

# Code of Ordinances

## Town of Paris

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(March 2022)

# Index

Chapter 1 – Preface .....	1:1
Chapter 2 – Administration .....	2:1
Chapter 3 – Intoxicating Beverages .....	3:1
Chapter 4 – Animals .....	4:1
Chapter 5 – Buildings .....	5:1
Chapter 6 – Businesses .....	6:1
Chapter 7 – Fire Prevention and Protection .....	7:1
Chapter 8 – Health and Sanitation .....	8:1
Chapter 9 – Mobile and Manufactured Homes .....	9:1
Chapter 10 – Offenses and Miscellaneous Provisions .....	10:1
Chapter 11 – Public Nuisances .....	11:1
Chapter 12 – Streets and Other Public Places .....	12:1
Chapter 13 – Land Divisions .....	13:1

## CHAPTER 1 PREFACE

Section Number	Title	Ordinance Number	Date of Ordinance
Sec. 1-1	Title, effective date, citation		
Sec. 1-2	Definitions and Rules of Construction		
Sec. 1-3	Conflict.		
Sec. 1-4	Provisions Deemed Continuations of Existing Ordinances		
Sec. 1-5	Penalty Provisions		
Sec. 1-6	Bond Schedule	2012-3-27-A-3	03/27/2012
Sec. 1-7	Uniform Citation Method Adopted	2017-2-28	02/28/2017
Sec. 1-8	Code Does Not Affect Prior Offenses or Rights		
Sec. 1-9	Effect of Repeals		
Sec. 1-10	Catchlines of Section; History Notes; References and Editor's Notes		
Sec. 1-11	Amendments to Code; Effect of New Ordinances; Amendatory Language		
Sec. 1-12	Supplementation of Code		
Sec. 1-13	Clerk to File Documents Incorporated by Reference		
Sec. 1-14	Separability of Code Provisions		

### **Sec. 1-1. Title, effective date, citation.**

This Code shall be known as the "Town Code of the Town of Paris, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103. All references thereto shall be cited by section number (example: section 1-1, Town of Paris Code of Ordinances)

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

In the construction of this Code of general ordinances, the following definitions and rules of construction shall be observed, unless such definitions and rules of construction would be inconsistent with the manifest intent of the ordinances:

*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 requisition shall be construed to include all such acts when done by an authorized agent.

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

*Computation of time.* The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours, the whole of Sunday and of any town recognized holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done or proceeding had or taken falls on Sunday or a legal holiday, the act may be done or the proceeding had or taken on the next secular day. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to, or the service upon, or filing with any officer, agent, agency, department or division of the state or of

the county, or a city, village, town, school district or other division of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, such proceeding may be had or taken or such *act* may be done on the next succeeding day that is not a Sunday or legal holiday. Regardless of whether the time limited in any ordinance for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time. The expression "legal holiday," as used in this definition means any statewide legal holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this definition.

**State law references:** Computation of time, Wis. Stats. § 990.001(4).

*County.* The term "county" means Kenosha County, Wisconsin.

*Following.* The term "following" means next after.

*Gender; singular and plural.* Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided, however, that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

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

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

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

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

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

**State law references:** Similar provisions, Wis. Stats. § 990.01(24).

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

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

*Person.* The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable

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

*Preceding.* The term "preceding" means next before.

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

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

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

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

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

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

**State law references:** Similar provisions, Wis. Stats. § 990.01(38).

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

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

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

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

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

*Town.* The term "town" means the Town of Paris, Wisconsin.

*Town board, board.* The terms "town board" and "board" mean the board of supervisors of the Town of Paris, Wisconsin.

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

*Wis. Admin. Code.* The term "Wis. Admin. Code" means the current administrative regulations promulgated pursuant to law by state agencies.

*Wisconsin Statutes.* The terms "Wisconsin Statutes" and "Wis. Stats.," wherever used in this Code, shall mean the Wisconsin Statutes for the current year; the term shall include session laws of the legislature not yet printed in statute form.

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

*Year.* The term "year" means a calendar year.

### **Sec. 1-3. Conflict.**

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.

(Code 1984, § 22.02(1))

### **Sec. 1-4. Provisions deemed continuations of existing ordinances.**

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

### **Sec. 1-5. Penalty provisions.**

(a) *General penalty.* Except as provided in subsection (b) of this section, whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (1) *First offense; penalty.* Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction, forfeit not less than \$5.00 nor more than \$250.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days.

- (2) *Second offense; penalty.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not to exceed 90 days.

(b) *Penalty for minors.* If proceedings are commenced against children 16 years of age or older for violations of chapter 10, or children 14 years of age or older for other violations of this Code except chapter 10, the provisions of Wis. Stats. §§ 48.17(2), 48.237, 48.37, 48.343 and 48.344 shall be applicable.

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

(d) *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 of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

#### **Sec. 1-6. Forfeiture deposit schedule.**

In the absence of a scheduled or statutorily-mandated deposit amount for a particular violation, the deposit amount for forfeiture actions initiated by the issuance of citations under this code shall be \$100 plus all applicable court costs and assessments, or, if the applicable penalty range is capped below \$100, then the maximum allowable penalty plus all applicable court costs and assessments. Forfeiture deposits shall be made in cash, money order or certified check to the clerk of circuit court, who shall issue a receipt therefor. A schedule of specific deposits for particular violations may be established and amended by adoption of a resolution by the town board according to the penalty provisions of this code or the Wisconsin statutes, as applicable.

#### **Sec. 1-7. Uniform citation method adopted.**

(a) *Creation.* Pursuant to Wis. Stats. § 66.0113, the town elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

(b) *Citation.* The citation shall contain the following:

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation
- (3) The time and place of the offense.

- (4) The section of the ordinance or Municipal Code violated.
- (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which, in essence, informs the alleged violator, as follows:
  - a. A cash deposit of a specified amount may be made which shall be delivered or mailed to the clerk of courts prior to the time of the scheduled court appearance.
  - b. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
  - c. If the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by Wis. Stats. § 757.05, a jail assessment imposed by Wis. Stats. § 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261, and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1) not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by Wis. Stats. § 757.05, the jail assessment imposed by Wis. Stats. § 302.46(1), the crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261, and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1).
- (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)(7) of this section has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the town board deems necessary.
- (c) *Bond schedule.* The town bond schedule found in section 1-6 is adopted.
- (d) *Issuance of citation.*



- (1) The town and any town police officer and any Kenosha County Sheriff's Department deputy may issue citations authorized under this section.
- (2) The following town officials may issue citations with respect to those specified Code chapters which are directly related to their official responsibilities:
  - a. Building inspector: chapter 5.
  - b. Electrical inspector: chapter 5.
  - c. Plumbing inspector: chapter 5.
  - e. Transfer station superintendent and deputy transfer station superintendents designated by the town board.
  - f. Fire chief: chapter 7.

Such town officials may delegate their authority to issue citations to their subordinates.

(e) *Procedure.* Wis. Stats. § 66.0113(3), relating to a violator's options and procedure on default, is adopted and incorporated in this section by reference.

(f) *Nonexclusivity.* Adoption of this section does not preclude the town board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

#### **Sec. 1-8. Code does not affect prior offenses or rights.**

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

#### **Sec. 1-9. Effect of repeals.**

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the town board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the town.
- (3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

- (4) Affect any prosecution for any offense or the levy of any penalty or forfeiture pending at the time when any ordinance shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code, and shall be, in all respects, subject to the provisions of this Code.

#### **Sec. 1-10. Catchlines of sections; history notes, references and editor's notes.**

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

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

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

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

#### **Sec. 1-11. Amendments to Code; effect of new ordinances; amendatory language.**

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

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

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

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

## **Sec. 1-12. Supplementation of Code.**

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections to "(inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

## **Sec. 1-13. Clerk to file documents incorporated by reference.**

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the state statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth in this Code, and the clerk is directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk's office hours, subject to such orders or regulations which the clerk may prescribe for their preservation.

#### **Sec. 1-14. 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. The town chair and town board declare that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

## CHAPTER 2 ADMINISTRATION

Section Number	Title	Ordinance Number	Date of Ordinance
<b>ARTICLE I. IN GENERAL</b>			
Sec. 2-1	Form of Government		
Sec. 2-2	Village Powers Directed		
<b>ARTICLE II. CODE OF ETHICS</b>			
Sec. 2-3	Statutory Standards of Conduct		
Sec. 2-4	Fair and Equal Treatment		
Sec. 2-5	Rights Not Restricted; Notice		
<b>ARTICLE III. TOWN BOARD</b>			
Sec. 2-6	Composition	2012-4-24	03/27/12
Sec. 2-6A	Town Chairman Functions in Case of Unavailability or Vacancy	2012-3-27a.1	03/27/12
Sec. 2-7	Meetings		
Sec. 2-8	Order of Business		
Sec. 2-9	Presiding Officer		
Sec. 2-10	Ordinances, Resolutions and Motions		
Sec. 2-11	General Rules		
Sec. 2-12	Suspension of Rules		
Sec. 2-13	Compensation	2019-05-28	05/28/19
<b>ARTICLE IV. ELECTIONS</b>			
Sec. 2-14	Ward Boundaries Established		
Sec. 2-15	Polling Places		
Sec. 2-16	Polling Hours	2011-6-28b	06/29/11
Sec. 2-17	Voter Registration		
Sec. 2-18	Officials		
Sec. 2-19	Nonpartisan Primary		
Sec. 2-20	Hiring of Personnel		
Division 2 – Appointed Officials			
Sec. 2-21	Enumeration	2018-7-24B	07/24/18
Sec. 2-22	Treasurer's Bond		
Sec. 2-23	Refund of Excess Tax Payment		
<b>ARTICLE V. BOARDS AND COMMISSIONS</b>			
Sec. 2-24	Plan Commission	2018-2-27b	02/27/18
Sec. 2-25	Board of Review; Membership	L003-13-9-24	09/24/13

- Sec. 2-26 Administrative Review Appeals Board
- Sec. 2-27 Ad Hoc Committees

## **ARTICLE VI. EMERGENCY GOVERNMENT**

- Sec. 2-28 Policy and Purpose
- Sec. 2-29 Definitions
- Sec. 2-30 Penalty for Violation of Article
- Sec. 2-31 Emergency Government Committee
- Sec. 2-32 Emergency Government Director
- Sec. 2-33 Utilization of existing services and facilities
- Sec. 2-34 Emergency Regulations
- Sec. 2-35 Mutual Aid Agreements
- Sec. 2-36 Declaration of Emergencies

## **ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS**

- Sec. 2-37 Duties of Assessor
- Sec. 2-38 Preparation of Tax Roll and Tax Statements;  
Aggregate Tax
- Sec. 2-39 First Installment Payment Deadline
- Sec. 2-40 Delinquent Personal Property Taxes
- Sec. 2-41 Statement of Real Property Status

## **ARTICLE VIII. FINANCE**

### Division 1. Generally

- |             |                                |            |          |
|-------------|--------------------------------|------------|----------|
| Sec. 2-42   | Town payments; Execution       | 2019-05-28 | 05/28/19 |
| Sec. 2-42.5 | Payment of Bills and Vouchers  | 2019-05-28 | 05/28/19 |
| Sec. 2-43   | Town Public Depository         |            |          |
| Sec. 2-44   | Insufficient Fund Check Charge |            |          |
| Sec. 2-45   | Service Charge                 |            |          |

## **ARTICLE IX. PUBLIC RECORDS**

- Sec. 2-46 Definitions
- Sec. 2-47 Duty to Maintain
- Sec. 2-48 Legal Custodians
- Sec. 2-49 Public Access to Records; Fees
- Sec. 2-50 Access Procedures
- Sec. 2-51 Limitations on right to access
- Sec. 2-52 Destruction
- Sec. 2-53 Preservation Through Microfilm

## ARTICLE I. IN GENERAL

### Sec. 2-1. Form of government.

The town operates under the town system of government under Wis. Stats. ch. 60.

