T.V. Franchise Ordinance."

13.02 Purpose

The purpose of this ordinance is to supervise and regulate cable T. V. systems within the Town of Norway in the public interest and to provide for the issuance of franchises to applicants when it is determined that they meet the requirements essential to the protection of the public interest.

13.03 Definitions

(1) "Cable system", "Cable communications system", or "CATV system" means a system located within the Town of Norway only of antennas, coaxial cables, wires, wave guides, or other conductors, electronic equipment or facilities designed, constructed, or used for the production of television signals, interception and reception of television or radio signals directly or indirectly off the air, and the distribution or transmission of such signals and other communications services by means of cable or similar devices to subscribers.

(2) "Subscriber" means any person or entity receiving for any purpose the cable service of a Grantee.

(3) "Grantee" means a person who has been grated a franchise for a CATV system in the Town of Norway.

(4) "Channels" means a group of frequencies in the electromagnetic spectrum capable of carrying an audio-date or an audio-visual television signal. Each channel is a block of frequencies containing 6 Milz bandwidth.

(5) "Converter" means an electronic device which converts signals to a frequency not susceptible to interference within the television receiver of a subscriber to view all signals delivered at designated dial locations.

(6) "Basic Service" means the simultaneous delivery by a Grantee to television receivers of those broadcast and non-broadcast television channels.

(7) "Additional service" means service provided by a Grantee other than a basic service.

(8) "Franchise" means the non-exclusive right, privilege and authority granted by this ordinance to construct, maintain, and operate through the use of public streets of the Town of Norway.

(9) "Street" means any street, alley or other public right of way of the Town.

(10) "The Grantee's system". or "The system" or "The cable system" or "The CATV system" means the CATV system constructed or operated by the Grantee pursuant to a franchise granted under this section.

(11) "FCC" means the Federal Communications Commission.

(12) "To monitor" means to observe a one-way or two-way communications signal without the expressed prior consent of the subscriber receiving or sending said communication signal, whether said signal is observed by visual or electronic means, for any purpose whatsoever.

13.04 Use of Town Roads

(1) Grant of Authority

A. The Town of Norway grants the non-exclusive right, privilege, and franchise to construct, operate, and maintain a CATV system in the roads of the Town for the term of the franchise, subject to the rights, obligations, conditions and restrictions as hereinafter provided.

B. The right to use and occupy the roads for the purpose herein set forth shall not be exclusive, and the Town reserves the right to grant a similar use of said roads to any person at any time during the period of the franchise.

(2) Conditions of Use of Roads and Streets

A. All transmission and distribution structures, lines and equipment erected by a Grantee within the Town shall be located so as not to interfere with the proper use of roads, streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said roads, streets, alleys or public ways and places, and not to interfere with existing Town and/or public utility installations. All installations shall be underground in those areas of the Town where either of the public utilities providing telephone or electric service are underground at the time of installation. Cable shall be installed in conformity with the National Electric Safety Code promulgated by the National Bureau of Standards and the National Electric Code of the American Insurance Association, and all statutes, rules and regulations applicable thereto. In areas where both telephone and electric distribution facilities are above ground at the time of installation, a Grantee may install its facilities above ground, but in such case the Grantee, to the maximum extent possible and subject to approval by the affected public utility, shall place its facilities on the poles of said public utilities. If, subsequently, said telephone or electric utility facilities go underground, the facilities of the Grantee shall go underground simultaneously. The use by a Grantee of any facilities or installations of a telephone or electric utility and the conditions of said uses shall be determined by negotiations between the Grantee and said utility.

B. No underground facilities, poles or other wireholding structures shall be erected by the Grantee without prior approval of the Town

with regard to location, height, type and any other pertinent aspect, which approval shall not be unreasonably withheld.

C. Where poles or other wireholding structures already existing for use in serving the Town are available for use by the Grantee, but it does not make arrangements for such use, the Town may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the Grantee are just and reasonable.

D. Where the Town or a public utility serving the Town desires to make use of the poles or other wireholding structures of the Grantee, Grantee agrees to make such poles and wireholding structures available upon reasonable terms and for a reasonable consideration, provided that such use does not unduly interfere with the Grantee's operations.

E. In case of any disturbance of pavement, sidewalk, driveway, sod or other surfacing, Grantee shall, at its own expense, and in the manner provided by the Town, replace and restore all paving, sidewalk, driveway, or other surface of any street, alley, parkway or private property disturbed to its condition prior to such disturbance.

F. If at any time during the period of the franchise the Town shall lawfully elect to alter or change the grade or location of any road, street, alley or other public way, the Grantee shall, upon reasonable notice by the Town, remove, relay and relocate its poles, wires, cables and underground fixtures at its own expense, and in each instance comply with the requirements of the Town.

G. The Grantee shall have the authority to trim any trees upon and overhanging the roads, streets, alleys, sidewalks and public places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, except that at the option of the Town, such trimming may be done by it, or under its supervision and direction, at the expense and liability of the Grantee.

13.05 Term of Franchise

(1) Term

The term of the franchise shall be for a period of twenty-five (25) years, subject, however, to earlier termination as provided in this chapter.

(2) Option

At the option of the Town Board, a franchise may be renewed for like terms on application of the Grantee.

13.06 System Installation

(1) FCC Application

Within ninety (90) days from the granting of a franchise, the Grantee shall make application to the Federal Communications Commission for a certificate of compliance for the establishment of a cable television system in the Town and shall prosecute such application diligently and faithfully in order that necessary approvals can be obtained in the shortest time possible. The Town reserves the right to intervene in said application for a certificate of compliance, and the Grantee shall pay all expenses incurred by the Town in connection with the submission and defense of an application for a certificate of compliance filed with the FCC by the Grantee.

(2) Engineering Studies

Prior to the commencement of construction and prior to receipt of final approvals from the FCC for establishment of the system, the Grantee shall conduct the necessary engineering studies so that the construction can commence immediately upon final approval of the FCC.

(3) Construction Time
The Grantee shall commence and shall complete physical construction of the CATV system within such periods of time as shall be specified in the franchise issued by the Town Board.

(4) Progress Reports
The Grantee shall furnish the Town Board with progress reports indicating in detail the area of construction of the cable television system. Such periodic reports shall be furnished at six (6) month intervals, with the first report to be made three months after the construction commencement date.

13.07 Financial Obligations

(1) Franchise Payments
The Grantee shall pay to the Town for the use of the roads, streets and other facilities of the Town in the operation of the CATV system and for the municipal supervision thereof, a fee in the amount of 3% of the basic service receipts of the Grantee.

(2) Insurance and Indemnity

A. At all times during the term of the franchise, the Grantee shall obtain, pay all premiums for, and file with the Town Clerk at least ten (10) days before construction of the system commences, a certificate of insurance or other proof evidencing payment of premiums for the following:

1. A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the Town, its officers, boards, committees, commissions, agents or employees, from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of the Grantee under the franchise herein granted or alleged to have been so caused or occurred with a minimum liability of $1,000,000 for bodily injury or death of any one or more persons in any one occurrence. Said policies are to include personal injury coverage.

2. Property damage insurance indemnifying, defending and saving harmless the Town, its officers, boards, committees, commissions, agents and employees from and against all claims by any person whatsoever for property damage occasioned by the operation of the Grantee under the franchise herein granted or alleged to have been so caused or occurred with a minimum liability of $100,000 for property damage in any one occurrence.

B. All of the foregoing insurance contracts shall be in form satisfactory to the Town and shall be executed by companies authorized to do business in the State of Wisconsin which are acceptable to the Town. Said insurance contracts shall require thirty (30) days written notice of any cancellation to both the Town and the Grantee.

C. The Grantee shall also, at its sole cost and expense, fully indemnify, defend and hold harmless the Town, its officers, boards, committees, commissions and employees against any and all claims, suits, actions, liability and judgments for damages (including but

not limited to expense for reasonable legal fees and disbursements and liabilities assumed by the Town in connection therewith):

1. Arising out of any claim for invasions of the right of privacy, for defamation of any person, firm or corporation, or for violation or infringement of any copyright, trademark, trade service mark or patent, or of any other right of any person, firm or corporation (excluding claims arising out of or relating to Town programming);

2. Arising out of the Grantee's failure to comply with the provisions of any Federal, State or local statute, ordinance, or regulation applicable to the Grantee in its business hereunder; and

3. Arising out of a claim for violation of anti-trust laws.

D. The Town shall give the Grantee prompt notice of the making of any claim or the commencement of any action, suit or other proceedings covered by the provisions of this section. Nothing herein shall be deemed to prevent the Town from cooperating with the Grantee and participating in the defense of any litigation by its own counsel at its sole cost and expense.

13.08 Services Provided by Grantee

(1) General Requirements

A. The Grantee shall install, maintain and operate its system in accordance with the highest standards of the art of cable communications, with any Code of Conduct which has been adopted or shall be adopted by the National Cable Television Association, and with any applicable laws, ordinances, rules and regulations.

B. The Grantee shall render efficient service in accordance with such rules and regulations as have been promulgated and will be promulgated by the Federal Communications Commission and other Federal and State regulatory agencies.

C. The Grantee shall provide a uniform, strong signal free from distortion and interference and shall not interrupt services unless absolutely necessary.

(2) Channel Allocations

A. The Grantee shall carry the signals of the television stations as set forth in its franchise.

B. The Grantee shall carry the signals of other TV stations pursuant to the present and future regulations of the FCC.

C. The Grantee shall provide radio channels which may be received on conventional FM receivers, connected to the Grantee's cable system.

(3) Customer Service

A. The Grantee shall maintain an office within the Greater Milwaukee Area with a listed telephone number on the local exchange which shall be open during all usual business hours, and be so operated that complaints and request for repairs or adjustments may be received at any time. Said office shall be open and fully operational within one (1) year of the execution of the cable franchise agreement.

B. The Grantee shall respond to all service calls and complaints, and

shall correct malfunctions in its equipment as promptly as possible.

(4) Technical Configuration and Capacity

A. The Grantee shall at all times meet the technical standards established by the FCC, including specifications for frequency boundaries, visual carriers, frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation, and system radiation, and other standards which the FCC may set.

B. At the option of any individual subscriber, the Grantee shall install a switching device upon subscriber's television receiver whereby subscriber may disconnect its television receiver from the Grantee's cable system in order to receive over-the-air television signals. The price of this device to subscriber shall be the cost of the device to the Grantee, or less at the option of the Grantee, and the Grantee shall not charge the subscriber any fee for the installation of device.

C. At the option of any individual subscriber, the Grantee shall provide a device which allows an individual subscriber to utilize a key to disconnect those channels providing additional services to the subscriber, such as pay-TV channels. The charge for the device shall not be greater than the cost of the device to the Grantee and the Grantee shall not charge the subscriber any fee for the installation of the device. The Grantee shall make all reasonable efforts to obtain devices at the lowest possible cost.

13.09 Rates

(1) Franchise Rates

The Grantee shall charge such rates as shall be set forth in the franchise, subject to modification from time to time by the Town Board.

(2) Additional Outlets

The Grantee shall provide, without charge, one outlet to each municipally owned building, fire station, police station, library, public and parochial school, and institution of higher learning that is passed by its cable. If more than one outlet is required at any such location, the Grantee shall install the outlet at the cost of time and materials only, and in no event will there be a monthly service charge for basic service.