### Sec. 2-2. Village powers directed.

Pursuant to Wis. Stats. § 60.22(3), the town board has been directed by the annual town meeting to exercise all powers relating to villages and conferred on village boards by Wis. Stats. ch. 61, except such powers, the exercise of which conflict with the statutes relating to towns and town boards.

## ARTICLE II. CODE OF ETHICS

### Sec. 2-3. Statutory standards of conduct.

There are certain provisions of the state statutes which, while not set forth in this section, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

Wis. Stats. § 946.10, Bribery to public officers and employees  
Wis. Stats. § 946.11, Special privileges from public utilities  
Wis. Stats. § 946.12, Misconduct in public office  
Wis. Stats. § 946.13, Private interest in public contract prohibited

### Sec. 2-4. Fair and equal treatment.

(a) *Use of town property.* No official or employee shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) *Purchase of town property.* No official or employee may purchase any town-owned vehicle, equipment, materials or property, except by noticed sealed bids.

(c) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

### Sec. 2-5. Rights not restricted; notice.

(a) Nothing in this article shall deny any town official or employee the right as a citizen under the Constitution of the United States of America, the state constitution, the state statutes or any bona fide regulations of the state.

(b) Town officials shall be made aware of this article at the time of election, employment or appointment.

### **ARTICLE III. TOWN BOARD**

**\*State law references:** Town board generally, Wis. Stats. § 60.20 et seq.

#### **Sec. 2-6. Composition.**

The town board shall consist of three supervisors, one of whom shall be designated on the election ballot as town chair. The three supervisors, including the chair, shall be elected in odd-numbered years for terms of two years commencing on the 3rd Tuesday of April in the year of their election.

#### **Sec. 2-6A. Town Chairman Functions in the Case of Unavailability or Vacancy.**

In the event of a temporary unavailability of the town chairman, or in the event that a temporary or permanent vacancy exists in the office of the town chairman, at a time when it is necessary to perform a task which, by state statute or town ordinance, can only be performed by the town chairman, the supervisor with the longest active tenure on the town board is authorized to perform such task in the town chairman's absence. This temporary grant of authority shall be limited to the performance of such tasks as are immediately necessary for the proper functioning of the town, including, without limitation, the signing of all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the town board, under Wis. Stat. 60.24(1)(c)(I), and the signing of all drafts, order checks and transfer orders under Wis. Stats. 60.24(1)(c)(2) and 66.0607. This temporary grant of authority shall immediately cease upon the town chairman's resumed availability or upon the filling of the vacancy in the position, whichever occurs first.

#### **Sec. 2-7. Meetings.**

(a) *Regular meetings.* Regular meetings of the town board shall be held on the fourth Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling on a legal holiday shall be held on a day designated by the town board.

(b) *Special meetings.* Special meetings of the board may be called by the town chair or two supervisors by filing a request with the clerk at least 24 hours prior to the time specified for such meeting. The clerk shall immediately post a notice of the meeting together with the agenda and notify each supervisor of the time and purpose of such meeting.

(c) *Place.* All meetings of the board, including special and adjourned meetings, shall be held in the town hall.

(d) *Quorum.* Two supervisors, including the town chair, shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members.



## **Sec. 2-8. Order of business.**

The business of the town board shall be conducted in the following order:

- (1) Call to order by presiding officer
- (2) Pledge of Allegiance
- (3) Minutes of prior meeting
- (4) Treasurer's report
- (5) Citizen's comments
- (6) Report of town chairman or his designee
- (7) Reports of town officers and committees.
- (8) Unfinished business from previous meetings.
- (9) New business, including introduction of ordinances and resolutions.
- (10) Adjournment

## **Sec. 2-9. Presiding officer.**

(a) *Control of meeting.* The town chair shall preserve order and conduct the proceedings of the meeting. 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 town chair.* If the town chair 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.

## **Sec. 2-10. Ordinances, resolutions and motions.**

Ordinances, resolutions, bylaws, communications and other matters submitted to the board shall be read by title and author. No ordinance, resolution or bylaw shall be considered unless presented in writing by a supervisor. Unless requested by a supervisor before a final vote is taken, no ordinance, resolution or bylaw need be read in full. 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 motion and the person seconding it.

## **Sec. 2-11. General rules.**

The deliberations of the board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised. No person other than a member shall address the town board except by majority vote of the members present.

## **Sec. 2-12. Suspension of rules.**

The rules of this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

### **Sec. 2-13. Compensation.**

Town board members shall receive an annual salary determined at the town budget meeting. Such salary shall be payable in twelve (12) monthly installments, commencing in the month after the member's term of office begins. For the purposes of this section only, the term of the annual salary shall begin on April 15 and end on the following April 14. In addition, actual out-of-pocket expenses incurred by town board members in the conduct of town affairs may be reimbursed. The payroll and requests for reimbursement shall be reviewed and approved as required by this Code prior to disbursement.

## **ARTICLE IV. ELECTIONS**

**\*State law references:** Elections generally, Wis. Stats. § 5.01 et seq.

### **Sec. 2-14. Ward boundaries established.**

As provided in Wis. Stats. § 5.15 the town is hereby divided into 2 wards, the boundaries of which are as follows:

- (1) *Ward #1* shall consist of all properties located within the town south of the center line of STH 142.
- (2) *Ward #2* shall consist of all properties located within the town north of the center line of STH 142.

### **Sec. 2-15. Polling places.**

All primary, general, special and other elections in and for each of the wards of the town shall be held in the following places.

- (1) The polling place for both Ward 1 and Ward 2 shall be the Town of Paris Town Hall located at 16607 Burlington Road, Union Grove, Wisconsin 53182.

### **Sec. 2-16. Polling hours.**

The polls for all elections in the town, unless otherwise provided by law, shall be open from 7:00 a.m. until 8:00 p.m. Any elector waiting to vote, whether within the polling booth or in the line outside of the booth at the time the polls officially close shall be permitted to vote.

### **Sec. 2-17. Voter registration.**

(a) *Required.* Pursuant to Wis. Stats. § 6.27, no elector of the town shall be permitted to vote unless registered in the manner provided by the statutes and laws of the state.

(b) *Registry.* The town clerk shall have control of elector registration within the town and shall prepare and revise the registry, and is required to proceed with the registration of voters, all in the manner provided by the statutes and laws of the state.

#### **Sec. 2-18. Officials.**

(a) *Appointment; duties; powers.* Election officials for each polling place shall be appointed pursuant to Wis. Stats. §§ 7.30 and 7.32. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by statute. Inspectors shall serve as clerks of an election as may be necessary.

(b) *Alternate officials.* The town clerk is authorized to select alternate officials or two sets of officials to work at different times on election day.

(c) *Reduction of number.* The town clerk may reduce the number of election officials for any given election to not less than three and redistribute the duties of such remaining election officials.

#### **Sec. 2-19. Nonpartisan primary.**

As provided in Wis. Stats. § 8.05(3), the nomination of elective town officers shall be by nonpartisan primary election conducted in accordance with law.

#### **Sec. 2-20. Hiring of personnel.**

(a) The duties and wages of officials and employees of the town shall be set by the town board, not inconsistent with Wisconsin Statutes Sections 60.30-60.37 (2000)

#### **Sec. 2-21. Enumeration.**

The appointed officials of the town shall consist of the following:

- (1) *Building inspector:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a three-year term.
- (2) *Plumbing inspector:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a two-year term.
- (3) *Electrical inspector and assistant:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a two- year term.
- (4) The positions of building inspector, plumbing inspector and electrical inspector may be consolidated to one position or one person may be appointed to all three positions at the discretion of the town chairman, subject to confirmation by the town board. The consolidation of these inspector positions may be for an indefinite period of time.

- (5) *Planning commission chairman.* The plan commission shall, at its initial meeting, elect a chairperson.
- (6) *Weed commissioner.* Appointed by the town chair subject to confirmation by the town board for a three-year term.
- (7) *Town assessor:* The town shall appoint an assessor who as a "independent contractor" as defined in Wis. Stats. § 60.307 (4). All such contracts shall include a provision identifying the individual responsible for the assessment. The designee shall file an official oath under §19.01 and sign the affidavit of the assessor attached to the assessment rolls §70.49. No individual may be designated by an independent contractor unless he or she has been granted the appropriate certificate under §73.09. (Statute reference 60.307 Wis. Stats.)
- (8) *Town clerk-treasurer:*
  - a. Pursuant to Wis. Stat. § 60.30(1e)(a), the combined office of the town clerk and town treasurer, ("town clerk-treasurer") shall be filled by appointment of a majority of the members-elect of the town board.
  - b. The term of office for the appointed position shall be set by the town board, but may not exceed 3 years per § 60.30(1e)(c). The town board may re-appoint the town clerk-treasurer for additional terms. However, removal by the town board during a given term of office may only be for "cause" as defined under § 17.001 and required by § 60.30(1e)(f).
  - c. This ordinance is subject to approval by the town electors in a referendum, which is hereby called by the town board to be held on November 6, 2018. The referendum question shall be:  
  
"Shall the person holding the combined office of town clerk-treasurer in the Town of Paris be appointed by the town board?"
  - d. The salary of the appointed position shall be set by the town board and may not be reduced during the term of office.

## **Sec. 2-22. Treasurer's bond.**

The town treasurer, pursuant to the Wis. Stats. §70.67(1), is normally required to file a surety bond. Under the provisions of §70.67(2), the Town of Paris is hereby obligated and undertakes to pay all taxes of any kind to be paid to the county treasurer in the event that the town treasurer shall fail to do so and further, that this obligation and undertaking by the Town of Paris is substituted for the municipal treasurers bond provided in Wis. Stats. §70.67(2).

Cross Reference: December 19, 1983 adopted ordinance, Town of Paris.

## **Sec. 2-23. Refund of Excess Tax Payment**

Pursuant to the provisions of Wis. Stats. 74.03(2) and under the alternate claims procedure of Wis. Stats. 60.42(2) the treasurer is authorized upon the clearing of a check of a taxpayer and no more than ten (10) days after deposit, to notify the clerk of the name and address of the taxpayer to whom a refund in excess is due for overpayment. The amount of the refund, the date the payment was received, and a statement that the payment has cleared the depository bank shall be required. Upon receiving the notice from the treasurer, the clerk shall prepare a voucher of authorization to provide the excess funds be returned by draft, which shall be signed by the chairman and the clerk. The refund check shall be delivered or mailed to the taxpayer at the last known mailing address as shown on the tax records within fifteen (15) days of the date within 15 days of the date the tax payment was received by the treasurer.

## **ARTICLE V. BOARDS AND COMMISSIONS**

### **Sec. 2-24. Plan commission.**

(a) *Membership.* The plan commission shall consist of seven members who shall be appointed by the Town Chairperson with approval of the Town Board. All members shall be citizens of the Town of Paris and have recognized qualification and experience.

(b) *Organization.* The Plan Commission shall, at its initial meeting, elect a Chairperson, Vice-Chairperson, and a Secretary, and organize and adopt rules and regulations for its own government.

(c) *Compensation.* The town board shall establish, annually by resolution, the compensation to be paid to members to defray expenses related to service on the plan commission.

(d) *Terms of Members.* The commission members shall be appointed for three-year terms which shall commence on May 1st of each year. In the event of a vacancy, the Town Chairperson shall appoint a succeeding member to serve out the term of the retiring or vacating member. Terms of the citizen members shall be staggered. For the initial term, two members shall be appointed for one year, two shall be appointed for two years, and three members shall be appointed for three years, and thereafter, all members shall serve a three-year term.

(e) *Meetings.* Meetings shall be held monthly or at the call of the Chairperson, with not less than twenty-four (24) hour notice.

(f) *Standing and Special Committees.* Standing and special committees may be appointed by the Chairperson.

(g) *Quorum.* There shall be four (4) members and the quorum may act upon any business coming before the commission.

(h) *Written Record.* A written record shall be kept by the secretary of the commission, who shall record all actions taken, resolutions, findings, determinations, transactions, and recommendations made by the commission and the secretary shall file all commission records with the Town Clerk within five days of the meeting.

(i) *Open Meetings.* All meetings of the plan commission shall be open to the public and properly noticed as set forth in Chapter 19 of the Wis. Stats.

(j) *Powers.* The plan commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Town planning. Such powers shall include:

1. To employ experts and a staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.
2. To make reports and recommendations relating to the plan and development of the Town to public officials, agencies, utilities, and other organizations and citizens.
3. To request available information from any public official to be furnished within a reasonable time.
4. To enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(k) *Duties.* The Plan Commission shall have the following functions and duties:

1. To make and adopt a master plan for the physical development of the Town, taking into consideration any areas outside the Town boundaries having a development.
2. To make and recommend an official map to the Town in accordance with Section 62.23(6) of the Wisconsin Statutes.
3. To prepare and recommend zoning district changes, plans, and regulations to the Town Board or consideration for amendments and changes to the Kenosha County Zoning and Shoreline/Floodplain Zoning Ordinance.
4. To prepare and recommend land division regulations to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.
5. To make any changes to the Master Plan they deem necessary or desirable and to recommend any changes or amendments to the board that they deem necessary or desirable concerning the Official Map, Zoning, Land Division, and Fire Protection Ordinances.
6. To consider and report or recommend on all matters referred to them.

(l) *Referrals.* The Town Board shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

1. Location and design of any public buildings, statutes, or memorials.

2. Location, acceptance extensions, alterations, vacations, 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.
3. Location, character and extent, or acquisition, leasing or sale of lands for public subject to Section 60.10 Wis. Stats. on semipublic housing, relief of congested areas.
4. All divisions of land and all proposed or requested changes and amendments to the Master Plan, Official Map, Zoning, Land Division, and Fire Protection Ordinances.

(m) *Additional Powers and Duties.* The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by ordinances, and in so far as applicable to a Town Plan Commission, those duties granted or assigned by Section 62.23 of the Wisconsin Statutes, as same shall be amended or adopted from time to time, are granted and assigned to the commission.

(n) *Standards for Petitions and Applications to the Planning Commission.* All petitions, applications, or matters referred to the plan commission shall be filed with the town clerk not less than thirty (30) days prior to the plan commission meeting, and applications for rezoning, variance, or conditional use shall at the time of filing be submitted with the forms or outlines required by the Kenosha County Planning and Development Office and the following:

- (1) A detailed description of the intended use.
- (2) A sketch of the proposed site showing all pertinent information which shall include but not be limited to the location of the proposed improvements, including out buildings, driveways, waterways, and on-site sewage disposal systems.
- (3) Names and addresses of all surrounding landowners within 300 feet of the parcel under consideration which lists shall be prepared from the files of the Kenosha County Land Information Office.
- (4) A copy of the assessor's plat of the site showing tax parcel identification numbers and current zoning of adjacent properties.
- (5) Land divisions shall include a comprehensive plan for the entire parcel with preliminary drawings to show how utilities will be provided to remaining parcels. The commission may require additional or further detail if not satisfied with their preliminary drafts.
- (6) Water drainage must be shown by providing topographical maps of the area provided by the Kenosha County Planning and Development Office.

## **Sec. 2-25. Board of review.**

### **(a) *Membership.***

The Board of Review shall consist of the three (3) persons appointed by the Town Chair, subject to confirmation by the Town Board, for staggered three-year



terms. The Board of Review shall also have two alternate members, who shall both be Town residents. One alternate shall be appointed by the Town Chair, subject to confirmation by the Town Board, to serve a one-year term. The other alternate shall be the elected Town Clerk-Treasurer, who shall be an alternate by virtue of his or her position as Clerk-Treasurer. The alternate members shall serve on the Board of Review when standing members are absent or are removed from individual cases pursuant to Section 70.47(6m) of the Wisconsin Statutes. If the Town Clerk-Treasurer has been appointed to his or her office, rather than elected, the Town Board shall appoint a town elector to the second alternate position, per Section 70.47(lm)(b).

(b) *Duties.*

The Board of Review shall have the duties and powers prescribed by Section 70.47, Wis. Stats.

(c) *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. Board of Review proceedings shall be noticed and conducted as prescribed by Section 70.47, Wis. Stats.

(d) *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.

## **Sec. 2-26. Administrative review appeals board.**

(a) *Membership.* The administrative review appeals board shall consist of the town chair who shall be its presiding officer, a supervisor, and a citizen member. The supervisor and citizen member shall be appointed in odd-numbered years by the town chair, subject to confirmation by the town board, for two-year terms.

(b) *Powers and duties.* The board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of town officers, employees, agents, agencies, committees, boards and commissions filed in accordance with Wis. Stats. § 68.10. In conducting administrative review hearings and making final decisions, the board shall be governed by Wis. Stats. §§ 68.11 and 68.12.



## **Sec. 2-27. Ad hoc committees.**

(a) *Appointment.* The town chair, subject to town board confirmation, shall appoint all ad hoc committees and designate the chair of each.

(b) *Membership.* The membership of ad hoc committees may be town board members or citizens or a combination thereof.

(c) *Reports.* Each ad hoc committee shall, from time to time, submit written or oral reports and recommendations as requested by the town board.

(d) *Term.* The term of each ad hoc committee shall be for either a term established by the town board or until terminated by the board.

## **ARTICLE VI. EMERGENCY GOVERNMENT**

**\*State law references:** Emergency management generally, Wis. Stats. § 166.01 et seq.

## **Sec. 2-28 Policy and purpose.**

(a) Emergency government shall mean the preparation for the carrying out of all emergency functions to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood or other natural causes.

(b) By reason of the increasing possibility of disasters or unprecedented destructiveness and to ensure that preparation will be adequate to cope with such disasters and to provide for the common defense, to protect the public peace and to preserve the lives and property of the people, it is necessary to:

- (1) Establish a local emergency government department.
- (2) Provide for exercise of necessary powers during emergencies.
- (3) Provide for the rendering of cooperation and mutual aid between the town and other political subdivisions.

(c) It is further declared to be the purpose of this article and the policy of the town that all emergency government functions of the town be coordinated to the maximum extent applicable with existing services and facilities of the town and with the comparable political subdivision and the various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disasters that occur.

## **Sec. 2-29 Definitions.**

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

*Civil defense* means all measures undertaken by or on behalf of the state and the county and the town to prepare for and minimize the effects of enemy action upon the civilian population.

*Emergency government* includes civil defense and means all measures undertaken by or on behalf of the town within the town:

- (1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population.
- (2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

*Enemy action* means hostile action by a foreign power which threatens the security of the town.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 2-30 Penalty for violation of article.**

It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency government department in the enforcement of any order, rule, regulation or plan issued pursuant to this article, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this article and, upon conviction, shall be subject to a forfeiture not to exceed \$200.00.

### **Sec. 2-31 Emergency government committee.**

(a) *Membership.* The emergency government committee shall consist of the town chair, the town board of supervisors, the town fire department chief, the assistant chief in charge of rescue operations, the assistant chief in charge of fire operations, and the town clerk, and the town legal counsel. The town chair shall serve as chair of the committee and director of the emergency government, and the town clerk shall serve as secretary, and the town fire department chief shall serve as the deputy director of the emergency government.

(b) *Powers and duties.* The emergency government committee shall be an advisory and planning group and shall advise the town chair, who shall act as the director of emergency government for the Town.

### **Sec. 2-32 Emergency government director.**

(a) *Appointment.* The town fire department chief shall serve as the deputy emergency government director.

(b) *Powers and duties.*

- (1) The director shall be the executive head of the emergency government department and shall be directly responsible for the organization,

administration and operation of the emergency government department, who shall be the town chair. He shall coordinate all activities for emergency government within the town and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and the state and federal governments, and shall participate in county and state emergency government activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this article and which may, from time to time, be required.

- (2) In accordance with the state plan format and the county ordinance of compliance, the director shall have the deputy director prepare a comprehensive general plan for the town board's approval. When the board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the town to perform the duties and functions assigned by such plan as approved. The plan may be modified in like manner.

#### **Sec. 2-33. Utilization of existing services and facilities.**

In preparing and executing the emergency government plan, the director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the town to the maximum extent practicable and the officers and personnel of all such services and facilities.

#### **Sec. 2-34 Emergency regulations.**

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the town board, the town chair or, in his absence, the emergency government director may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety and preserve lives and property and to ensure the cooperation necessary in emergency government activities. Such proclamations shall be posted in three public places and may be rescinded by the town chair at any time.

#### **Sec. 2-35 Mutual aid agreements.**

The director may, subject to the approval of the town board, enter into mutual aid agreements with other political subdivisions. A copy of such agreements shall be filed with the state and county directors of emergency government.

#### **Sec. 2-36 Declaration of emergencies.**

Upon the declaration by the governor, by the town chair or by the emergency government deputy director in the absence of the town chair, or the town board of a state of emergency, the director shall issue all necessary proclamations as to the existence of such state of

emergency, and shall issue such disaster warnings or alerts as shall be required in the emergency government plan. The emergency government department shall take action in accordance with the emergency government plan upon the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority provided that any such declaration not issued by the governor may be terminated at the discretion of the town chair.

## **ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS\***

**\*Editor's note:** Whereas, as part of the Budget Adjustment Act, 1997 Wisconsin Act 237, a number of significant changes regarding property tax assessment appeals and Board of Review procedures were enacted; and

Whereas, at section 279(k) of 1997 Wisconsin Act 237, section 70.47(7)(af) of the Wisconsin Statutes was created; and

Whereas, Section 70.47(7)(af), Wis. Stats., requires that the municipality provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under section 70.47(7)(af), Wis. Stats., and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of the court.

**State law references:** Property taxes generally, Wis. Stats. § 70.01 et seq.

### **Sec. 2-37. Duties of assessor.**

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

(b) *Confidentiality.* All information obtained during assessment by assessors or their employees shall be confidential information and shall not be used for any purposes other than the specific purposes of determining the valuation of property for tax and related purposes. The penalty shall be as set out in Sec. 1-5.

### **Sec. 2-38. Preparation of tax roll and tax statements; aggregate tax stated on roll.**

Pursuant to Wis. Stats. § 70.65(2), the town clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll

opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

### **Sec. 2-39. First installment payment deadline.**

Pursuant to Wis. Stats. § 74.09(3)(h), the last day of January is established as the final day for the payment of the first installment of real estate taxes.

### **Sec. 2-40. Delinquent personal property taxes.**

The town board hereby imposes a penalty of 1.5 percent per month or fraction of a month, in addition to the interest imposed on any overdue or delinquent personal property taxes.

### **Sec. 2-41. Statement of real property status.**

A statement of real property status shall be provided upon request by the treasurer or the clerk for a fee set by the board by resolution.

## **ARTICLE VIII. FINANCE\***

**\*Cross references:** Any ordinance for the letting of contracts without bids saved from repeal, § 1-8(a)(9).

**State law references:** Town finances generally, Wis. Stats. § 60.40 et seq.

## **DIVISION 1. GENERALLY**

### **Sec. 2-42. Town payments; execution.**

All disbursements of the town shall be by order check, automated clearing house (ACH), electronic funds transfer (EFT), direct deposit, or other forms of money transfer techniques approved by the Town Board. Checks drawn on Town accounts shall not be valid unless approved and signed by the town chairperson and the town clerk or clerk-treasurer. Regardless of payment method, the town clerk-treasurer shall maintain a record of all payments made by the town.