13.10 Individual Rights Protected

(1) Discriminatory Practices Prohibited

The Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, programmers, or general citizens on the basis of race, color, religion, national origin, creed or sex. Nothing in this provision shall be construed to prohibit the reduction or waiving of charges in conjunction with promotional campaigns for the purpose of attracting subscribers, nor shall this provision be interpreted to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any subscriber or programmer included within a particular classification shall be entitled.

(2) Employment Practices of the Grantee

In carrying out the construction, maintenance, and operation of its cable television system, the Grantee shall not discriminate against any employee or applicant because of race, creed, color, religion, sex or national origin.

(3) Cable Monitoring

Neither the Grantee nor any governmental bureau, department, unit, agency or entity at the Federal, State, County or Local level, nor any other person or entity, shall monitor, or arrange for the monitoring of, any cable, line, signal input device, or subscriber outlet receiver for any purpose whatsoever.

(4) Sale of Subscriber Lists Prohibited

The Grantee shall not sell, or otherwise make available, lists of the names and addresses of its subscribers, or any lists which identify, by name, subscriber viewing habits, to any person, agency, or entity for any purpose whatsoever.

(5) Prohibited Business Activities

A. Neither the Grantee nor any of its officers, agents or employees shall recommend, in any manner, a specific service establishment or individual be used for the service of any television set or antenna.

B. It shall be specifically understood and agreed by the Grantee that each subscriber to its service shall have the full and free right to decide whether to retain an existing TV antenna or to install any new TV antenna while continuing as a subscriber to Grantee's service.

The Grantee and its employees shall not require the removal by any subscriber of an existing TV antenna, nor advise against the installation of a TV antenna by a subscriber nor engage in the business of removing TV antennas.

13.11 Grantee Protected

Tampering with Cable Equipment

A person who willfully or maliciously damages, or causes to be damaged, any wire, cable, conduit, apparatus, or equipment of the Grantee, or commits any act with intent to cause damage to any wire, cable, conduit, apparatus or equipment of the Grantee, or who taps, tampers with, or connects any wire or device to a wire, cable, conduit or equipment of the Grantee with intent to obtain a signal or impulse therefrom without authorization from the Grantee, shall be subject to a forfeiture of not more than $500 plus the costs of prosecution, and in default of payment thereof, shall be imprisoned in the County jail for a period of thirty (30) days or until payment thereof.

13.12 Supervision of Grantee

(1) Installation Maps

The Grantee shall file with the Town Clerk accurate copies of maps and/or plats of the location and character of all existing and proposed installation over, upon, or under the roads and streets. These maps and plats shall conform to the requirements of the Town Board, shall be kept continuously up-to-date, and shall be filed at least quarterly.

(2) Stockholder List

The Grantee shall continuously keep on file with the Town Clerk a current list of its stockholders, holding 5% or more of the outstanding stock and officers, and with their current addresses.

(3) FCC Records

The Grantee shall keep and maintain all records required by the FCC. Copies of records and all other rules, regulations, terms and conditions established by the Grantee for the conduct of its business shall be filed annually with the Town Clerk and at the office of the Grantee.

(4) Communications with Regulatory Agencies

Copies of all petitions, applications and communications submitted by the Grantee to the FCC, Securities and Exchange Commission or any Federal or State regulatory commission or agency having jurisdiction in respect to any matter affecting cable operation shall also be submitted simultaneously to the Town by filing with the Town Clerk.

(5) Communications with Citizens

The Grantee shall maintain records (1) of subscriber complaints and requests for service which it has received, the time of such reception, and the time at which it responded to said subscriber complaints and requests for service, and (2) of all persons or groups requesting time on its access channels. Such records shall be made available for public inspection and a copy shall be submitted monthly to the Town Clerk.

(6) Gross Service Receipts

The Grantee shall file annually with the Town Clerk, within sixty (60) days following the end of the Grantee's fiscal year, a certified statement of the gross service receipts derived from the Grantee's subscribers in the Town during the prior year.

13.13 Town Rights

(1) Inspect Records

The Town shall, upon reasonable notice, have the right to inspect the books, records, maps, plans and other like materials of the Grantee related to its operations in the Town.

(2) Inspect Construction

The Town shall have the right to inspect all construction or installation work performed subject to the provisions of the franchise such as it shall find necessary to insure compliance with the terms of the franchise and other pertinent provisions of law.

(3) Equipment Removal

At the expiration of the term for which the franchise is granted, or upon its termination or cancellation as provided for herein, the Town shall have the right to require the Grantee to, within a reasonable time, remove at its own expense all or any portion of the CATV System from all public ways within the Town.

13.14 Franchise Forfeiture

(1) Termination

In addition to all other rights and powers of the Town by virtue of the franchise or otherwise, the Town reserves the right to terminate the franchise and all rights and privileges of the Grantee hereunder in the event that the Grantee:

A. Violates any provision of this ordinance and fails to cure such violation within 30 days after receipt of written notice thereof, except where such violation is without fault or through excusable neglect.

B. Becomes insolvent, or is adjudged a bankrupt.

C. Fails to commence construction within two years from the effective date of the franchise.

D. Fails to commence operations within one year after construction is commenced.

E. Fails to substantially complete construction and offer community antenna television service to the residents of the Town within three (3) years of the granting of its franchise.

(2) Procedure
The termination of any franchise shall be subject to the municipal administration procedures prescribed in Chapter 68, Wisconsin Statutes.

13.15 Franchise Acceptance
Within thirty (30) days of the granting thereof, the Grantee shall file with the Town Clerk its unconditional acceptance of the franchise and agreement to comply with and abide by all of its provisions, terms and conditions. Acceptance and agreement shall be in writing, duly executed and sworn to, by or on behalf of the Grantee, before an officer authorized by law to administer oaths. In the event Grantee is a corporation, the acceptance and agreement shall be accompanied by appropriate proof of the authority of the persons executing said documents to act on behalf of the corporation.

13.16 Franchise Surrender
In the event the Federal Communications Commission, or any other federal or state authority having jurisdiction over CATV, adopts rules and regulations which have the effect of preventing a Grantee from complying with the provisions of this ordinance, or any franchise granted thereunder, the Grantee shall have the privilege of surrendering its franchise to the Town and said franchise and all of its provisions shall thereupon terminate, without prejudice however, to the right of the Town to maintain any action for the recovery of any fees or monies then due the Town or for the enforcement of any rights which the Town may have as the result of any act, neglect or omission of the Grantee. In the event of termination of any franchise under the provisions of this Chapter, the Grantee shall promptly remove all of its poles, wires, cables and other equipment from all public roads, streets, alleys, swale areas, public ways and easements, and shall restore all such roads, streets, alleys, swale areas, public ways and easements and place the same in as good a condition as the same were in prior to such removal.

Chapter 23 ORD. (1984)

CHAPTER 14
DEPARTMENTS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
14.01	Repealed	*2014-002*	*08/11/14*
		2016-03	*09/12/16*
		2021-04	*12/13/21*
14.02	Police Department		
14.03	Fire Department	*2023-03*	*09/11/23*
14.04	Repealed	*2025-02*	*11/05/25*
14.05	Repealed	*2023-02*	*03/13/23*
		2025-02	*11/05/25*
14.06	Board of Review	*2023-02*	*03/13/23*

14.01 Repealed

14.02 Police Department

(1) Personnel

The police department shall consist of the Chief of Police and such other officers as the Town Board may prescribe by ordinance or resolution. All personnel shall meet the standards set forth by the Law Enforcement Standards Board pursuant to section 165.85(4) Wisconsin Statutes.

(2) Duties and Powers

Members of the police department shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law. The police department shall cause the public peace to be preserved, enforce all laws and ordinances of the Town and State, attend Court when needed, obtain and preserve evidence for the successful prosecution of offenders and obey all lawful orders of the Town Board and Chairman. Members of the department have the power of arrest and may arrest and confine persons according to law. The department may enter into mutual aid agreements.

(3) Appropriation

The Town Board may appropriate funds for operation and equipment for the department.

Secs. 60.56, 165.85 Stats.

14.03 Fire Department

(1) Fire Department Authorized.

The Town of Norway, pursuant to its powers to establish fire protection as set out in Wis. Stat. § 60.55, hereby authorizes and organizes the Norway Fire Department as the Fire Department of the Town; and the duties of firefighting, fire prevention and fire inspection, as well as the operation and regulation of the rescue squad and training therefor, and the operation and maintenance of firefighting and rescue squad equipment, are delegated to such department. Its organization shall be governed by the provisions of the Wisconsin Statutes, Wis. Adm. Code Ch. SPS 330, Fire Department Safety and Health Standards, this section of the municipal code of the Town of Norway, and by the guidelines adopted by the Town Board, except as otherwise provided by law or ordinance. The Chief or Assistant Chief shall have control of the Department as set forth in § 14.03(3) and (4). The Fire Commission shall have the authority

to hire, promote and discipline members of the Department as set forth in § 14.05 of this Municipal Code.

Unless the context requires otherwise, all references in this Code to the "Fire Department" or "Department" shall mean the Norway Fire Department and include the provision of emergency medical care and other rescue services where life(s) is threatened.

(2) Department Composition and Organization.

A. Composition. The department shall consist of full-time and part-time Town employees and of volunteers who are paid-on-call personnel. The department shall have a part-time Chief, a part-time Assistant Chief, as well as other officers and personnel as may be authorized by the Fire Commission and department by-laws.

B. Appointment of Officers and Members. The Chief and Assistant Chief shall be appointed by the Fire Commission. The officers and members of the Department shall be appointed by the Chief. The appointments shall be forwarded to the Town Board for its information.

C. Members Generally.

1. Application. Any person desiring to be a member of the Department shall file an application with the Town, which shall forward it to the Fire Commission.

2. Examinations. No person may be appointed to the Department unless the person passes all examinations and drug tests required by the Town and the Fire Commission.

3. Qualifications. No person shall be eligible for membership in the Department unless the person meets the requirements set forth in the Standard Operating Guidelines of the Department and the job description for the position.

(3) The Fire Chief.

A. Fire Chief. Unless the context requires otherwise, all references in this Code to the "Chief," "Fire Chief," or "Incident Commander" shall mean the Chief of the Fire Department. In the absence of the chief, “chief” shall mean the next highest-ranking officer.

B. Qualifications. The qualifications for the Fire Chief position shall be set by the Fire Commission from time-to-time and may be reexamined by the Commission at the time a vacancy needs to be filled.

C. Appointment. The office of the Fire Chief shall be filled by appointment by a two-thirds vote of the members of the Fire Commission.

D. Tenure. The Chief shall immediately assume office upon appointment and shall hold office for an indefinite term which may be renewed by a two-thirds vote of the Fire Commission, or until removed for cause by a two-thirds vote of the members of the Fire Commission after a hearing before the Fire Commission.

E. Vacancy. A vacancy in the office of the Chief shall be filled by appointment by a two-thirds vote of the Fire Commission. Upon

creation of a vacancy in the office of the Chief, the next highest-ranking officer shall perform the duties of the Chief until such time as an interim chief has been appointed or until the vacancy has been filled.

F. Review. The Fire Chief shall have a performance review done annually. The review shall be conducted by the Fire Commission.