#### **Sec. 2-42.5. Payment of bills and vouchers.**

(a) Pursuant to Wis. Stat. 60.44(2), and notwithstanding the procedure generally applicable to claims against the town set forth in Wis. Stat. 60.44(1), the payment of bills and vouchers presented to and owed by the town may be made from the town treasury if the town clerk approves in writing the claim as a proper charge against the town treasury. A claim

against the town payable under this section is a proper charge against the town treasury if the clerk determines that all of the following conditions have been met:

- (1) Funds are available under the town budget to pay the bill or voucher.
- (2) The item or service covered by the bill or voucher has been authorized by the town board or an authorized town official, agent, or employee.
- (3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
- (4) The claim appears to be a valid claim against the town.
- (5) Each bill or voucher has been reviewed and initialed for compliance with the subparagraphs (1) through (4) by each town supervisor and none has indicated that the bill or voucher should instead be reviewed at the next available town board meeting.

(b) The town clerk, or any town supervisor, may require submission of proof to determine compliance with the conditions under subsection (a) prior to approval.

(c) After determining that the conditions under subsection (a) have been met, the clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the clerk shall prepare and approve a check, ACH transfer, or other form of money transfer and have it also approved by the town treasurer and, with respect to order checks, signed by the town chairperson and the town clerk-treasurer, pursuant to Wis. Stat. 66.0607.

(d) At least monthly, the town clerk shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose, and amount.

#### **Sec. 2-43. Town public depository.**

Pursuant to Wis. Stats. § 34.05(1), the town board annually shall designate the town public depository.

#### **Sec. 2-44. Insufficient fund check charge.**

A fee set by the town board is imposed upon the payer of any insufficient funds check returned to the town. The treasurer is directed to post a notice of such charge at the town hall.

#### **Sec. 2-45. Service charge.**

A service charge of 15 percent shall be added to all invoices for services or user fees assessed, and the charge shall be collected by the clerk or treasurer at the time such services are delivered.

## ARTICLE IX. PUBLIC RECORDS\*

**\*State law references:** Public records generally, Wis. Stats. § 19.21 et seq.

### Sec. 2-46. Definitions.

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

*Authority* means any of the following town entities having custody of a town record: an office, elected official, agency, board, commission, committee, town board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing.

*Custodian* means that officer, department head, division head or employee of the town designated under section 2-463 or otherwise responsible by law to keep and preserve any town records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

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

**Cross references:** Definitions generally, § 1-2.

### Sec. 2-47. Duty to maintain.

(a) Each officer and employee of the town shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.

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

(c) The town board may provide for destruction of obsolete public records. Prior to the destruction, at least sixty (60) days' notice in writing of such destruction shall be given to the historical society which shall preserve any such record it determines to be of historical interest. The historical society may, upon application, waive such notice. No assessment roll containing forest crop acreage may be destroyed without the approval of the secretary of revenue.

(d) The town shall maintain records on file for seven (7) years unless a shorter period of time has been fixed by the public records board. Water stubs, receipts or current billings and customer's ledgers of any municipal utility may not be kept on file for less than two (2) years.

(e) Any taped recording of a meeting by any governmental body as defined under Wis. Stats. §19.82(1) may be destroyed no sooner than ninety (90) days after the minutes have been approved and published if the purpose of that recording was to take minutes of the meeting.

(Amended 2/25/03)

#### **Sec. 2-48. Legal custodians.**

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

(b) Unless otherwise prohibited by law, the clerk, or the clerk's designee, shall act as legal custodian for the town board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the town board, or in his absence or disability or in case of vacancy, the deputy clerk is designated the legal custodian of all town records.

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

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

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. subchapter II of chapter 19 (Wis. Stats. § 19.21 et seq.) and this article. The designation of a legal custodian does not affect the powers and duties of an authority under this article.

#### **Sec. 2-49. Public access to records; fees.**

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

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



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

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

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

- (1) The cost of photocopying shall be as set by the board. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
- (2) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- (3) Except as provided in section 2-51, there shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
- (4) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment if such estimate exceeds \$5.00.
- (5) Elected and appointed officials of the town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- (6) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- (7) The custodian of real and personal property tax records shall establish from time to time the reasonable fees for locating, compiling and reporting such tax records. A procedure for requesting such information shall be established and published in accordance with subsection (f) of this section.

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

## **Sec. 2-50. Access procedures.**

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the

information requested. However, a request for a record without reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the request is received by mail unless prepayment of a fee is required. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

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

(c) A request for a record may be denied as provided in section 2-466. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied, in whole or in part, the requester shall receive a written statement of the reasons for denying the request. For every written denial of a record for which a request was made in writing, the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

## **Sec. 2-51. Limitations on right to access.**

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

- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
- (2) Any record relating to investigating information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
- (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
- (4) Contractors' records. Each authority shall make available for inspection and copying under Wis. Stats. § 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to the inspection or copying of a record under Wis. Stats. § 19.35(1)(am).

- (5) A record or any portion of a record containing information qualifying as a common law trade secret.

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

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

- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
- (2) Records of current deliberations after a quasi-judicial hearing.
- (3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any town officer or employee, or the investigation of charges against a town officer or employee, unless such officer or employee consents to such disclosure.
- (4) Records concerning current strategy for crime detection or prevention.
- (5) Records of current deliberations or negotiations on the purchase of town property, investing of town funds or other town business whenever competitive or bargaining reasons require nondisclosure.
- (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
- (7) Communications between legal counsel for the town and any officer, agent or employee of the town when advice is being rendered concerning strategy with respect to current litigation in which the town or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under Wis. Stats. § 905.03.

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

## **Sec. 2-52. Destruction.**

(a) Pursuant to Wis. Stats. § 19.21(4), 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 Wis. Stats. § 16.61(3)(e), and then after such a shorter period:

- (1) Notices of tax apportionment received from the county clerk, after three years.
- (2) Copies of lists of town officers certified to the county clerk by the town clerk, after the date of expiration of the term listed.
- (3) Copies of crop reports made to the county clerk by the town assessor, after three years.
- (4) Records of illegal tax certificates charged back to the town, three years after date of charging back the certificates.
- (5) Official bonds, after six years.
- (6) Claims filed against or paid by the town and papers supporting such claims, after seven years.
- (7) Contracts, notices of taking bids, and insurance policies to which the town is a party, seven years after the last effective date thereof.
- (8) Election notices, and proofs of publication and correspondence filed in connection with such notices, one year after the date of the election, except in cases where an election is contested, in which case such records shall be retained until one year after the contest has been settled.
- (9) Copies of reports of the town treasurer to the county clerk on dog licenses sold and records of dog licenses issued, after three years.
- (10) Town clerk's copies of receipts issued by the town treasurer, four years or until after being competently audited, whichever date is earlier.
- (11) Notices given by the county clerk to the town assessor setting out lands owned and sold by the county, after three years.
- (12) Tax receipts, after 15 years.
- (13) All other receipts of the county treasurer, after seven years.
- (14) Canceled checks and town orders, after seven years.
- (15) Oaths of office, after seven years.
- (16) Notices for which no other provision is made, after seven years.

- (17) County treasurer's receipts received under Wis. Stats. § 74.19, after 15 years.
- (18) Correspondence, after six years, except correspondence had in connection with records which may be destroyed only after a longer period shall not be destroyed until after such longer period, and except that correspondence had in connection with records which may be destroyed after less than six years may be destroyed after such lesser period.
- (19) Blanks and papers used by the town assessor in the discharge of his duties, after seven years. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue.

(b) 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 Wis. Stats. § 19.21(4)(a).

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

### **Sec. 2-53. Preservation through microfilm.**

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

## CHAPTER 3 INTOXICATING AND NON-INTOXICATING BEVERAGES

Section Number	Title	Ordinance Number	Date of Ordinance
<b>ARTICLE I. LICENSES</b>			
Sec. 3-1	Required		
Sec. 3-2	Fees	2012-3-27 A-2	03/27/12
Sec. 3-3	Qualifications of Licensee and Permittees for License and Permit		
Sec. 3-4	Conditions and Restrictions		
Sec. 3-5	Retail "Class B" Liquor License Quota		
Sec. 3-6	Revocation, Suspension, and Refusal to Renew		

### ARTICLE II. SALE, PREMISES, AND OPERATING REGULATIONS

Sec. 3-7	Closing Hours
Sec. 3-8	Underage Person; Presence in Places of Sale
Sec. 3-9	Consumption and Possession of Alcoholic Beverages by Underage Person
Sec. 3-10	Soda Water Beverages

### ARTICLE I. LICENSES

#### **Sec. 3-1. Required.**

(a) No person, except as provided in Wis. Stats. § 125.06, shall distribute, vend, sell, offer to keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done without having procured a license or permit as provided in this article, nor without complying with all the provisions of this article and all statutes, ordinances and regulations of the state and town applicable thereto.

(b) Except for a licensed public warehouse, 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; and no license shall be issued to any person 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.

### **Sec. 3-2. Fees.**

(a) There shall be the following classes and denominations of licenses which, when issued by the clerk under the authority of the town board after payment of the fee specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28(1) and (2), 125.51(2) and (3) or 125.57. Unless specifically provided, the fee for a license obtained during the license year shall not be prorated.

- (1) Class "A" fermented malt beverage retailer's license: \$100.00 per year.
- (2) Class "B" fermented malt beverage retailer's license: \$100.00 per year.
- (3) Retail "Class A" liquor license: \$150.00 per year (\$250.00 combined).
- (4) Retail "Class B" liquor license: \$150.00 per year (\$250.00 combined).
- (5) Reserve "Class B" liquor license: Initial fee of \$10,000.00.
- (6) Temporary Class "B" liquor license: \$10.00.
- (7) Operator's license \$15.00 per year for a one year new or renewal license and \$25.00 for a two year new or renewal license.
- (8) Class "C" Wine license: \$50.00.
- (9) *Provisional retail licenses.* A provisional retail license authorizes only the activities that the type of retail license applied for authorizes.
  - a. Qualifications. The Town Clerk shall, without prior Town Board approval, issue a provisional retail license to a person who has applied for a Class "A", Class "B", "Class A", or "Class B" license, as those terms are defined in the state statutes, if it appears on the face of the retail license application that the applicant appears to meet the general qualifications contained in the Town's ordinances and in Chapter 125, Stats., for the issuance of a license relating to alcohol beverages, as well as any additional qualifications for the issuance of the specific retail license for which the applicant has applied. The Clerk may not issue a provisional "Class B" license if the town's quota under § 125.51(4), Stats., prohibits the town from issuing a "Class B" license. No person may hold more than one provisional retail license per type of license per year.

- b. Application Fee. The fee for a provisional retail license shall be \$15.00, which shall be nonrefundable and shall not apply toward the retail license for which the applicant has applied. Provisional retail license applications shall not require a background check or publication separate from that required for the underlying retail license.
- c. Duration. A provisional retail license expires 60 days after its issuance or when the applicant's application for the Class "A", Class "B", "Class A", or "Class B" license is issued or denied, whichever is sooner. The Clerk shall revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.
- d. Conditions. Notwithstanding subsection (A) of this Subsection, provisional retail licenses shall be issued only:
  - 1. In conjunction with an application for a new retail licenses for an existing licensed premises; or,
  - 2. When the applicant's retail license has been approved by the Town Board, excepting that the applicant has not successfully completed a responsible beverage server training course, in which case the applicant must provide proof that he or she is enrolled in such a course in order to receive a provisional license under this subsection.

(10) *Provisional operator's licenses.* A provisional operator's license shall function as an operator's license, subject to the limitations contained in state statute and this subsection.

- a. Qualifications. The Town Clerk shall, without prior Town Board approval, issue a provisional operator's license to any person who has also applied with the Town for an operators license if (1) the applicant provides the Town Clerk with a certified copy of a valid operator's license issued to the applicant by another municipality or (2) the applicant provides proof that the applicant is then enrolled in an approved responsible beverage server course and the applicant appears to meet the requirements for an operator's license contained set forth in state statute and Town Code. In no event, however, shall a provisional operator's license be issued to anyone who has previously been denied an operator's license by the Town.
- b. Application Fee. The fee for a provisional operator's license shall be \$15.00, which shall be nonrefundable and shall not apply toward the operator's license for which the



applicant has applied. Provisional operator's license applications shall not require a background check or publication separate from that required for the underlying retail license.

- c. Duration. A provisional operator's license shall expire (1) 60 days after its issuance, or (2) upon issuance or denial of the operator's license that was applied for with the Town, or (3) upon expiration or termination of an operator's license from another municipality that was filed with the Town under subsection (A), whichever event occurs sooner. The Clerk shall revoke the provisional operator's license if it is discovered that the holder of the license made a false statement on the application or upon discovery that an operator's license issued by another municipality and filed with the Town under subsection (A) is invalid.

(b) Licenses issued under this chapter are for a full year or any part of a license year. All licenses expire on June 30 of each year.

(c) **Costs for Background Investigation.** The applicant shall pay \$\_\_\_\_\_ at the time of making application under this section, to the Town to cover the costs of a background investigation of the applicant or the applicant's agent in the case of an entity. A background investigation is also required when an entity seeks approval to replace its named agent and this fee shall be paid at the time an entity holding a license applies for the change of agent. This fee is nonrefundable.

(d) **Publication.** The Town Clerk shall publish each application for a Class "A," Class "B," "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be printed in a daily newspaper on 3 successive occasions, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats. The publication fee shall be \$\_\_\_\_\_.

### **Sec. 3-3. Qualifications of licensees and permittees for licenses and permits.**

(a) *Natural persons.* Licenses related to alcohol beverages, issued to natural persons under this article, may be issued provided, in the opinion of the Town Board, they meet the standards set out in 125.12 of the Wisconsin Statutes and all other applicable statutes and meet the following requirements:

- (1) They have been residents of the state continuously for at least one year prior to the date of filing the application for the license.
- (2) Have attained legal drinking age, except that operator's licenses may be issued to persons that have attained the age of 18.

(b) *Corporations.* No license or permit may be issued to any corporation unless the agent of the corporation appointed under Wis. Stats. § 125.04(6), and the officers and directors of the corporation meet the qualifications of subsection (a) of this section, except that subsection (a)(2) of this section does not apply to agents.

(c) *Operators' licenses.* Subsection (a)(2) of this section does not apply to applicants for operators' licenses.

### **Sec. 3-4. Conditions and restrictions.**

In addition to the requirements imposed by the statutes adopted by reference in section 3-3, the following conditions and restrictions shall apply to the issuance of licenses or permits pursuant to this article:

- (1) *Review prior to approval.* No license or permit shall be issued to any person or officer or director of a corporation unless the application therefor shall first have been reviewed and a recommendation received from the county sheriff's department.
- (2) *Tax delinquencies.* No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the town are unpaid.
- (3) *Inspection of application and premises.* The town clerk shall notify the county sheriff's department of all license and permit applications who shall inspect, or cause to be inspected, each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. The sheriff shall furnish to the clerk, in writing, the information derived from such investigation. No license or permit provided for in this article shall be issued without the approval of the town board.
- (4) *Health and sanitation.* No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of commerce, and the state board of health and to all such ordinances and regulations adopted by the town.
- (5) *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- (6) *Posting required.* Licenses or permits issued under this article shall be posted and displayed as provided in Wis. Stats. § 125.04(10), and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

- (7) *Search of licensed premises.* It shall be a condition of any license issued under this article that the licensed premises may be entered and inspected at any reasonable hour by any police officer or other authorized officer of the town without any warrant, and the application for a license under this article shall be deemed a consent to this subsection. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued under this article and shall be deemed a violation of this division.
- (8) *Disorderly conduct and gambling.* Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- (9) *Wearing apparel.* All persons involved in the operation of any licensed premises under this article, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:
- a. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the mons pubis genitals and the buttocks at all times.
  - b. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.
- (10) *Sales to underage persons.* No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age of 21.
- (11) *Sales by clubs.* No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.
- (12) *Effect of revocation of license.* No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application.

- (13) *Violation by agents or employees.* A violation of this article by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.
- (14) *Cessation of operation.* Where the holder of a Class B license ceases to operate or do business while such license is validly in force and effect, the licensee, or his heirs, may, at the discretion of the town board, continue to hold such license for its unexpired term and shall also be eligible to apply for and receive one normal one-year renewal thereof; it being the intent and purpose of this subsection to require the licensee, or his heirs, to consummate a bona fide rental or sale of the business assets involved.
- (15) *Transfer of license.* No license shall be transferable from person to person, except as provided by Wis. Stats. § 125.04(12)(b), or from place to place, as provided in Wis. Stats. § 125.04(12)(a).

### **Sec. 3-5. Retail "Class 8" liquor license quota.**

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

### **Sec. 3-6. Revocation, suspension and refusal to renew.**

(a) *Procedure.* The provisions of Wis. Stats. § 125.12(2) and (3) shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this article. Revocation or suspension proceedings may be instituted by the town board upon its own motion by adoption of a resolution.

(b) *Repossession.* Whenever any license under this article shall be revoked or suspended pursuant to this section, it shall be the duty of the clerk to notify the licensee of such suspension or revocation and to notify the town, who shall take physical possession of the license wherever it may be found and file it in the clerk's office.

(c) *Effect of revocation.* Whenever any license shall be revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.

## **ARTICLE III. SALES PREMISES; OPERATING REGULATIONS**

### **Sec. 3-7. Closing hours.**

No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

- (1) If a retail Class "A" license for fermented malt beverages, between 9:00 p.m. and 8:00 a.m.
- (2) If a retail "Class A" license for intoxicating liquor, between 9:00 p.m. and 8:00a.m.
- (3) If a retail Class 8 license for either fermented malt beverages or intoxicating liquor between 2:00 a.m. and 6:00 a.m., Monday through Friday, and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except on January 1 when there are no closing hours. No package, container or bottle sales may be made between 12:00 midnight and 6:00 a.m.
- (4) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

### **Sec. 3-8. Underage person; presence in places of sale.**

(a) *Restrictions.* Pursuant to Wis. Stats. § 125.07(3), an person under 21 years of age not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b) *Exceptions.* Subsection (a) of this section shall not apply to:

- (1) An underage person who is a resident, employee, lodger or boarder on the licensed premises.
- (2) An underage person who enters a "Class A" or Class "A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.

- (3) Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.
- (4) Ski chalets, golf clubhouses, curling clubs and private tennis clubs.
- (5) Licensed restaurants where the principal business is that of a restaurant.
- (6) A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
- (7) An underage person who enters on Class "8" or "Class 8" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the police department of such specified dates. Unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

**Sec. 3-9. Consumption and possession of alcohol beverages by underage person.**

(a) *Restrictions.* Pursuant to Wis. Stats. § 125.07(4)(b) and (bm), no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age of 21 may knowingly possess or consume alcohol beverages.

(b) *Exceptions.* An underage person may possess alcohol beverages if employed by any of the following:

- (1) A brewer.
- (2) A fermented malt beverages wholesaler.
- (3) A permittee other than a Class "8" or "Class 8" permittee.
- (4) A facility for the production of alcohol fuel.
- (5) A retail licensee or permittee under the conditions specified in Wis. Stats. §§ 125.32(2) or 125.68(2), or for delivery of unopened containers to the home or vehicle of a customer.

(c) *Selling or serving alcohol beverages.* Pursuant to Wis. Stats. §§ 125.32(2) and 125.68(2), any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class 8 premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

## ARTICLE III. NONINTOXICATING BEVERAGES

### Sec. 3-10. Soda water beverages.

(a) *State statutes adopted.* Wis. Stats. § 66.0433 is adopted by reference and made a part of this section.

(b) *License required.* No person shall sell or dispense soda water beverages as defined in Wis. Stats. § 97.34 within the town without a license therefor issued by the clerk.

(c) *Fee.* The soda water beverage license fee shall be \$10.00 per year.

## CHAPTER 4 ANIMALS

\*Cross references: Health and sanitation, ch. 8.

Section Number	Title	Ordinance Number	Date of Ordinance
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### ARTICLE I. IN GENERAL

Sec. 4-1	Definitions		
Sec. 4-2	Enforcement of chapter provisions		
Sec. 4-3.	Penalties for violation of chapter		
Sec. 4-4.	Pet waste		
Sec. 4-5	Farm Animals and Poultry Not to Run at Large		
Sec. 4-6.	Keeping of Large Animals, Livestock and Poultry.		
Sec. 4-7	Exotic Animals		

### ARTICLE II. DOGS

#### Division 1. Generally

Sec. 4-8	Licensing		
Sec. 4-9	Rabies Vaccination Required		
Sec. 4-10	Rabies Control Program		
Sec. 4-11	Running at Large; Untagged Dogs		
Sec. 4-12	Duty to Report Dog Bite		
Sec. 4-13	Howling Dogs		
Sec. 4-14	Running at Large Prohibited; Exceptions		
Sec. 4-15	Cruelty to Animals		

#### Division 2. Impoundment

Sec. 4-16	Generally		
Sec. 4-17	Release of Dog to Owner or Representative		
Sec. 4-18	Release of Dog to Person Other than Owner		
Sec. 4-19	Disposition of Dog		
Sec. 4-20	Investigation		

#### Division 3. Vicious or Hybrid Dogs

Sec. 4-21	Definitions		
Sec. 4-22	Penalty for Violation of Division		
Sec. 4-23	Prohibited Generally		
Sec. 4-24	Requirements and Prohibitions		
Sec. 4-25	Determination of Status; Appeal		
Sec. 4-26	Compliance with Division Provisions		
Sec. 4-27	Disposition		



## ARTICLE I. IN GENERAL

### Sec. 4-1. Definitions.

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

*Dog* shall include vicious dog, cross-bred dog, dog-wolf or dog-coyote hybrid.

*Animal shelter* means any premises designated by the town board for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

*At large* means when any dog is off the property of its owner and not under the control of a competent person.

*Exposed to rabies* means an animal which has been bitten by, or come in contact with, any animal known to have been infected with rabies.

*Flock* means, for purposes of this ordinance consists of not more than twenty (20) domestic fowl.

*Kennel* means any establishment where dogs are kept for breeding, sale or sporting purposes.

*Large animals* includes but is not limited to horses, cows, steers, sheep, goats, poultry and swine.

*Neutered male dog* means any male dog which has been operated upon to prevent conception.

*Nuisance* means the term as it is defined by prior Ordinance of the Town of Paris.

*Owner* means any person owning, keeping or harboring a dog.

*Pasture* means an area where animals are grazed which sustains vegetation during the growing season.

*Restraint* means a dog controlled by a leash, at heel beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

*Residence* means a place designed, authorized, zoned and used or capable of use to provide permanent lodging for a person or persons.

*Spayed female dog* means any female dog which has been operated upon to prevent conception.

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 4-2. Enforcement of chapter provisions.**

The provisions of this chapter shall be enforced by the town.