G. General Supervision. The Chief shall have the responsibility of overall supervision of the department and personnel assigned to the department, which shall be subject to and not to conflict with this section. The Chief shall be responsible for all activities within the department, as well as the personnel, department budget and general efficiency of the department, and shall report directly to the Fire Commission on all matters that do not conflict with Wis. Stat. § 62.13 and Sec. 14.05 of the Town's Code of Ordinance. The chief shall perform such other duties as are usually incumbent upon the commanding officer of a fire department and as are detailed in the job description for this position.

H. Command at Incidents. The Chief shall have all of the authority and responsibility for command at all firefighting, rescue, and emergency medical incidents and other incidents that the department may respond to where life and/or property is threatened within the Town. The Chief shall plan the control of the same, direct the actions of the department and/or mutual aid personnel and other agencies which may be called to assist, ensure that the department performs the duties required, and grant leaves and/or release personnel and equipment from the scene of the emergency when appropriate. In the absence of the Chief, the next highest-ranking officer or, in the absence of an officer, the most senior member of the department shall be in charge and shall have the same authority and responsibility at incidents as the Chief.

I. Readiness. The Chief shall maintain the department, personnel and equipment in a constant state of readiness in anticipation of an emergency response. The Chief shall keep the Fire Commission apprised of the department's readiness and report deficiencies in the department's ability to provide service.

J. Mutual aid. The Chief shall recommend and maintain the necessary mutual aid contracts as approved by the Fire Commission. Mutual aid with other municipalities within the States of Wisconsin and Illinois shall be organized within the mutual aid box alarm system or with a community directly when necessary. The Chief shall have the authority to dispatch units to respond out of the Town in response to mutual aid requests from signatories of a mutual aid agreement and the responsibility to ensure that the Town is adequately protected during said incidents.

K. Enforcement of fire prevention ordinances. The Fire Chief of the Town or his/her designee shall enforce all fire prevention ordinances of the Town and the State of Wisconsin. The Chief and/or his/her designees are authorized to cite violations of the fire prevention ordinances of the Town in accordance with this section and the fire code.

(4) The Assistant Chief.

A. Assistant Chief. Unless the context requires otherwise, all references in this Code to the "Assistant Chief," "Assistant Fire

Chief," or "Assistant Incident Commander" shall mean the Assistant Chief of the Fire Department. In the absence of the Assistant Chief, "Assistant Chief" shall mean the next highest-ranking officer.

B. Qualifications. The qualifications for the Assistant Fire Chief position shall be set by the Fire Commission from time-to-time and may be reexamined by the Commission at the time a vacancy needs to be filled.

C. Appointment. The office of the Assistant Fire Chief shall be filled by appointment by a two-thirds vote of the members of the Fire Commission.

D. Tenure. The Assistant Chief shall immediately assume office upon appointment and shall hold office for an indefinite term which may be renewed by a two-thirds vote of the Fire Commission, or until removed for cause by a two-thirds vote of the members of the Fire Commission after a hearing before the Fire Commission.

E. Vacancy. A vacancy in the office of the Assistant Chief shall be filled by appointment by a two-thirds vote of the Fire Commission. Upon creation of a vacancy in the office of the Assistant Chief, the next highest-ranking officer shall perform the duties of the Assistant Chief until such time as an interim Assistant Chief has been appointed or until the vacancy has been filled.

F. Review. The Assistant Fire Chief shall have a performance review done annually. The review shall be conducted by the Fire Commission.

G. Responsibilities. The Assistant Fire Chief shall have the same responsibilities as to general supervision, command at incidents, readiness, mutual aid, and enforcement of fire prevention ordinances as the Fire Chief as set out in sections (3)(g)-(k).

(5) Control and Care of Apparatus, Vehicles, and Equipment.

A. Control. The Chief or Assistant Chief shall have control of all equipment used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief or Assistant Chief, report thereon to be given to the Town Board and Fire Commission.

B. Use. No equipment shall be used for any purpose except for firefighting and rescue within the Town limits, or in training therefor, except pursuant to an agreement approved by the Town Board. With the approval of the Chief, Assistant Chief, or their designee, or, if neither is available, the highest ranking officer available, such apparatus may be used for emergency or training purposes other than firefighting and rescue within the Town and the areas covered by fire protection agreements. Said use is specifically allowed pursuant to the terms of a mutual aid agreement approved by the Town Board.

C. Applicability of state emergency vehicles regulations. The provisions of Wis. Stat. §§ 346.03 and 346.19, relating to the operation and control of emergency vehicles, and Wis. Stat. §§ 347.38(4) and 347.25(1), relating to equipment on emergency vehicles, are adopted by reference and made a part of this section as though set forth in full. The drivers of emergency vehicles

shall use extreme caution and drive according to the existing conditions.

D. Injury to equipment. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place without the consent of the officer in command at the scene. No person shall willfully injure any hose, hydrant or fire apparatus belonging to the Town.

(6) Authority of Department at Fires, Emergency Incidents, and Other Emergencies.

A. Police powers at fires. The Chief, Assistant Chief or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.

B. Control of fires. The Fire Chief or Assistant Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters, rescue personnel and police officers and those admitted by order of any officer of the Police or Fire Department, may come. The Chief or Assistant Chief may cause the removal of any property whenever it becomes necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property; and during the progress of any fire, he may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief or Assistant Chief may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impede the work of the Department during the progress of a fire.

C. Firefighters may enter property. Any firefighter acting under the direction of the Fire Chief, Assistant Chief, or other officer in command may enter upon premises in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and if any person hinders, resists or obstructs any firefighter in the discharge of his duty as herein provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

(7) Reports and Records.

A. Legal Custodian. The Chief is the legal custodian of the reports, records, and property within the department.

B. Fire Reports. Per Wis. Stat. § 101.141, the department shall maintain record of all fires. The Department shall participate in the national fire incident reporting system, supplying data collected to the Department of Commerce. Fire reports shall be maintained for a minimum of seven (7) years.

(8) Fire Inspectors.

A. Appointment and Compensation.

1. Appointment. The Fire Chief or Assistant Chief shall provide for fire inspections required by Wis. Stat. § 101.14 by appointing fire inspectors, subject to confirmation by the Fire Commission. Each inspector shall become state-certified within his or her first two-year

term.

2. Compensation. The compensation of the fire inspectors and other conditions of employment shall be established by the Town Board.

3. The fire inspectors shall be under the authority of and report to the Fire Chief or Assistant Fire Chief.

B. Inspections.

1. In General.

a. The Chief or Assistant Chief shall require that the fire inspectors perform inspections as required by Wis. Stat. § 101.14 to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

b. The inspections required under Subsection B1.a. shall be made at least one in each nonoverlapping six-month period in every calendar year.

c. The inspectors shall also investigate the storage and handling of explosives and flammable liquids within the Town.

2. Fire Inspection Fees.

a. Fire inspection fees shall be charged to the property owner of record for each public building and place of employment for and/or within which fire inspection is required by state law, code or regulation, including but not limited to all commercial and industrial buildings, all buildings containing a commercial or industrial use, all residential structures containing a common area, all residential structures having a fire alarm system, and any other building for which inspection is mandated, at an annual rate per separate business space or other applicable use located within a building, in an amount set by the Town Board. These fees shall apply to taxable property and tax-exempt property alike.

i. "Public building" and "place of employment" are defined as set forth in Wis. Stat. § 101.01. A residential structure is defined as a public building when it is a structure for use by three or more tenants. A common area in a residential structure includes, but is not limited to, a common corridor, hallway, stairway, basement, cellar, vestibule, atrium, community room, laundry room, swimming pool room, or entry area.

ii. All buildings, structures, and premises owned by the Town government, the Town government, the state government, the public-school districts, and the United States government

shall be exempt from the annual fire inspection fee.

b. The annual fire inspection fee shall constitute a special charge for current services against the property pursuant to Wis. Stat. § 66.0627. The special charges shall be shown in the Fee Schedule and the fee for each property shall be included on the property tax bill and collected as set forth in Wis. Stat. § 66.0627 and Wis. Stat. Ch. 74. No administrative fee shall be charged.

C. Record of Inspections. The fire inspectors shall make and keep records of each property inspected in the manner and form required by the State Department of Safety and Professional Services under Wis. Stat. § 101.14. Monthly and quarterly reports of inspections conducted and citations issued shall be submitted to the Fire Chief or Assistant Fire Chief for presentation to the Town Board.

D. Correction of Fire Hazards. When any inspection by a fire inspector reveals a fire hazard, the inspector may serve a notice, in writing, upon the owner of the property, giving such owner a reasonable time in which to remove the hazard, and may require the removal of explosives, flammable liquids or similar hazards within 24 hours. Repairs or alterations necessary to remove the hazardous condition shall be made within the time allowed at the expense of the owner. If the fire hazard is not removed within the time allowed, the fire inspector shall refer the issuance of a citation to the Town Police Department. The hazard shall be deemed a nuisance, and the fire inspector may have the same removed by the Town; and the cost of such removal shall be recovered in an action by the Town against the owner of the property and may also be entered in the tax roll as a special charge against the property pursuant to Wis. Stat. § 66.0627.

E. Entering on Premises. The fire inspectors shall be allowed to enter property for the purpose of inspection pursuant to Wis. Stat. § 101.14(1)(b) and (bm). No person shall deny an inspector free access to any property within the Fire Department's jurisdiction at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct a fire inspector in the performance of duty or refuse to observe any lawful direction given by the inspector.

(9) Department Funding, Finance and Compensation.

A. Appropriations and Budget. The Town Board shall annually appropriate funds to provide for Department operations and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency, to provide rescue squad service, and to properly protect life and property from fire.

B. Gifts and other contributions. The Fire Department shall submit gifts, donations, contributions or gratuities received by such Department or any branch thereof from any source to the Town Administrator/Treasurer to be used for the benefit of the Department as designated by the Town Board.

C. Compensation. The officers and members of the Fire Department shall receive such compensation from the Town as may be authorized

by the Town Board.

D. Cost Recovery.

1. Pursuant to Wis. Stat. § 61.64, the Town may charge reasonable fees for rescue services.

2. Fees charged pursuant to this section shall be in an amount approved by the Town Board and set forth in the Fee Schedule.

3. Vehicle Fires

a. Pursuant to Wis. Stat. 60.557(1), if the Town incurs costs for a fire call by responding to a vehicle on fire on a county trunk highway, the county maintaining that portion of the highway where the vehicle was located at the time of the fire shall reimburse the Town up to $200 for the costs.

i. The Town must submit written proof that the Town has made a reasonable effort to collect the cost from the insurer of the person whom the fire call was provided or from the person to whom the fire call was provided.

ii. The Town may attempt to collect the cost from the person only if the Town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer.

iii. If the Town collects the cost from an insurer or such person after the county reimburses the Town, the Town shall return the amount collected to the county.

b. Pursuant to Wis. Stat. § 60.557(2), if the Town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the department of transportation, the department of transportation shall reimburse the Town up to $500 for costs, even if the fire equipment is not actually used.

i. The Town must submit written proof that the Town has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided.

ii. The Town may attempt to collect the cost from the person only if the Town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer.

iii. If the Town collects the cost from an insurer or such person after the department reimburses the Town, the Town shall return the amount collected to the department.

(10) Disciplinary Action.

A. Grounds for Disciplinary Action. The Fire Commission may take disciplinary action against, pursuant to the provisions of Subsection B, any member of the Department who has violated any rule or regulation of the Town, as set forth in the Personnel Manual, the Standard Operating Guidelines, or in other rules or regulations. The Town Administrator/Treasurer shall be informed of such action.

B. Procedure. Upon complaint or information and belief that any member of the Department has violated any provision of this section, charges may be filed with the Fire Commission by the Chief, Assistant Chief, a member of the Commission, the Commission as a body, or any aggrieved person. Such charges shall be in writing and shall be filed pursuant to Wis. Stat. § 62.13(5). The Chief, Assistant Chief, or the Commission may suspend a Department member pending the disposition of the charges. The Commission shall act pursuant to Wis. Stat. § 62.13(5) and Commission rules and regulations.

(11) Violations and Penalties.

A. Any person, firm or corporation who shall violate any of the terms of this section, upon conviction, be subject to a forfeiture of not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00) for any violation thereof with each day of violation constituting a separate offense.

B. If the court finds that the violation has commercial motivation, then any person, firm, or corporation who shall violate any of the terms this section shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), together with any costs incurred by the Town in controlling the fire.

C. Each and every day a violation exists shall constitute a separate violation for purposes of continuing daily violations.

14.04 Repealed

14.05 Repealed

14.06 Board of Review

(1) Membership
The Board of Review shall consist of the five (5) members of the Town Board and one (1) resident to be appointed by the Town Board for a term of three (3) years, and there shall be one alternate member who is also a resident of the Town appointed by the Town Board for a term of three (3) years. The alternate member shall serve on the Board of Review when standing members are removed from individual cases pursuant to Section 70.47 (6m) of the Wisconsin Statutes.

(2) Duties
The Board of Review shall have duties and powers prescribed by Section 70.47, Wis. Stats.

(3) Meetings
The Board of Review shall meet annually at any time during the 30-day period beginning on the 2nd Monday of May, and may be adjourned from time to time as the Board so designates.

(4) Confidentiality
Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office(including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

(5) Compensation
The members of the Board of Review, except members who are full-time employees or officers of the Town, shall receive such compensation as shall be fixed by resolution of the Town Board.

(6) This portion repealed 06/13/2011. Ord. 2011-001

CHAPTER 15
FINANCE AND TAXATION

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
15.01	Budget		
15.02	Penalties for Nonpayment		
15.03	Installment Payment of Taxes		

15.01 Budget

(1) Preparation
Pursuant to Section 60.40 and Chapter 65 Wisconsin Statutes, the Town Board shall annually prepare and adopt a town budget.

(2) Amendment
After adoption of the budget, the Town Board may change the amount of the tax, the appropriations or purposes thereof with a 2/3 vote of the Town Board. Notice of the amendment shall be given by publication in the official newspaper within 15 days thereafter.
Secs. 60.40, 65.90 Stats.

15.02 Penalties for Nonpayment of Moneys Due Town

(1) Non-tax Debt
In the event that any person or resident of the Town becomes delinquent in payment of non-tax moneys due the Town, the person will become ineligible for the rentals, use and services of all town equipment until all moneys are paid.

(2) Tax Debt
If the moneys due the Town are assessed as special assessments on the tax roll and taxes become delinquent, during the period of delinquency, the person will also be subject to full penalties of the law.
17.01 ORD. (1971)

15.03 Installments Payment of Taxes

(1) Pursuant to Section 74.031 Wisconsin Statutes, the Town adopts installment tax payments for real estate taxes. Tax payments may be made in two (2) installments so long as the initial payment consists of 50% of the taxpayer's general real estate taxes plus full payment of special assessments and is paid by January 31.
17.03 ORD. (1971) Ord. 2005-10 8/8/05

CHAPTER 16
PARKS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***

16.01 Applicability
16.02 Regulations
16.03 Fees
16.04 Enforcement and Penalties

16.01 Applicability

(1) The provisions of this chapter shall constitute the rules and regulations governing the conduct and behavior of visitors to the parks and recreation areas of the Town of Norway.

(2) The provisions of this chapter shall apply to all lands, structures and property owned, leased or administered by the Town for park and recreational purposes.

16.02 Regulations

(1) General Regulations.
The following regulations shall pertain to all parks and recreational areas of the Town of Norway:

A. Hours of Entry and Closing Dates.
No person shall enter or be upon Town park property except during the hours established and posted as to such park. Except for authorized events and subject to exceptions listed below, all Town parks shall be closed from 10 p.m. to 6 a.m. the following day. The Town Board may modify closing hours for particular events. The Town Board shall have authority to open and close any park, swimming area, recreational facility or area due to season, condition, construction or the interest of public safety.
ORD. 94-3

B. Payment of Fees and Compliance.
No person shall use any park or recreational facilities, land or area for which a fee or charge has been established, without payment of such fee or charge and compliance with any regulations regarding such use.

C. Malicious Mischief.
No person shall destroy, deface, mutilate or cause physical damage to any real or personal property, including trees, shrubbery and landscaping, located in or upon any Town park or recreational area.

D. Firearms, Explosives, and Fireworks.
No person shall have in his or her possession or under his or her control within any Town parks or recreational areas any firearm, air gun, bow and arrow or other weapon, explosives or fireworks of any kind nor shall he or she discharge any of the same while in or upon any of the Town parks or recreational areas. This provision shall not apply to:

1. Duly appointed law enforcement officers, or

2. Persons licensed or authorized to set off public fireworks displays in such park or recreational areas.

3. Persons licensed or authorized by law to carry a "weapon", as defined in Wis. Stat. §175.60. The restriction on discharge of a firearm does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. §939.45. This Subsection, which is subject to all applicable provisions of the Wisconsin Statutes, shall become effective on November 1, 2011.

E. Noise Control.
No person shall operate any sound truck, loud speaker, motor or any other mechanical device that produces undue or unnecessary noises in or upon any Town park or recreational area.

F. Disorderly Conduct.
No person shall be intoxicated or engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, tending to create a breach of the peace or to unduly disturb or annoy others, in or upon any Town park or recreational area.

G. Possession and Consumption of Alcoholic Beverages.
No person shall bring into or drink any alcohol beverage as defined in Chapter 125, Wis. Stats., in any Town park or recreational area, except in such areas as designated by the Town Board or its designee where fermented malt beverages shall be allowed or except by written permission of the Town Board or its designee.

H. Entertainments, Meetings and Gatherings.
No person shall hold or take part in any musical, theatrical or other entertainment or any parade, procession or public meeting or gathering of any kind, in any Town park or recreational area without permission of the Town Board or its designee.

I. Conduct of Business Restricted.
No person shall peddle or distribute any handbills or other advertising matter or post unauthorized signs on any lands, structures or property. No person shall solicit, transact or conduct any business of any nature in or upon any Town park or recreational area, without having first obtained written permission of the Town Board or its designee.

J. Control of Dogs.
No person shall suffer or permit a dog or other animal to be in or upon any Town park or recreational area at any time. This provision shall not apply to:

1. Animals present for events involving animals permitted by the Town Board or its designee;

2. Seeing eye dogs or other animals for the visually impaired; and

3. Animals used by law enforcement officers.

K. Fire and Smoking Control.
No person shall build or maintain any fire, except at or in areas designated for cooking and for fires, in any Town park or recreational area. No person shall leave any fire unattended or throw away any matches, cigarettes, cigars or pipe ashes, without first extinguishing them.

L. Littering.

No person shall discard or leave any refuse or sewage, including garbage, rubbish, bottles, tin cans, glass, debris or any other waste material, on the ground or in any installation, or throw same into the water of any lake or stream or other body of water, in or upon any Town park or recreational area, but will dispose of same in designated containers.

M. Glass Objects.
No person shall possess or have under his or her control any bottle, cup, glass, container, or other similar objects made of glass, ceramic, earthenware or similar breakable material in or upon any Town park or recreation area; provided, however, that bowls, dishes and plates for storing, conveying and eating food for picnics, etc. shall be permitted.

N. Operation of Vehicles.

1. No person shall drive or ride any motorcycle, motor vehicle, recreational vehicle or a horse, in any part of the Town parks or recreational areas, except on the regular drives designated therefore.

2. No person shall operate any vehicle at a speed in excess of fifteen (15) miles per hour unless different speed limits are indicated by official traffic signs.

3. No person shall park, stop, or leave standing, whether attended or unattended, any vehicle:

a. In any manner as to block, obstruct, or limit the use of any road or trail; or

b. Outside of any area provided for the purpose of parking; or

c. Contrary to posted notices; or

d. During park closed periods.

O. Trespass.
No unauthorized person shall enter any building, installation or area in the Town's park that is locked or closed to public use or contrary to posted notice.

P. Hunting and Disturbing Animals.
No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animal or fowl in any Town park or recreational area without proper Town approval.

(2) Special Regulations.

A. The Town recreation director may recommend to the Town Board additional rules and regulations for the governance of individual parks and recreation areas. Upon adoption and publication by the Town Board such rules and regulations shall have the full force and effect of the rules and regulations set forth in subsection (1) hereof.

B. The special regulations of each specific park and recreation area shall be published by posting in three (3) public places in the Town of Norway and shall be posted in the respective park and recreational area to which they pertain.

C. No person shall violate any of the special regulations established

for specific parks and recreation areas.

16.03 Fees

A fee schedule for the use of the various parks and recreation areas shall be established from time to time by the Town Board or its designee and shall be published by posting in three (3) public places in the Town of Norway and shall be posted in the applicable areas.

16.04 Enforcement and Penalties

(1) The provisions of this chapter shall be enforced by the Norway Police Department. The use of citations, as provided in Chapter 5, is hereby authorized.

(2) Any person convicted of a violation of this chapter shall be subject to a forfeiture of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00), together with the costs of prosecution. In default of payment thereof, a person may be committed to the county jail in accordance with Wis. Stat. §800.095.

Ord 2011-003 08/31/2011

CHAPTER 17
GENERAL PROVISIONS

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***

17.01 Rules of Construction
17.02 Titles, Chapters, Sections
17.03 Conflict and Severability
17.04 Citation Method of Enforcement
17.05 Penalty Provision
17.06 Repeal of General Ordinances
17.07 Returned Check Fees
17.08 Modification or Waiver

17.01 **Rules of Construction**
In the construction of this Code the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

(1) General Rule
All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words or phrases and such others as have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(2) Wisconsin Statutes
All references to the Wisconsin Statutes, Administrative Code or Racine County Ordinances shall mean those in effect in 1998 and shall include any amendments, recreations, or revisions thereafter.

(3) Gender: Singular and Plural
Every word in this code importing the masculine gender shall extend to females as well as males and every word importing the singular shall extend and be applied to several persons or things as well as to one person or thing; provided that this rule shall not be applied to any express language excluding such construction.

(4) Joint Authority
Any word purporting to give joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons unless it shall be otherwise expressly declared in the ordinance giving the authority.

(5) Person
The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind unless plainly inapplicable.

(6) Acts by Agents
When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(7) Town
"Town" means the Town of Norway or any duly appointed designate thereof, including, but not limited to, the Town Board.