#### **Sec. 4-3. Penalties for violation of chapter.**

In addition to other penalties provided in this chapter, the following penalties are imposed:

- (1) *Failure to obtain rabies vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this chapter shall, upon conviction, forfeit not less than \$50.00 nor more than \$100.00.
- (2) *Refusal to comply with quarantine order.* An owner of a dog who refuses to comply with an order to deliver the animal to a police officer, the county pound or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00.
- (3) *Other penalties.* Any person violating any other provision of this chapter shall be subject to a penalty as provided in section 1-5.

#### **Sec. 4-4. Pet waste.**

If a domesticated pet, such as a dog or cat, defecates on public land or property of another, the pet owner shall immediately remove the feces in a sanitary manner.

#### **Sec. 4-5. Farm animals and poultry not to run at large.**

No person owning or having in his possession or under his control any farm animal or fowl shall allow the same to run at large within the town. The term "at large" means an animal is off the premises of its owner and upon any public highway, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property.

#### **Sec. 4-6. Keeping of large animals, livestock and poultry.**

- I. Applications and Exclusions
  - A. This ordinance applies to all lands in the Town of Paris, less than ten acres, whether zoned business, manufacturing, residential, agricultural or otherwise.
  - B. This ordinance does not include domestic pets such as cats and dogs or those animals confined to the household under complete control of the owner.

- C. No person shall keep, harbor, feed or breed any large animals or flock on a parcel of land that is less than five (5} acres.
- D. A person may keep one large animal or flock on a five-acre parcel provided they comply with the other standards and provisions set out in this ordinance.
- E. On a parcel of land that is six acres, up to ten acres, a person may keep no more than three large animals, or two large animals and a flock, provided they comply with the other standards and provisions set out in this ordinance.
- F. The standards for use of lands for large animals or a flock on parcels of less than ten acres and zoned as A-1 agricultural, are as follows:

(Amended 4/27/04)

- 1. Accessory buildings to house or provide shelter, feeding stations, and all fencing for confinement of large animals or a flock shall be located on a line parallel to the road or highway that is set back from the public way at the rearmost part of the residence. The set back references will be from the road or highway the front door of the residence faces.
- 2. Any accessory building used for housing a large animal or a flock shall be no more than fifty (50) feet from a neighboring off-site residence.

(Amended 4/26/05)

- 3. All accessory building for shelter or housing of large animals or a flock shall meet any and all state, county, and town standards for building construction to provide for the health, safety and welfare of the animal and community.
- 4. The animals shall be confined on the property by fencing of a suitable type, style, and strength adequate to prevent the animal from leaving the area of confinement when not under the direct control of a person.
- 5. To the extent that manure does not naturally attenuate by fertilizing the pasture area, manure must be gathered and spread in a manner it will not constitute a nuisance as defined in Chapter 11 of this code, or adversely affect an abutting or adjacent property owners' use and enjoyment of their property.
- 6. Manure storage shall only be allowed temporarily (two weeks maximum) until spread. If the property is not capable of absorbing the manure within reasonable amounts, the property owner shall dispose of the manure off-site by legal means.

Storage of manure shall be no closer than 100 feet from any abutting or adjacent residence.

7. It is unlawful to ride an animal on the property of any other owner without permission, or on the property of the Town where such use is not specifically authorized by affirmative enactment.

## **II. Specific Uses:**

No special provision is made for existing uses. Upon the adoption of this ordinance they will become "non-conforming uses". The term "non-conforming use" is herein defined as it is set out in the zoning ordinance of the County of Kenosha; however, enforcement of this provision shall be under the jurisdiction of the Town of Paris.

### **Sec. 4-7. Exotic Animals**

Mammals, reptiles, birds, fowl or any animal of an unusual nature which presents a danger or potential danger shall not be kept in the Town of Paris unless the owner is able to satisfy the town building inspector that the animal is kept under the strict control of the owner so that the animal may not escape and cause bodily harm, property damage, fright, injury, or otherwise interfere with the peace and tranquility of the community. Such animal may not be kept in the Town of Paris if the animal presents a nuisance either by odor, sound, or if the environment is not suitable for an animal of such nature. The fine for failure to comply with this ordinance is set out in Sec. 1-5.

## **ARTICLE II. DOGS**

### **DIVISION 1. GENERALLY**

#### **Sec. 4-8. Licensing.**

(a) Required. It shall be unlawful for any person in the town to own, harbor or keep any dog more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05-174.09, relating to the listing, licensing and tagging of the dog. There is imposed a town dog license tax, payable to the clerk, which includes a dog license tax imposed under Wis. Stats. § 174.05(2) and (3) in the amount of \$3.00 for spayed or neutered dogs, \$8.00 for others, and one-half the license tax for dogs becoming five months of age after July 1 per year for all dogs required to be licensed under statute.

(b) Late fees. The clerk shall assess and collect a late fee of \$10.00 from every owner of a dog five months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(c) Lost license tag. If a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the clerk upon the payment of \$1.00.

(d) Change of ownership. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00.

(e) Transfer. No person shall use for any animal a license receipt or license tag issued for another animal.

(f) Kennel license. A person who owns or keeps more than three dogs on their premises is required to apply for a kennel license. Such person and the owners of kennels may opt to pay, in lieu of the fees provided in subsection (a) of this section, a kennel license fee of \$30.00 for a kennel of 12 dogs or less and an additional \$3.00 for each dog in excess of 12, and the clerk shall issue tags for each dog owned by the kennel owner, as provided in Wis. Stats. § 174.053. All the rules and requirements of Chapter 174 of the Wisconsin Statutes shall apply.

**Cross Reference:** Paris Code June 18, 1990 (Amended 11/25/03)

#### **Sec. 4-9. Rabies vaccination required.**

It shall be unlawful for any person to keep a dog in the town which is over five months of age and has not received a rabies vaccination as required by Wis. Stats. § 95.21(2). No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Wis. Stats. § 95.21(2)(f).

#### **Sec. 4-10. Rabies control program.**

The Town of Paris herein adopts the Wisconsin Statute 95.21 concerning the rabies control program and dog or cat quarantine. Any person who violates any of these provisions shall be fined as set out in Sec. 1-5.

#### **Sec. 4-11. Running at large; untagged dogs.**

(a) Running at large defined. A dog is considered to be running at large if it is off the premises of its owner and not under the restraint of the owner or some other person as defined in section 4-1.

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

(c) Subject to impoundment. Any police officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large or be untagged, the owner shall forfeit not less than \$50.00, plus costs for the first offense, and not less than \$40.00 plus costs for the second offense and each subsequent offense. If the dog is unlicensed, such penalties shall be doubled.

#### **Sec. 4-12. Duty to report dog bite.**

Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person, shall immediately report such fact to the town.

#### **Sec. 4-13. Howling dogs.**

No person shall own, keep, harbor or have in his possession any dog within the town which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together, offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this section, when the person alleged to have violated this section owns, keeps, harbors or has in his possession more than one dog of the type causing the disturbance, it is not required to identify the particular dog causing the disturbance. Each day that such disturbance continues or occurs gives rise to a separate offense.

#### **Sec. 4-14. Running at large prohibited; exceptions.**

No person owning, having in his possession or under his control any dog shall allow such dog to run at large within the town. The term "running at large" means an animal is off the premises of its owner and upon any public highway, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property, provided that an animal shall not be deemed to be at large if the following provisions apply:

- (1) It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the dog and the leash is held by a person competent to govern the dog and prevent it from annoying or worrying pedestrians or trespassing on private property or on public property where such dogs are forbidden.
- (2) It is properly restrained within a motor vehicle.
- (3) It is engaged in the act of hunting or training for show, field trial or obedience trial purposes, in the control of its owner or his agent competent to govern such dog at a distance, and not annoying or worrying pedestrians or trespassing on private property or on public property where such dogs are forbidden.

#### **Sec. 4-15. Cruelty to Animals.**

(1) No person shall willfully or maliciously inflict unnecessary or needless cruelty, abuse or cause pain to any animal, including any neglect or unjustified pain, suffering or death to said animal, whether said animal shall belong to the person or to anyone else. Nothing in this ordinance shall prevent a person from using reasonable force to drive off a vicious or trespassing animal, but no person may intentionally kill a dog unless the person is threatened with serious bodily harm by the dog and other restraining actions were tried and failed or immediate action was necessary. This section shall not apply to law enforcement

officers, humane officers, veterinarians or person killing his or her own dog in a proper and humane manner.

(a) In addition to the general definition of cruelty as set forth herein, the following shall be deemed cruelty to animals:

- (1) Abandonment on any public street, road, or premises other than that of the owner.
- (2) To torment, badger, throw stones or other materials at any animals that have been tied, caged, or confined to an enclosed area.
- (3) To use any type of collar on an animal that is spiked or pronged, unless such collar is being used for training purposes by a certified animal trainer.
- (4) To leave any animal in a motor vehicle without any ventilation during the months of May through October.

(2) *Food and Shelter.*

- (a) *Food.* No person owning or responsible for the confinement or impoundment of any animal shall refuse or neglect to supply the animal with a sufficient supply of food to maintain the animal in good health, and a supply of potable water at all times in sufficient quantity for the health of the animal.
- (b) *Indoor Shelter.* No person owning or responsible for the confinement or impression impounding any animal shall fail to provide the animal with proper shelter, which for indoor standards shall mean shelter to include the ambient temperature compatible with the health of the animal, and adequate ventilation by natural or mechanical means to provide for the health of the animal at all times.
- (c) *Outdoor Shelter.* Minimum outdoor standards for shelter shall include shelter from sunlight when it is likely to cause heat exhaustion of the animal. There shall be sufficient shade by natural or artificial means to provide the animal with protection from direct sunlight and there shall be natural or artificial shelter appropriate as may be necessary for the health of the animal. Nothing in this section shall be construed as posing shelter requirements or standards for farm animals more stringent than normal accepted husbandry practices in the environment.
- (d) *Dog Shelter.* In the case of dogs which can be confined or tied outdoors under weather conditions which adversely affect the health of the dog, the shelter shall be of suitable size to accommodate the dog and to allow a retention of body heat. Such shelter shall be made of a durable material with an entrance to the shelter covered by a windproof material.

In addition, the structure shall be provided with sufficient quantity of bedding to provide insulation and protect against adverse weather.

(3) *Sanitation.* The owner or person responsible for confining or impounding an animal shall maintain a minimal standard of sanitation for both indoor and outdoor enclosures which shall include a periodic cleaning for the removal of animal waste and other waste materials and trash which would constitute a health hazard to the animal.

(4) *Confinement of Female Dog or Cat.* Any person owning or responsible for keeping a female dog or cat shall, when such female dog or cat is in season, keep said animal confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel, during such time as said female dog or cat is in such season.

(5) *Enforcement.* Any law enforcement officer or humane officer may remove or impound in a suitable impoundment any animal found to be kept in neglect or in violation of the standards set forth in this ordinance. The officer shall immediately notify the owner of such impoundment if said owner can be found. Said owner shall be responsible for the costs or expenses connected to the care, keeping and medical attention in the treatment of any such impounded animal. If an owner cannot be found or is unknown, the animal shall be treated as a stray as provided by Wisconsin Statute. This ordinance may be enforced by a peace officer, town, humane officer, or one appointed by the town board.

(6) *Penalties.* Any person convicted of a violation of this section shall be penalized as provided under Sec. 1-5.

## **DIVISION 2. IMPOUNDMENT**

### **Sec. 4-16. Generally.**

A police officer or other person restraining a dog running at large shall take such dog to the county pound. The boarding fee for impounded dogs shall be the current county fees. The keeper of the pound shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

### **Sec. 4-17. Release of dog to owner or representative.**

The keeper of the pound may release the dog to the owner or his representative if the owner or representative:

- (1) Gives his name and address.
- (2) Presents evidence that the dog is licensed and vaccinated against rabies.
- (3) Pays the dog's boarding fee, as provided in the current schedule.