(8) Town Board
"Town Board" means the present governing body of the Town or any successors to the legislative powers of said body, or any duly appointed designate thereof.

(9) Time: How Computed
The time within which an act is to be done as provided in any ordinance, or in any order issued pursuant to any ordinance, when expressed in days shall be computed by excluding the first day and including the last except that if the last day be Sunday, it shall be excluded; and when any such time is expressed in hours, the whole of Sunday from midnight to midnight shall be excluded.

(10) Reasonable Time or Notice
In all cases where any ordinance shall require any act to be done in a "reasonable time", or "reasonable notice" to be given to any persons, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance or execution of such duty or compliance with such notice.
20.01 ORD. (1971)

(11) Common Usage of Words
All word and phrases shall be construed according to common and approved usage; but technical words and phrases that have a peculiar meaning in the law shall be construed according to such meaning.
Sec. 990.01(l) Stats.

17.02 Titles, Chapters, Sections
References
All references to titles, chapters, sections, subsections or paragraphs refer to this code of ordinances unless otherwise indicated.

17.03 Conflict and Severability

(1) Conflict of Provisions
If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) Separability of Code Provisions
If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.
20.03 ORD. (1971)

17.04 Citation Method of Enforcement

(1) Incorporation of State Statute.
Pursuant to Section 66.119 of the Wisconsin Statutes, incorporated herein by reference and made a part of this section, the use and issuance of citations for violations of this Code of Ordinances, including those ordinances for which a statutory counterpart exists, are hereby authorized.

(2) Information Contained in Citation.

The citation shall contain the following information:

A. The name, address and date of birth of the defendant.

B. The name and department of the issuing officer.

C. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language which can be readily understood.

D. A date, time and place for the court appearance, and a notice to appear.

E. Provisions for amount of deposit and stipulation in lieu of a court appearance, if applicable.

F. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.

G. Notice that the defendant may, by mail prior to the court appearance, enter a plea of not guilty and may, within 10 days after entry of the plea, request a jury trial with respect to those violations identified in Section 800.04, Wis. Stats.

H. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment and automatic reinstatement assessment and any applicable domestic abuse assessment plus costs, including the fee prescribed in Section 814.65(1), Wis. Stats. not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

I. Notice 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 defendant, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.098, Wis. Stats.

J. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.

K. Any other pertinent information.

(3) Form of Citation.
The form of the citation to be used by the Town of Norway is on file in the Town Clerk's office and is adopted by reference as though fully set forth herein.

(4) Schedule of Deposits.
A schedule of cash deposits shall be established by the Police Commission for use with citations issued under this chapter

according to the penalty provision of this Code. Such schedule shall be approved by the Town Board from time to time. Deposits shall be made in cash, money order or certified check to the Clerk of Municipal Court who shall provide a receipt thereof.

(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 ordinances which are directly related to their official responsibilities:

(1) Any law enforcement officer;

(2) Fire Chief or Fire Inspector; or

(3) Building, Plumbing, Electrical and Heating, Ventilating and Air Conditioning (HVAC) Inspector(s).

(6) Nonexclusivity.
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.
Ord 95-1

17.05 Penalty Provision

(1) General Penalty Where No Penalty Provided
In case of a violation of any section or provision of any chapter of this code for which no specific penalty is provided, any person found guilty of violating the same shall be subject to a forfeiture of not more than $100.00, plus court fees, assessments and costs of prosecution.

(2) Continued Violations.
Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of this Code including an action for injunctive relief.

(3) Execution Against Defendant's Property
Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance, the court may, in addition to ordering imprisonment of the defendant, issue an execution against the property of the defendant for the forfeiture, fees and costs. 10.03 Ord (1971)

17.06 Repeal of General Ordinances
All Ordinances heretofore adopted by the Town Board are effective as to all dates prior to the adoption of this recodification and as of the date of adoption of this recodification are repealed.

17.07 Returned Check Fees
Any person who writes a check to the Town, or to any department or subunit thereof, that is subsequently returned unpaid by the financial institution upon which it is drawn shall pay the Town a fee of $25 (or such amount as is subsequently set by resolution of the Town Board) to

defray the Town's expenses in handling the returned check, in addition to any amount charged to the Town by its financial institution relating to such returned check. These fees shall be in addition to the issuance of a worthless check.

ORD 2005-01 (01/10/05)

17.08 Modification or Waiver

(1) Authority; Application

A. Authority

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of an ordinance because an exceptional circumstance exists, the Town Board may waive or modify any requirements to the extent deemed just and proper. Only the Town Board may grant a waiver or modification.

B. Application

Application for any such modification or waiver shall be made in writing, stating fully all facts relied upon in requesting the modification or waiver, and shall be supplemented with any additional data that may aid the Town Board in the analysis of the proposed modification or waiver. This application may be supplemented at any time during the review process.

(2) Considerations.

The Town Board shall consider the following factors, in addition to any other factors deemed relevant by the Town Board:

A. Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the ordinance.

B. Whether the request for a waiver or modification, if granted, would adversely affect any property owners in the Town.

C. Whether the request for waiver or modification, if granted, would benefit the applicant in a way that is not consistent with the Town's interest.

D. Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the applicant.

E. Whether the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.

(3) Conditions for Granting

The Town Board shall not grant a modification to or waiver of an ordinance unless it makes findings based upon the evidence presented to it in each specific case and following consideration of the factors listed in Sec. 17.08(2), that the granting of the modification or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the Town. Any decision to grant a modification or waiver shall not be arbitrary, capricious, or prejudicial in nature.

(4) Granting by Town Board

A. The Town Board, if it approves of the modification or waiver of an ordinance or any portion of it, shall do so only after a hearing on the matter.

B. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of the ordinance.

C. A majority vote of the Town Board shall be required to grant any modification or waiver to an ordinance. The reasons why such modification or waiver was granted shall be entered as part of the record of hearing.

D. If the Town Board grants a modification or waiver, the Board may also order that the ordinance itself be changed to accommodate the kind of situation presented by the applicant.

(5) Past Non-Compliance Not Waived
A waiver or modification that is granted pursuant to a written request as described in this Section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of the ordinance that took place prior to the date of the application under this Section, unless specifically stated otherwise in the Town Board's decision.
Ord. 2005-18 08/31/2005

CHAPTER 18

CONSTRUCTION SITE EROSION CONTROL AND SEDIMENT CONTROL AND POST CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE

(Ord. 2017-01; 03/01/2017)

Section Number	***Title***	***Ordinance Number***	***Date of Ordinance***
18.01	Authority		
18.02	Findings of Fact		
18.03	Definitions		
18.035	Applicability of Maximum Extent Practicable		
	CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL		
18.04	Purpose		
18.05	Applicability and Jurisdiction		
18.06	Technical Standards		
18.07	Performance Standards		
18.08	Permitting Requirements, Procedures and Fees		
18.09	Erosion and Sediment Control Plan, Statement and Amendments		
18.10	Fee Schedule		
18.11	Inspection		
18.12	Enforcement		
	POST-CONSTRUCTION STORM WATER MANAGEMENT		
18.13	Purpose and Intent		
18.14	Applicability and Jurisdiction		
18.15	Technical Standards		
18.16	Performance Standards		
18.17	Permitting Requirements, Procedures and Fees	*2019-02*	*10/07/19*
18.18	Storm water Management Plan	*2019-02*	*10/07/19*
18.19	Maintenance Agreement		
18.20	Financial Guarantee		
18.21	Fee Schedule		
18.22	Enforcement		
18.23	Illicit Discharge		
18.24	Regulation of Lands Not Otherwise Subject to this Chapter		
18.25	Appeals		
18.26	Severability		
18.27	Effective Date		

FOREWORD.

The intent of this ordinance is to reduce the discharge of pollutants carried in storm water runoff to waters of the state. Use of this ordinance will foster consistent, statewide application of the construction site and post-construction performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

The Norway Town Board does hereby ordain that Chapter 18 of the Ordinance of the Town of Norway is created to read as follows:

18.01 AUTHORITY.

(1) This ordinance is adopted under the authority granted by s. 60.627 Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 60.62, Wis. Stats., that relate to construction site erosion control and storm water management regulations. Except as otherwise specified in s. 60.627, Wis. Stats., s. 60.62, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Norway Town Board hereby designates the Town Engineer, Building Inspector, or designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
   (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats
   (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

18.02 FINDINGS OF FACT.

The Norway Town Board acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Town of Norway. In addition, uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes public enjoyment and use of natural resources. Specifically, runoff from land disturbing construction activity and uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

18.03 DEFINITIONS.

(1) “Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

(2) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 60.627, Wis. Stats., that is designated by the Norway Town Board to administer this ordinance.

(3) “Agricultural facilities and practices” has the meaning in s. 281.16 (1), Wis. Stats.

(4) “Atlas 14” means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

(5) “Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(6) "Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(7) “Business day” means a day the office of the Town Engineer, Building Inspector, or designee is routinely and customarily open for business.

(8) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Town Engineer, Building Inspector, or designee.

(9) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.

(10) “Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

(11) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on

different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(12) “Design Storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(13) “Development” means residential, commercial, industrial or institutional land uses and associated roads.

(14) “Direct conduits to groundwater” means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

(15) “Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(16) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(17) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(18) “Excavation” is any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(19) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.

(20) “Existing grade” is the vertical location of the existing ground surface prior to excavation or filling.

(21) “Fill” is any act by which earth, sand, gravel, rock, construction rubble, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location approved by the Town.

(22) "Filtering layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

(23) “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(24) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Norway Town Board by the responsible party to assure that requirements of

the ordinance are carried out in compliance with the storm water management plan.

(25) “Governing body” means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

(26) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

(27) “In-fill” means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

(28) “Infiltration” means the entry of precipitation or runoff into or through the soil.

(29) “Infiltration system” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(30) “Land disturbing construction activity” means any man-made or caused alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(31) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(32) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.

(33) “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with S. 055 of this ordinance.

(34) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(35) “NRCS MSE3 distribution” means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

(36) “Off-site” means located outside the property boundary described in the permit application.

(37) “On-site” means located within the property boundary described in the permit application.

(38) "Ordinary high-water mark" has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.

(39) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.

(40) "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.

(41) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(42) “Permit” means a written authorization made by the Town Engineer, Building Inspector, or designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(43) “Permit administration fee” means a sum of money paid to the Town Engineer, Building Inspector, or designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(44) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(45) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

(46) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

(47) “Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.

(48) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(49) “Preventive action limit” has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.

(50) “Protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

(51) "Redevelopment” means areas where development is replacing older development.

(52) “Responsible party” means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(53) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(54) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(55) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.
(b) Is not part of a combined sewer system
(c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
(d) Discharges directly or indirectly to waters of the state.

(56) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(57) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(58) “Stop work order” means an order issued by the Town Engineer, Building Inspector, or designee which requires that all construction activity on the site be stopped.

(59) “Storm water drainage system” refers to all facilities used for conducting storm water 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, streets, pumping stations, grass waterways, detention basins, retention basins, sedimentation basins and sedimentation traps.

(60) “Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has under gone final stabilization, following completion of the construction activity.

(61) “Storm water management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale

(62) “Structural measures” means any works or improvement for land stabilization to prevent erosion, sediment or runoff which includes, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete of other materials. Contour strip cropping is not a

structural measure.