#### **Sec. 4-18. Release of dog to person other than owner.**

If the owner of the dog is unknown or does not reclaim the dog within seven days, the keeper of the pound may release the dog to a person other than the owner if such person:

- (1) Gives his name and address.
- (2) Signs a statement agreeing to license the dog and have the animal vaccinated against rabies.

#### **Sec. 4-19. Disposition of dog.**

If the dog is not released to the owner or other person in seven days, the keeper may dispose of the dog, as provided in Wis. Stats. § 174.13, or dispose of the dog in a proper and humane manner.

#### **Sec. 4-20. Investigation.**

For the purpose of discharging the duties imposed by this article and to enforce its provisions, any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that a police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires removal from the premises.

The Town of Paris herein adopts the following Wisconsin Statutes concerning animals:

174.01 Wis. Stats. Concerning restraining actions against dogs

- (1) killing a dog,
- (2) inapplicability to officers, veterinarians or persons killing their own dog.

174.02 Wis. Stats. Concerning owner's liability for the damages caused by dogs.

174.042 Wis. Stats. Dogs running at large and the impoundment penalties.

174.046 Wis. Stats. Impoundment requirements.

174.05 Wis. Stats. Dog Licenses.

174.053 Wis. Stats. Kennel Licenses.

174.054 Wis. Stats. Exemption for owner's of dogs kept for educational and scientific purposes.

174.05 Wis. Stats. Exemption of dogs for blind, deaf, and mobility impaired.

174.056 Wis. Stats. Dogs for blind, deaf, and mobility impaired persons shall be admitted to public places.

174.65 Wis. Stats. Collections.

174.07 Wis. Stats. Dog licenses and collars.

### **DIVISION 3. VICIOUS OR HYBRID DOGS**

#### **Sec. 4-21. Definitions.**

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

*Vicious dog* means:

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

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 4-22. Penalty for violation of division.**

Any person who violates any provision of this division shall, upon conviction, be subject to the payment of a forfeiture, as provided in section 1-5 of this Code. A separate offense shall be deemed committed on each day on which a violation of this division occurs or continues.

#### **Sec. 4-23. Prohibited generally.**

(a) Except as provided in this division, no person shall harbor or keep a vicious dog within the town. A dog is deemed to be vicious when it has attacked or bitten any person or when a propensity to attack or bite persons exists and is known or reasonably should be known to the owner. Any vicious dog which is found off the premises of its owner may be seized by any police officer and, upon establishing to the satisfaction of a court the vicious character of such dog, may be destroyed.

(b) Notwithstanding subsection (a) of this section, a police officer may kill or tranquilize a vicious dog if he determines that it is necessary to take such action to prevent real and immediate personal injury to any person, including himself.

#### **Sec. 4-24. Requirements and prohibitions.**

(a) *Leash and muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the town.

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

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

(d) *Prohibited in multiple dwellings.* No vicious dog may be kept within any portion of any multiple dwelling.

(e) *Signs.* All owners, keepers or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public, with letters not less than two inches in height, stating: "Danger - Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) *Insurance.* All owners, keepers or harborers of vicious dogs or hybrid dogs shall provide proof to the town of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to the town. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.

#### **Sec. 4-25. Determination of status; appeal.**

(a) The town shall investigate every dog complaint and make a determination as to whether or not such dog is vicious as defined in section 10-101(1). If the town makes a determination that a dog is vicious, he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this division.

(b) Any person aggrieved by the determination of the town, as provided in subsection (a) of this section, may appeal such determination, as provided in article VIII of chapter 2.

#### **Sec. 4-26. Compliance with division provisions.**

Within ten days of the determination that a dog is vicious, as provided in section 10-105(a), or ten days after an unsuccessful appeal under section 10-105(b), the owner of a vicious dog shall either comply with all provisions of this division or dispose of such dog.

#### **Sec. 4-27. Disposition.**

Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

## CHAPTER 5 BUILDINGS

\*Cross references: Fire prevention and protection, ch. 7; mobile/manufactured homes, ch. 9, Paris Ordinance February 2, 1960, February 4, 1957, Amendment 515 1975 and Amendment 714, 1997.

Section Number	Title	Ordinance Number	Date of Ordinance
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### ARTICLE I. IN GENERAL

### ARTICLE II. CONSTRUCTION REGULATIONS

#### Division 1. Generally

Sec. 5-1	Purpose of Chapter		
Sec. 5-2	Scope of Chapter	2019-03	12/18/19
Sec. 5-3	Report of Chapter Violations		
Sec. 5-4	Building Permits and Inspections		
Sec. 5-5	Disclaimer on Inspections		
Sec. 5-6	Garages		
Sec. 5-7	New Methods and Materials		
Sec. 5-8	Unsafe Buildings		

#### Division 2. Electrical

Sec. 5-9	Definitions		
Sec. 5-10	Electrical Permit		
Sec. 5-11	Electrical Inspector		
Sec. 5-12	Disclaimer on Inspections		
Sec. 5-13	Penalty for Violation of Division		
Sec. 5-14	Special Provisions for Temporary Installation		
Sec. 5-15	Certificate of Compliance		
Sec. 5-16	Notice of Non-Compliance; appeal		
Sec. 5-17	Wind Energy Conservation Systems		

#### Division 3. Plumbing

Sec. 5-18	Definitions		
Sec. 5-19	Plumbing Inspector Powers and Duties		
Sec. 5-20	Plumbing Permits		
Sec. 5-21	Plumbers to be Licensed		
Sec. 5-22	Inspection of Work		

### ARTICLE III. RADIANT HEATING UNITS

Sec. 5-23	Definitions		
Sec. 5-24	Permit		
Sec. 5-25	Inspection		

## **ARTICLE IV. MOVING BUILDING**

Sec. 5-26	Permit
Sec. 5-27	Insurance and Bond
Sec. 5-28	Public Hearing
Sec. 5-29	Determination of Plan Commission

## **ARTICLE V. SWIMMING POOLS AND PONDS**

Sec. 5-30	Definitions
Sec. 5-31	Regulated
Sec. 5-32	Permit
Sec. 5-33	Construction Requirements
Sec. 5-34	Fences
Sec. 5-35	Electrical Requirements
Sec. 5-36	Use of Pool

## **ARTICLE VI. BERMS**

Sec. 5-37	Berm Design and Construction
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## **ARTICLE VII. FEES AND CHARGES**

Sec. 5-38	Fees for Building Permits and Inspections	2020-01	02/25/20
Sec. 5-39	New Construction Deposit		
Sec. 5-40	Repealed.	2020-01	02/25/20
Sec. 5-41	Permits for Temporary Electric Work		
Sec. 5-42	Repealed.	2020-01	02/25/20

## **ARTICLE I. IN GENERAL**

## **ARTICLE II. CONSTRUCTION REGULATIONS**

### **DIVISION 1. GENERALLY**

#### **Sec. 5-1. Purpose of chapter.**

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such

buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings, and the general public.

## **Sec. 5-2. Scope of chapter.**

New buildings erected in, or any building moved within or into the town shall conform to all the requirements of this chapter except as they are specifically exempted in this chapter from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time the ordinance from which this chapter is derived was enacted. The provisions of this chapter supplement the laws of the state pertaining to construction and use and the zoning chapter and amendments thereto to the date the ordinance from which this chapter is derived was adopted and in no way supersede or nullify such laws and the zoning chapter.

(a) The provisions of Chapters SPS 320-325 (Uniform Dwelling Code), Chapters SPS 361-364 (Parts of the 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. To the extent of any conflict between this code and the state's administrative code, the administrative code section shall control.

(b) *Scope of Chapter.* New buildings erected in, or any building moved within or into the town shall conform to all the requirements of this chapter except as they are specifically exempted in this chapter from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time the ordinance from which this chapter is derived was enacted. The provisions of this chapter supplement the laws of the state pertaining to construction and use and the zoning chapter and amendments thereto to the date the ordinance from which this chapter is derived was adopted and in no way supersede or nullify such laws and the zoning chapter.

(Amended 6/24/08)

## **Sec. 5-3. Report of chapter violations.**

Town officers shall report at once to the building inspector any building which is being carried on without a permit as required by this chapter.

#### **Sec. 5-4. Building permits and inspection.**

(a) *Permit required.* No building of any kind shall be moved within or into the town and no new building or structure, or any part thereof, shall be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the town, except as provided in this section, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the building inspector.

(b) *Permit lapses.* A building permit shall lapse and be void unless building operations are commenced within six months, or no significant progress has been made within one year, from the date of issuance thereof.

(c) *Occupancy permit required; issuance and revocation.* No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the building inspector upon 30 days' notice to the user or occupant of the building.

(d) *Application.* Applications for a building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land and also the owner of the building, if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which such building is to be put, and such other information as the building inspector may require.

(e) *Dedicated street required.* No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(f) *Compliance with private sewage system required.* No building permit shall be issued until a permit for a private sewage system has been issued by the county.

(g) *Plans.* With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state building code shall bear the stamp of approval of the state department of commerce. One plan shall be submitted which shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wis. Admin. Code Comm. 20.09(4).

(h) *Approval of plans.* If the building inspector determines that the building will comply in every respect with all ordinances and orders of the town and all applicable laws and orders of the state, he shall issue a building permit which shall state the use to which such building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the building inspector. In case adequate plans are presented for part of the building only, the building inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.



(i) *Driveway installation required prior to construction.* See chapter 5.

(j) *Waiver of plans.* If the building inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

(k) *Minor repairs and alterations.* The building inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

(l) *Inspection of work.* The builder shall notify the building inspector when ready, and the building inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this chapter, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the building inspector.

#### **Sec. 5-5. Disclaimer on inspections.**

The purpose of the inspections under this chapter is to improve the quality of housing in the town. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### **Sec. 5-6. Garages.**

Private garages shall be built in accordance with the general construction standards established in the state uniform dwelling code. Private garages shall be located not less than five feet from the adjoining lot line and not less than ten feet from any other building on the same premises when not a part of the building. If a greater distance is required by some other section of this chapter or by some other ordinance or regulation, the most rigid requirement shall be applicable. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45-minute fire resistive construction as specified in Wis. Admin. Code Comm. ch. 51.

#### **Sec. 5-7. New methods and materials.**

All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not

be so used until approved in writing by the state department of commerce. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the state department of commerce. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the state department of commerce.

#### **Sec. 5-8. Unsafe buildings.**

(a) Whenever the building inspector finds any building or part thereof within the town to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use that it would be unreasonable to repair the building, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Wis. Stats. § 66.0413. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the town in an action against the owner or tenant.

(b) Upon the issuance of an order to raze or upon the voluntary razing of a building, the owner(s) shall apply for a permit to raze the building. The permit fee shall be \$80.00. The permit can be obtained from the clerk or the building inspector of the Town of Paris, and shall be submitted with the \$80.00 permit fee.

(c) The owner must comply with the requirements of Wis. Stats. §66.0413 and in addition must do the following:

1. Remove all electricity to the building.
2. Seal off well and water lines.
3. Disconnect all gas or fuel oil lines.
4. Clean out all existing septic tanks by the employment of a licensed septic service.
5. Fill septic tank with solid fill as directed by the town building inspector.
6. Certify that the building contains no asbestos, or employ a licensed contractor to remove the asbestos.
7. Notify the building inspector who will make a final inspection before the building can be razed.

(Amended on 2/25/03)

## **Division 2. Electrical**

### **Sec. 5-9. Definitions.**

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

*Electrical system* means all wires, equipment or devices installed for the purpose of conducting or safeguarding electrical current at all voltages.