(63) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(64) “Top of the channel” means an edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(65) "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(66) “TP-40” means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

(67) “TR-55" means the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

(68) “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.

(69) “TSS” means total suspended solids.

(70) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973”.

(71) “Watercourse” includes any lake, pond, stream or other waters which are navigable or non-navigable under the laws of the State.

(72) “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

(73) “Work day” refers to any day for which work is carried out.

18.035 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Town Engineer, Building Inspector, or

designee's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

18.04 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town of Norway.

18.05 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Except as provided under par. (b), this ordinance applies to any construction site for which a land disturbing activity as defined under 18. 07 (2) will occur.

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the Town Engineer, Building Inspector, or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(2) JURISDICITON. This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Town of Norway

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

18.06 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(3) Technical standards and methods approved by the Town Engineer, Building Inspector, or designee.

18.07 PERFORMANCE STANDARDS

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with 18. 09.

(2) LAND DISTURBING ACTIVITIES SUBJECT TO EROSION AND SEDIMENT CONTROL. Land disturbing activities shall be subject to the erosion and sediment control provisions of this Chapter if any of the following occur:

(a) An area of 1,000 square feet or greater will be disturbed by excavation, grading, loss or removal of protective ground cover or vegetation, filling, demolition, or other earth-moving activities.
(b) Excavation, fill or any combination thereof, will exceed 50 cubic yards.
(c) Any watercourse including but not limited to swales, ditches, creeks, streams, rivers or other waterways is to be changed, filled, enlarged or materials are removed from stream or lake beds.
(d) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, piping, wiring, waterlines, sanitary sewers or storm sewers, or similar structures will be laid, repaired, replaced or enlarged, if such use involves more than 200 linear feet of trenching or earth disturbance.
(e) Any subdivision or minor land division as defined by Ch. 11 of this Code which requires plat or certified survey map approval.
(f) Any excavation, filling, demolition, removal of protective ground cover, or other land disturbance, within 1000 feet of a lake or within 300 feet of any stream, wetland, channel, ditch or other watercourse.
(g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(h) Any other activity regardless of any area, volume or length requirements set forth above that the Town Engineer, Building Inspector, or designee has deemed may create a condition requiring the implementation of erosion control measures.

(i) Installation of culverts under Chapter 10, Section 10.18 of the Town Code will be governed by this ordinance when determined necessary by the Town Engineer, Building Inspector or designee. Culvert installation, location and elevations shall be determined by the Town Engineer and inspected by the Building Inspector.

(3) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with 18. 09 of this ordinance and implemented for each construction site.

Note: *The written plan may be that specified within s. NR 216.46, Wis. Adm. Code, the erosion and sediment control portion of a construction plan or another plan.*

(4) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The following requirements shall be met on all sites described under sub. (2) and therefore shall be included in the erosion and sediment control plan required under sub. (3):

(a) TRACKING PREVENTION. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning before the end of each work day. Flushing may not be used unless the sediment will be contained by filter fabric, straw bale barrier, sediment trap, sediment basin or equivalent.

(b) DRAIN INLET PROTECTION. All storm drain inlets shall be protected with straw bale barriers, filter fabric or equivalent barrier.

(c) SOIL STOCKPILE PROTECTION. All soil or dirt storage piles shall be located 25 feet away from any downslope roadway, lake, stream, channel, ditch, wetland, or other watercourse. Soil or dirt piles located closer than 25 feet to any roadway, waterbody or watercourse must be covered with tarps or protected by the use of additional measures as outlined in 18. 06.

(d) SITE DEWATERING. Water pumped from the site shall be discharged to an appropriately sized filter fabric barrier, straw bale barrier, sediment trap, sediment basin or equivalent measure outlined in 18. 06. Water may not be discharged in a manner that causes erosion, damages the site, adjacent properties or receiving channels.

(e) SEDIMENT CLEANUP. All off-site sediment deposits occurring as a result of a storm event shall be cleaned up within 24 hours of the occurrence. All other off-site sediment deposits occurring as a result of construction activities shall be cleaned up each work day.

(f) WASTE, MATERIAL MANAGEMENT AND DISPOSAL. All waste and unused building materials shall be properly managed and disposed to prevent pollutants and debris from being carried by runoff off the site.

(g) CLEAN WATER DIVERSIONS. Channelized runoff or sheet flow runoff from adjacent areas passing through the construction site shall be diverted around the disturbed area, if practical and if such diversion will not create an adverse effect on receiving areas, as well as properties near or adjacent to the site.

(h) SITE STABILIZATION. The construction site shall be stabilized by seeding, sodding or another permanent method.

1. All disturbed ground left inactive for 7 or more work days, shall be stabilized by temporary or permanent seeding, sodding, mulching or other equivalent method. The Town Engineer, Building Inspector, or designee may vary this requirement, if delay or failure to comply is beyond the control of the permittee and/or the landowner.
2. After the disturbed area is properly stabilized and erosion resistant vegetation or other permanent measures have been established and determined to be adequate by the Town Engineer, Building Inspector, or designee, the control measures can be removed.

(i) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a) through par. (h), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
3. Notwithstanding subd.1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(j) PREVENTIVE MEASURES. The erosion and sediment control plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
4. Development of spill prevention and response procedures.

(k) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(5) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 18. 09.

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have
temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

18.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Town Engineer, Building Inspector, or designee.

(2) PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 18. 09, and shall pay an application fee to the Town Engineer, Building Inspector, or designee in the amount specified in 18. 10. By submitting an application, the applicant is authorizing the Town Engineer, Building Inspector, or designee to enter the site to obtain information required for the review of the erosion and sediment control plan. The permit fee shall be collected prior to the permit being issued.

(3) PERMIT APPLICATION REVIEW AND APPROVAL. The Town Engineer, Building Inspector, or designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within 45 business days of the receipt of a complete permit application, as required by sub. (2), the Town Engineer, Building Inspector, or designee shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and erosion and sediment control plan are approved, the Town Engineer, Building Inspector, or designee shall issue the permit.

(c) If the permit application or erosion and sediment control plan is disapproved, the Town Engineer, Building Inspector, or designee shall state in writing the reasons for disapproval.

(d) The Town Engineer, Building Inspector, or designee may request additional information from the applicant. If additional information is submitted; the Town Engineer, Building Inspector, or designee shall have 45 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

(e) Failure by the Town Engineer, Building Inspector, or designee to inform the permit applicant of a decision within 45 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(f) When a permit application is contingent on another approval (CSM, plat, or site plan) the Town will have, at minimum, 20 business days from the date of approval of the contingent item to complete the response required in 18. 09 (3) (a), (d), or (e).

(4) NO PERMITS TO VIOLATORS. Applicants having outstanding orders, notices, or unpaid fees or forfeitures, relative to this Chapter or other Chapters enforced by the Town, shall not be issued any additional permits, prior to such orders, notices, or fees being corrected and/or paid to the inspection department's satisfaction.

(a) No permit shall be issued to any person for work to be performed on land, if any occupier or user of said land has outstanding orders, notices, or unpaid fees or forfeitures, relative to this chapter or other chapters enforced by the Town.
(b) Exception: Permits may be issued to applicants with outstanding orders, notices, or unpaid fees or forfeitures, when the permit is required to comply with an outstanding order or notice.

(5) PERMITTING STAGED WORK. Permitting of land disturbance shall be done in consideration of the total land disturbance to occur on a site, even if this disturbance will be staged in multiple projects or over multiple years.

(a) In determining the total area of land disturbance in regards to 18.09 (2) and (3), the total area shall be considered to be the cumulative effect of overall land disturbance on the site, even if the disturbance is staged over a period of one year or more.

(6) SURETY BOND. As a condition of approval and issuance of the permit, the Town Engineer, Building Inspector, or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.

(7) PERMIT REQUIREMENTS. All permits shall require the responsible party to:

(a) Notify the Town Engineer, Building Inspector, or designee at least 3 business days prior to commencing any land disturbing construction activity in writing.
(b) Notify the Town Engineer, Building Inspector, or designee of completion of any BMPs within 48 hours after their installation and of completion of land disturbing activities within 10 work days of completion.
(c) Obtain permission in writing from the Town Engineer, Building Inspector, or designee prior to any modification pursuant to 18. 09 (3) of the erosion and sediment control plan.
(d) Install all BMPs as identified in the approved erosion and sediment control plan.
(e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
(g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and

at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) Allow the Town Engineer, Building Inspector, or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(i) Address measures that will be taken to minimize the impact of the land disturbing activity on third parties, including without limitation, hours of operation, route of travel, noise and lighting issues, and control of trash and construction debris.

(j) Be responsible for maintaining all public rights of way, streets, runoff and drainage systems and drainageways as specified in the approved erosion control plan until they are accepted and become the responsibility of the Town.

(k) Be responsible for repairing any damage at his expense to all adjoining streets, waterways, and properties caused by excessive sedimentation resulting from activities which are not in compliance with the approved erosion control plan.

(l) Provide, install and maintain at his/her expense, all drainage and erosion control improvements required by this Chapter and the approved erosion control plan.

(m) Ensure that no work will be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and blowing dirt.

(n) Any drain tile or other drainage structure or appurtenance damaged during construction shall be repaired and restored to its condition prior to such construction, replacement or rerouted if necessary, in the reasonable opinion of the Town Engineer, Building Inspector or designee. Any tile that is repaired, restored, replaced, or rerouted shall require written confirmation by the Town Engineer, Building Inspector or designee to the Town Board that such work was completed in an acceptable manner.

(8) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Town Engineer, Building Inspector, or designee in addition to the requirements set forth in sub. (6), where needed to assure compliance with the performance standards in 18. 07.

(9) PERMIT DURATION. Permits issued under this section shall be valid for a period of 365 days or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Town Engineer, Building Inspector, or designee may grant one or more extensions not to exceed 180 days cumulatively. The Town Engineer, Building Inspector, or designee may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

(10) REIMBURSEMENT. As a condition of permit issuance, the Responsible Party agrees to reimburse the Town for engineering, planning, legal and administrative costs incurred by the Town in reviewing and approving the permit application and required submittals, as well as such costs incurred in overseeing the land disturbing activity, ensuring compliance with the

approved plan and any costs related to enforcement and prosecution of violations. This includes, but is not limited to, the cost of inspections or reports performed by the Town Engineer, Building Inspector, or designee to conduct inspections and prepare reports in accordance with 18.08(7).

(11) REIMBURSEMENT GUARANTEE. The Responsible Party may be required by the Town Engineer, Building Inspector, or designee to place on deposit an amount equal to the estimated cost of the review and approval of the project plans or project construction, including engineering, planning, legal and administrative costs referenced above in Section 18.08 (9). The Responsible Party shall also be responsible for the costs of construction inspection to ensure that the construction of the proposed improvements is in compliance with the plans, specifications, and ordinances of the Town or any other governmental authority. The Responsible Party shall present a Letter of Credit or cash deposit equal to 125 percent of such estimated costs as determined by the Town Engineer, Building Inspector or designee at the time of the submission of the project plans and specifications to cover the costs of the Town. The deposit may be recomputed upon demand by the Responsible Party or Town Engineer after completion of the improvement or if it is determined the initial estimate was incorrect. Money shall be placed into a separate account and any funds that remain will be refunded to the Responsible Party at the end of the review period.

(12) ADDRESS CHANGE NOTIFICATION. The applicant shall notify the Town in the event that there is a change of address of the land owner or contractor of if the person performing the work should change or if any other pertinent details of the permit change or if there is a significant change in the project plan from the original submittal. A significant change includes, without limitation, any changes of the land owner, contractor, or an increase of greater than 10 percent of the gross area or volume of the area to be filled or disturbed.

(13) OTHER PERMITS OBTAINED. In addition to the permit required from the Town, all other necessary permitting must be obtained and approved by regulating agencies and is the responsibility of the applicant to obtain. Securing a permit solely from the Town of Norway does not absolve the applicant from obtaining all other necessary permits or from adhering to all other rules and regulations that may exist from other permitting entities.

(14) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

(15) RECORD DRAWINGS. Upon completion of all land disturbance activities, the permit holder shall submit, if required by the Town Engineer or his designee, a record drawing survey. The record drawing survey shall include all pertinent topographic information of revisions to grading swales, ponds, conduits, culverts, ditches, walls, building pads and lot corners. The scale shall not exceed 1 inch — 100 feet and when possible, final topographic contours shall be overlaid on proposed design contours with sufficient survey elevations to adequately show constructed site drainage patterns. Data shall be in accordance with a checklist supplied by the Town Engineer and Building Inspector.

18.09 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under 18. 05 (2), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town Engineer, Building Inspector, or designee. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS FOR DISTURBANCE OF LESS THAN ONE ACRE IN SIZE

(a) An erosion and sediment control plan shall be prepared and submitted to the
Town Engineer, Building Inspector, or designee.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in 18. 07 and other requirements of this ordinance.

© The site construction erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

1. Description of the site and the nature of the land disturbing activity, including location and dimension of all proposed land disturbing activities and proposed temporary drainage patterns.
2. Locations, dimensions, design computations and construction specifications of all proposed measures per the Technical Standards necessary to meet the requirements of this ordinance.
3. Measures are required as outlined in the Technical Standards that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control measures as outlined in the Technical Standards may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

   Note: *Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in subch. V. of Ch. NR 151, Wis, adm. Code, may be used to calculate sediment reduction.*

4. Subject to the permit duration provisions of 18.08 (8), the schedule of anticipated starting and completion date of each land disturbing or land developing activity, including the installation of all proposed measures per the Technical

Standards needed to meet the requirements of this ordinance; and

5. Provisions for maintenance of the best management practices during construction.
6. Description of temporary and permanent vegetation and/or erosion resistant materials to be utilized to stabilize the site, including a schedule for establishment or installation and maintenance.

(d) The erosion and sediment control plan shall include an existing site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site and site boundaries and adjacent lands that accurately identify the site location.
3. A topographic map at a scale not smaller than 1 inch equals 100 feet with a vertical contour interval of 2 feet, of the site including enough of the contiguous properties to sow existing drainage patterns, watercourses, lakes, wetlands, streams, ditched on and immediately adjacent to the building site. At least 200 feet of adjacent surrounding lands topographic features must be shown.

(e) For land disturbance of less than one acre in size occurring on sites that are one acre or more in size, the Town Engineer, Building Inspector, or designee may require the erosion and sediment control plan to alternately meet the requirements of 18.09 (3) below.

(3) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS FOR DISTURBANCE OF ONE OR MORE ACRES IN SIZE.

(a) An erosion and sediment control plan shall be prepared and submitted to the Town Engineer, Building Inspector, or designee.
(b) The erosion and sediment control plan shall be designed to meet the performance standards in 18. 07 and other requirements of this ordinance.
© The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant’s principal contact at such firm. The application shall also include start and end dates for construction.
2. Description of the site and the nature of the land disturbing activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
3. Description of the intended sequence of major land disturbing activities for major portions of the site, including stripping

and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the construction site and the total area of the site that is expected to be disturbed by land disturbing activities.
5. Estimates, including calculations, if any, of the runoff coefficient of the site before and after activities are completed.
6. Calculations to show the compliance with the performance standard in 18. 07 (4)(i)1.
7. Existing data describing the surface soil as well as subsoils.
8. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
9. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site and site boundaries and adjacent lands that accurately identify the site location.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
6. Location of areas where stabilization BMPs will be employed.
7. Areas which will be vegetated following land disturbing construction activities.
8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Area(s) used for infiltration of post-construction storm water runoff.
10. A topographic map at a scale not smaller than 1 inch equals 100 feet with a vertical contour interval of 2 feet, of the site including enough of the contiguous properties to sow existing drainage patterns, watercourses, lakes, wetlands, streams, ditched on and immediately adjacent to the building site. At least 200 feet of adjacent surrounding lands topographic features must be shown.
11. Location of wells, cisterns, septic fields, holding tanks, or drain tiles within 200 feet of the limits of activity.

12. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town Engineer, Building Inspector, or designee, structural measures shall be installed on upland soils.
3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
4. Trapping of sediment in channelized flow.
5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Control of soil erosion from dirt stockpiles.
12. Installation of permanent stabilization practices as soon as possible after final grading.
13. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(g) For each site identified, an erosion and sediment control plan statement shall be prepared. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(h) The Town reserves the right to require that the discharge of any newly created pond, diversion, channel or swale be located at least 25 feet from any abutting property line or right of way.

(4) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the erosion and sediment control plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
(b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
© The Town Engineer, Building Inspector, or designee notifies the applicant of changes needed in the erosion and sediment control plan.

18.10 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Town Engineer, Building Inspector, or designee and may from time to time be modified by resolution. A schedule of the fees established by the Town Engineer, Building Inspector, or designee shall be available for review in the Norway Town Hall.

18.11 INSPECTION.

If land disturbing construction activity regulated under this ordinance is occurring without a permit, the Town Engineer, Building Inspector, or designee may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.

18.12 ENFORCEMENT.

(1) The Town Engineer, Building Inspector, or designee may post a stop work order if any of the following occurs:

(a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
(b) The erosion and sediment control plan is not being implemented in good faith.
© The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Town Engineer, Building Inspector, or designee may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Town Engineer, Building Inspector, or designee, or if a responsible party violates a stop work order posted under sub. (1), the Town Engineer, Building Inspector, or designee may request the town attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Town Engineer, Building Inspector, or designee may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

(5) After posting a stop work order under sub. (1), the Town Engineer, Building Inspector, or designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town Engineer, Building Inspector, or designee may go on the land and commence the work after issuing the notice of intent. The costs of the work

performed under this subsection by the Town Engineer, Building Inspector, or designee, plus interest at the rate authorized by the Town Engineer, Building Inspector, or designee shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than $50.00 nor more than $1,000.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

POST-CONSTRUCTION STORM WATER MANAGEMENT

18.13 PURPOSE AND INTENT

(1) PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

© Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.

(d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

(2) INTENT. It is the intent of the Norway Town Board that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Norway Town Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Norway Town Board, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

18.14 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Except as provided under par. (b), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.

(b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:

1. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
2. Agricultural facilities and practices.
3. Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

© Notwithstanding the applicability requirements in par. (a), this ordinance applies to post-construction sites of any size that, as determined by the Town Engineer, Building Inspector, or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(2) JURISDICTION.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the Town of Norway.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

18.15 TECHNICAL STANDARDS.

The following methods shall be used in designing the water quality, peak discharge, and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

(1) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Town Engineer, Building Inspector, or designee.

Note: *Pollutant loading models such as DETPOND, WinSLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise by the regulatory authority.*

18.16 PERFORMANCE STANDARDS.

(1) RESPONSIBLE PARTY. *The responsible party shall comply with this section.*

(2) STORM WATER MANAGEMENT PLAN. A written storm water management plan in accordance with 18. 18 shall be developed and implemented for each post-construction site.

(3) MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

(4) REQUIREMENTS. The storm water management plan required under sub. (2) shall include the following:

(a) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1. Or to the maximum extent practicable as provided in subd. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards

Development Type	TSS Reduction
New Development	80 Percent
In-fill Development	80 Percent
Redevelopment	40 percent of load from parking areas and roads

2. Maximum Extent Practicable. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

Note: *Pollutant loading models such as DETPOND, WinSLAMM, P8 or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise by the regulatory authority.*

3. Off-Site Drainage. When designing BMPs, runoff draining to the BMP from offsite shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

4. Phosphorous. Pollutant loading data for phosphorous shall also be included. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(b) PEAK DISCHARGE.

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1- year, 24-hour; and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. Shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 precipitation distribution. On a case-by-case basis, the Town Engineer, Building Inspector, or designee may allow the use of TP-40 precipitation depths and the Type II distribution.

Note: *For determining compliance with the peak flow requirement, the Department recommends use of the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation Frequency Estimates for precipitation depth. The Natural Resources Conservation Service (NRCS) — Wisconsin has calculated county-specific Atlas 14 precipitation depths and they are to be used in combination with the appropriate NRCS MSE3 precipitation distribution.*

Table 2. Maximum Pre-Development Runoff Curve Numbers

	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Note: *Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.*

2. This subsection of the ordinance does not apply to any of the following:
   a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
   b. Except as provided under 18. 16 (3), a redevelopment post-construction site.
   c. An in-fill development area less than 5 acres.

© INFILTRATION.

1. Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the requirements in Table 3 or to the maximum extent practicable:

Table 3. Requirements for BMP Runoff Infiltration

Level of Imperviousness	% Connected Imperviousness	Example Development	Required % of Pre-Development Infiltration Volume to be Infiltrated in Post-Development	Required % of Post-Construction Site to be an Effective Infiltration Area

Low	Less than or equal to 40%	parks, cemeteries, low density residential development	At least 90%	1%
Moderate	Greater than 40% and less than or equal to 80%	medium/high density residential, multi-family development, industrial and institutional development, and office parks	At least 75%	2%
High	Greater than 80%	Commercial strip malls, shopping centers, and commercial downtowns	At least 60%	3%

2. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
3. Source Areas.
   a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in 18. 16 (4)©6.:
      i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
      ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21 (2)(b).

      Note: *Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.*
      iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
   b. *Exemptions*. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
      i. Parking areas and access roads less than 5,000 square feet for commercial development.
      ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
      iii. Except as provided under 18. 16 (3), redevelopment post-construction sites.
      iv. In-fill development areas less than 5 acres.
      v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

4. Location of Practices

a. *Prohibitions*. Infiltration practices may not be located in the following areas:

i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.

b. *Separation distances*.

i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4:

Table 4. Separation Distances and Soil Characteristics

Source Area	**Separation Distance**	**Soil Characteristics**
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

ii. Notwithstanding par. B., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

c. *Infiltration rate exemptions*. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation; such alternate use shall be given equal credit toward the infiltration volume required by this section.
6. Groundwater Standards.
    a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
    b. Notwithstanding par. A., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
8. Maximum Extent Practicable. Where the conditions of subd. 3. And 4. Limit or restrict the use of infiltration practices, the performance standard of 18. 16 (4)© shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS.

1. Definition. In this section, “protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
    a. For outstanding resource waters and exceptional resource waters, 75 feet.
    b. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
    c. For lakes, 50 feet.
    d. For wetlands not subject to par. E. or f., 50 feet.
    e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

g. In pars. D. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

h. Wetland boundary delineation shall be made in accordance with s. NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

j. Notwithstanding pars. A. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

Note: *A stream or lake is not eligible for a lower protective area width even if contiguous to a less susceptible wetland.*

2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. 4.

3. Requirements. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

Note: *It is recommended that seeding of non-invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in ch. NR 40, Wis. Adm. Code. Flood and drought-tolerant vegetation*

that can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover may be measured using the line transect method described in the University of Wisconsin extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

c. BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

Note: *Other laws, such as ch. 30, Wis. Stats., and chs. NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval processes may apply in the protective area.*

4. Exemptions. This section does not apply to any of the following:
   a. Except as provided under 18. 16 (3), redevelopment post-construction sites.
   b. In-fill development areas less than 5 acres.
   c. Structures that cross or access surface water such as boat landings, bridges, and culverts.
   d. Structures constructed in accordance with s. 59.692 (1v), Stats.
   e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note: *A vegetated protective area to filter runoff pollutants from post-construction sites described in par. (e) is not necessary since the runoff at that location is treated prior to entering the surface water. Other practices necessary to meet the requirements of this section, such as a swale or pond, will need to be designed and implemented to reduce runoff pollutants prior to runoff entering a surface water of the state.*

(e) FUELING AND MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

Note: *A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.*

(5) GENERAL CONSIDERATIONS FOR STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in on-site and off-site runoff management:

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent

possible, to meet the requirements of this section.

(b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety. The overland flow path for runoff in a storm of 100-year frequency or less may never block emergency access to a habitable space or cross over a state or county highway. There must be a minimum of one access route to all habitable space when above the 100-year elevation.

(6) BMP LOCATION.

(a) To comply with the performance standards required under 18. 16 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.

Note: *This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code, and ch. 30, Wis. Stats.*

(b) The Town Engineer, Building Inspector, or designee may approve off-site management measures provided that all of the following conditions are met:

1. The Town Engineer, Building Inspector, or designee determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Town of Norway and that contains management requirements consistent with the purpose and intent of this ordinance.
2. The off-site facility meets all of the following conditions:
   a. The facility is in place.
   b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
   c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

© Where a regional treatment option exists such that the Town Engineer, Building Inspector, or designee exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Town Engineer, Building Inspector, or designee. In determining the fee for post-construction runoff, the Town Engineer, Building Inspector, or designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(7) ADDITIONAL REQUIREMENTS. The Town Engineer, Building Inspector, or designee may establish storm water management requirements more stringent than those set forth in this ordinance if the Town Engineer, Building Inspector, or designee determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

18.17 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) PERMIT REQUIRED. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Town Engineer, Building Inspector, or designee prior to commencing the proposed activity.

(2) PERMIT APPLICATION AND FEES. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Town Engineer, Building Inspector, or designee a permit application on a form provided by the Town Engineer, Building Inspector, or designee for that purpose.

(a) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

(b) The storm water management plan shall be prepared to meet the requirements of 18. 16 and 18. 18, the maintenance agreement shall be prepared to meet the requirements of 18. 19, the financial guarantee shall meet the requirements of 18. 20, and fees shall be those established by the Norway Town Board as set forth in 18. 21.

(3) PERMIT APPLICATION REVIEW AND APPROVAL. The Town Engineer, Building Inspector, or designee shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within 45 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Town Engineer, Building Inspector, or designee shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the storm water permit application, storm water management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Town Engineer, Building Inspector, or designee shall issue the permit.

(c) If the storm water permit application, storm water management plan or maintenance agreement is disapproved, the Town Engineer, Building Inspector, or designee shall detail in writing the reasons for disapproval.

(d) The Town Engineer, Building Inspector, or designee may request additional information from the applicant. If additional information is submitted, the Town Engineer, Building Inspector, or designee shall have 45 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.

(e) Failure by the Town Engineer, Building Inspector, or designee to inform the permit applicant of a decision within 45 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(f) When a permit application is contingent on another permit (CSM, plat, or site plan) the Town will have, at minimum, 20 business days from the date of approval of the contingent permit to complete the response required in 18.17 (3) (a), (d), or (e).

(4) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Town

Engineer, Building Inspector, or designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Town Engineer, Building Inspector, or designee to suspend or revoke this permit may be appealed in accordance with 18. 25.

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
(b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
(c) The responsible party shall notify the Town Engineer, Building Inspector, or designee at least 3 business days before commencing any work in conjunction with the storm water management plan, and within 3 business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Town Engineer, Building Inspector, or designee so that practice installations can be inspected during construction.
(d) Practice installations required as part of this ordinance shall be certified "as built" or “record” drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Town Engineer, Building Inspector, or designee or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Town Engineer, Building Inspector, or designee or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
(e) The responsible party shall notify the Town Engineer, Building Inspector, or designee of any significant modifications it intends to make to an approved storm water management plan. The Town Engineer, Building Inspector, or designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
(f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Norway Town Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
(g) The responsible party authorizes the Town Engineer, Building Inspector, or designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under 18. 20.
(h) If so directed by the Town Engineer, Building Inspector, or designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
(i) The responsible party shall permit property access to the Town Engineer, Building Inspector, or designee or its designee for the purpose of inspecting the property for compliance with the approved storm water

management plan and this permit. The cost of any such inspection shall be borne by the responsible party, and the Town may assess any such unpaid inspection costs as a special charge against the property and collect via the next available tax rolls. Nothing herein shall relieve the responsible party from its primary responsibility for storm water management plan inspections.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Town Engineer, Building Inspector, or designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The responsible party is subject to the enforcement actions and penalties detailed in 18. 22, if the responsible party fails to comply with the terms of this permit.

(5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Town Engineer, Building Inspector, or designee in addition to the requirements needed to meet the performance standards in 18. 16 or a financial guarantee as provided for in 18. 20.

(6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Town Engineer, Building Inspector, or designee notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

18.18 STORM WATER MANAGEMENT PLAN

(1) STORM WATER MANAGEMENT PLAN REQUIREMENTS. The storm water management plan required under 18. 16 (2) shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

1. One or more site maps at a scale of not less than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed one foot; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16,

Wis. Adm. Code.

2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-development site conditions, including:

1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
3. One or more site maps at a scale of not less than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed one foot; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and offsite tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in 18. 16.

(f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(h) Other information requested in writing by the Town Engineer, Building Inspector, or designee to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The Town Engineer, Building Inspector, or designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under 18. 16 (5).

18. 19 MAINTENANCE AGREEMENT.

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under 18. 17 (2) for storm water management practices shall be an agreement between Town Engineer, Building Inspector, or designee and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 18. 18 (1)(f):

(a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 18. 17 (2).
(c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under 18. 17 (2).
(d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).
(e) Authorization for the Town Engineer, Building Inspector, or designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement. The maintenance agreement shall further provide that cost of such inspections may be charged back by the Town as a special charge against the property and may be collected via the next available property tax roll.
(f) A requirement on the Town Engineer, Building Inspector, or designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
(g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Town Engineer, Building Inspector, or designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Town Engineer, Building Inspector, or designee.
(h) Authorization of the Town Engineer, Building Inspector, or designee to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Town Engineer, Building

Inspector, or designee shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

18.20 FINANCIAL GUARANTEE.

(1) ESTABLISHMENT OF THE GUARANTEE. The Town Engineer, Building Inspector, or designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Town Engineer, Building Inspector, or designee. The financial guarantee shall be in an amount determined by the Town Engineer, Building Inspector, or designee to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Town Engineer, Building Inspector, or designee the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Town Engineer, Building Inspector, or designee that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The Town Engineer, Building Inspector, or designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the Town Engineer, Building Inspector, or designee to complete installation of practices, upon submission of "as built plans" or “record” drawings by a licensed professional engineer. The Town Engineer, Building Inspector, or designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Town Engineer, Building Inspector, or designee shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Town Engineer, Building Inspector, or designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

18.21 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Town Engineer, Building Inspector, or designee and may from time to time be modified by resolution. A schedule of the fees established by the Town Engineer, Building Inspector, or designee shall be available for review in the Norway Town Hall.

18.22 ENFORCEMENT

(1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The Town Engineer, Building Inspector, or designee shall notify the responsible party by certified mail of any noncomplying land disturbing

construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(3) Upon receipt of written notification from the Town Engineer, Building Inspector, or designee under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Town Engineer, Building Inspector, or designee in the notice.

(4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Town Engineer, Building Inspector, or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Town Engineer, Building Inspector, or designee plus interest and legal costs shall be billed to the responsible party.

(5) The Town Engineer, Building Inspector, or designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the town attorney to obtain a cease and desist order in any court with jurisdiction.

(6) The Town Engineer, Building Inspector, or designee may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Town Engineer, Building Inspector, or designee or by a court with jurisdiction.

(8) The Town Engineer, Building Inspector, or designee is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the municipal attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 50.00 dollars or more than 1000.00 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(11) When the Town Engineer, Building Inspector, or designee determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Town Engineer, Building Inspector, or designee or a party designated by the Town Engineer, Building Inspector, or designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved storm water management plan. The Town Engineer, Building Inspector, or designee shall keep a detailed accounting of the costs and expenses of performing this work. These

costs and expenses shall be deducted from any financial security posted pursuant to 18. 20 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

18.23 ILLICIT DISCHARGE.

(1) Prohibitions

(a) Discharges: Except for storm water and other discharges specifically exempted under 18. 23 (2), no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.

(b) Connections: The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

(2) Exemptions

(a) The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:

1. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
2. Discharges resulting from fire fighting activities.
3. Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(3) Notice of Violation

(a) Whenever the Town Engineer, Building Inspector, or designee finds a violation of this section, the Town Engineer, Building Inspector, or designee may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

1. The elimination of illicit connections or discharges;
2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
4. Any responsible party that fails to comply with a notice of violation under this section shall be subject to further enforcement action under the provisions of Section 18.22.

18.24 REGULATION OF LANDS NOT OTHERWISE SUBJECT TO THIS CHAPTER.

(1) Notwithstanding any other provisions of this Chapter, it shall be a violation of this Chapter for any condition to be established, maintained or allowed to

be maintained, that results in excessive erosion or sedimentation to adjacent land, public streets or water bodies. Penalties and remedies may be sought for such activities as provided in this Chapter. Erosion is excessive when an unsafe condition results in the streets; undue sedimentation occurs in waters of the state; erosion endangers downstream property owners or their property; or the public health and safety or general welfare of the citizens of the Town is harmed or threatened.

(2) The Town shall be notified by the owner, occupant or permittee of any land disturbing activity undertaken pursuant to a permit issued by any other governmental entity. Copies of permits shall be filed with the Town prior to commencing any land disturbing activity or receiving any Town permit.

18.25 APPEALS.

(1) THE TOWN BOARD:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town Engineer, Building Inspector, or designee in administering this ordinance except for cease and desist orders obtained under 18.12 (3) and 18. 22 (7).

(b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Town Board may be made by any aggrieved person or by any office, department, board, or bureau of the Town of Norway affected by any decision of the Town Engineer, Building Inspector, or designee

18.26 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

18.27 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Norway Town Board on the 1st day of March, 2017.