*Electrical work* means any act in connection with the installing, altering or maintaining of electrical systems, which act ordinarily requires the use of tools.

*Wiring* means all conductors and all other devices incidental to the safe conduction of electrical current.

### **Sec. 5-10. Electrical permits.**

(a) *Required; application.* The electrical inspector shall issue permits for the execution of electrical installation for light, heat or power upon the filing of proper application, which shall be made on blanks furnished by the electrical inspector and shall prescribe the nature of the work contemplated and such other pertinent information as may be required for inspection. No work shall be done until a permit has been obtained.

(b) *Issuance of subsequent permits.* No permit shall be issued if there are any outstanding corrections to be made by the applicant. No permit shall be issued if previous permits are not complete as to work done and the fees paid on any work that has been reported as complete.

### **Sec. 5-11. Electrical inspector.**

(a) *Duties.*

- (1) *Generally.* The electrical inspector shall enforce the provisions of this division.
- (2) *Records and reports.* The electrical inspector shall keep a complete record of all applications made and permits issued, regularly numbered in the order of their issuance. He shall also keep a record of all inspections made and other official work performed under the provisions of this division, so arranged as to afford prompt information concerning electrical installations and shall make monthly reports thereon to the town board.

- (3) *Inspections; notices.* The electrical inspector shall inspect all buildings and premises and make a thorough examination of all the electrical wiring, equipment and devices installed and when such are found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing the same to place them in a safe condition. Such necessary repairs or changes shall be completed according to the provisions of this division. The electrical inspector may order the discontinuance of electrical service to such defective electrical system until it has been repaired, removed or altered as directed by the inspector. Failure to obey any such order shall subject such person to the penalties provided in section 5-.

(b) *Authority to turn off current.* The electrical inspector may cause the immediate turning off of all electrical current to any equipment which he finds, in the exercise of his sound judgment, creates imminent danger to persons or property and to cut or discontinue electrical service in emergencies where he finds, in the exercise of his sound judgment, such electrical current creates imminent danger to persons or property or where such currents may interfere with the work of the fire department. No person shall reconnect any equipment thus cut off without the written permission of the electrical inspector.

(c) *Right of entry.* The electrical inspector may enter any building or premises in the discharge of his official duties and for that purpose shall be given prompt access upon notification to the proper authority. He may discontinue electrical service to premises to which he is denied access or entry.

(d) *Inspection of work.* The contractor shall notify the electrical inspector when ready for inspection, and the electrical inspector shall inspect all electrical work when completed. All electrical wiring and installations shall be left exposed until such time as the electrical inspector has completed his inspection. No electrical service shall be connected by a power company until a written statement stating that the final electrical inspection has been made and approved has been filed with the electrical inspector. No building where electrical service has been cut off due to fire shall be reconnected until authorized by the electrical inspector. If the electrical inspector determines that the work has not been done in accordance with the provisions of this division, the contractor shall correct the work within ten days after receiving notice thereof. If the defective work has not been corrected within ten days, the electrical inspector shall cancel the permit until the provisions of this division have been complied with.

## **Sec. 5-12. Disclaimer on inspections.**

The purpose of the inspections under this division is to improve the quality of housing in the town. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

### **Sec. 5-13. Penalty for violation of division.**

Any person who shall violate any provision of this division or any regulation, rule or order made under this division shall be subject to a penalty as provided in section 1-5.

### **Sec. 5-14. Special provisions for temporary installation.**

The electrical inspector may grant special permission, for a limited time, for the installation or use of temporary electric wiring and equipment which does not conform with the regulations of this division. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times and its complete removal at the end of the fixed temporary period, as set by the electrical inspector, or any time sooner when ordered by the inspector. Carnivals, circuses, theatrical acts and exhibitions and all places of temporary outdoor assembly are included in the provisions of this section, and all electrical wiring and equipment associated therewith shall be installed, maintained and operated in a safe and workmanlike manner. All such electric wiring and equipment shall be isolated from the public by proper elevation and guarding of all electric fuses, and switches shall be installed in approved enclosures. Cable laid on the ground in areas traversed by the public shall be buried in trenches or protected by approved covers. No wooden raceways shall be used. All temporary services shall be rainproof in their entirety. Where an enclosure is built around non-waterproof equipment, it shall have a hinged cover and be supplied with a hasp and lock.

### **Sec. 5-15. Certificates of compliance.**

(a) *Issuance contingent on compliance.* No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with the provisions of this division.

(b) *Required.* Current shall not be turned on for any electrical installation until a certificate of inspection has been issued by the electrical inspector. This certification shall be accomplished as part of the sequence of final inspections required for the building occupancy permit.

(c) *Exception.* In occupied buildings where a permit for lighting fixtures has been issued, the electrical inspector may authorize the installation of meters for electrical service after the wiring has been inspected and approved.

### **Sec. 5-16. Notice of noncompliance; appeal.**

Whenever the electrical inspector determines that all or part of the electrical work of any building does not comply with the provisions of this chapter, he shall, in cases where the construction is in progress, give five days' written notice thereof to the contractor on the job. In all other cases he shall give five days' notice thereof to the owner or his authorized agent or attorney. Such contractor or owner may have such determination reviewed by the board of zoning appeals.

## **Sec. 5-17. Wind Energy Conservation Systems.**

(1) *Intent.* The intent of this ordinance is to provide for the regulation for the construction and location of Wind Energy Conservation Systems, hereinafter referred to as Wind Chargers, and this ordinance shall apply to such systems intended for the generation of electric energy and mechanical power.

(2) *Definitions.* A Wind Energy Conservation System shall mean a device consisting of:

(a) Propulsion

(b) A shift or gear assembly for converting rotational power for an electrical or mechanical device.

(c) A generator or alternator to convert rotational energy into electrical energy.

(d) A tower or structure upon which the wind charger shall be mounted.

(3) *Permit Required.* No person shall construct a wind charger defined herein without first obtaining a permit from the building inspector. The application for such permit shall contain information required by this ordinance and a plat or drawing showing the location upon which the wind charger is to be constructed and the distance from all utility lines, buildings and lot or boundary lines of the parcel. Permit shall be issued only for an owner system, and shall be limited to owner's main building and accessory buildings. The fee for the permit shall be \$40.00.

(4) *Tower Construction.* The tower upon which the wind charger shall be installed shall be constructed in accordance with sound engineering practices and the building inspector may, at his discretion, after reviewing the application permit, require that the tower structure and wind charging device in its entirety be approved by a professional engineer, costs of such approval shall be the responsibility of the applicant.

(5) *Setback Requirement.* No wind charger tower shall be constructed nearer to any lot line than the total height of the tower plus the length of the rotating blades. The maximum height for the tower without obtaining variance from the town board shall be less if required by Federal Aviation Authority (FAA) restrictions on structures within flight zones. The minimum distance between the ground and the rotating blades shall be twenty-five (25) feet, and measured from the ground to the lowest point of the arc of the blade.

(6) *Noise.* The maximum level of noise permitted by the generating wind charger shall be no more than fifty (50) decibels as measured on a dBA scale when measured at the property line.

(7) *Electromagnetic Filter Required.* Wind charging generators and alternators shall be filtered or shielded so as to prevent the emission of radio frequency energy which would interfere with radio or television transmission or reception.

(8) *Labeling required.* Every wind charging system shall have a label attached to the tower or control panel easily read from ground level containing the following information:

- (a) The maximum output power of the system.
- (b) The minimum and maximum voltages.
- (c) Wind speed at which maximum output is received.
- (d) The maximum survival wind speed that the system can sustain without damage to the structural parts or damage to the structural parts or loss of normal function.
- (e) Normal and emergency shutdown procedures.

(9) *Utility Company Notified.* Before any such wind charging system is producing electrical energy or is producing electrical service, the Wisconsin Electric Company or company furnishing electric energy, shall be notified in writing of any proposed interface with the utility company service lines. Any such interfacing with the electric company grid shall conform to Public Service Commission regulations for such interface.

(10) *Variances.* In the event that the building inspector shall deny a permit for the installation of a Wind Energy Conservation System, the applicant may, within thirty (30) days of such denial, apply to the town board for a variance from structural compliance with this ordinance where a special circumstance, literal enforcement of this ordinance would result in practical difficulty or unnecessary hardships for the owner. The town board shall place any such appeal on its agenda for the next succeeding regular board meeting and the board may at its discretion conduct a public hearing on the variance, at which time all interested parties may appear and be heard.

(11) *Penalties.* Any person violating any provision of this ordinance shall upon conviction thereof be required to remove and dismantle any wind charger and shall be subject to fine or forfeiture of not less than \$50.00 or more than \$250.00 and the costs of prosecution. Upon failure to pay such fine or forfeiture, shall be confined to the County Jail for a period of not more than fifteen (15) days.

## **DIVISION 3. PLUMBING**

### **Sec. 5-18. Definitions.**

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

*Plumbing* means the following:

- (1) All piping, fixtures, appliances, equipment, devices and appurtenances 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 sewer system terminal within the 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 Wis. Admin. Code Comm. ch. 800 et seq.
- (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 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.

**Cross references:** Definitions generally, § 1-2.

Any person who shall violate any provision of this division or any regulation, rule or order made under this division shall be subject to a penalty as provided in section 1-5.

#### **Sec. 5-19. Plumbing inspector; powers and duties.**

(a) *Generally.* The plumbing inspector shall enforce all provisions of this division and all other state and town provisions relating to the construction, installation, alteration and repair of all plumbing within the town and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement. In the discharge of his duties, the plumbing inspector or his authorized agent may enter any building during reasonable hours for the purpose of inspection.

(b) *Permits.* The plumbing inspector shall take applications and issue to qualified applicants permits as required for all work contemplated by this division and shall maintain suitable records of the permits issued. He shall monthly submit permit fees collected by his office to the treasurer.



(c) *Reports.*

- (1) *To town board.* The plumbing inspector shall make such monthly and annual reports to the town board as it may require concerning the activities of his office.
- (2) *To the state department of health and social services.* The plumbing inspector shall make such reports to such department as is required under Wis. Stats. § 145.04(3).

(d) *Stop work orders.* The plumbing inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this division. Work so stopped shall not be resumed except on written permission of the plumbing inspector, provided that if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

**Cross references:** Officers and employees, § 2-151 et seq.

**Sec. 5-20. Plumbing permits.**

(a) *Required.* No work contemplated by this division shall be started until a permit therefor has been obtained from the plumbing inspector or his authorized agent.

(b) *Application.* The application shall be in writing upon forms provided by the plumbing inspector and shall include the name of the owner and the description of the property on which the work is to be done, and all plumbing to be installed, along with such 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 division.

(c) *Issuance; term.* When the plumbing inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this division, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire if work has not been commenced within 90 days of the date of issuance or when work ceases for a period of 90 days without good and reasonable cause for such cessation and shall automatically expire on completion of the work for which it was issued; provided, however, that the plumbing inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this division. A plumbing permit may be voided upon application of the holder, but not more than \$5.00 of the permit fee may be refunded.

(d) *Restrictions on issuance.*

- (1) No plumbing permit shall be issued to any person who is in violation of this division until such violation has been corrected.
- (2) No plumbing permit shall be issued to any person against whom an order issued by the plumbing inspector is pending.

- (e) *Failure to issue; suspension and revocation.* Any person directly interested who is aggrieved by the decision of the plumbing inspector to refuse to issue a permit or to suspend or revoke such permit shall be entitled to an appeal before the plumbing inspector under Wis. Stats. ch. 68.

#### **Sec. 5-21. Plumbers to be licensed.**

All plumbing work shall be done only by a plumber licensed by the state for such work, or his employees.

#### **Sec. 5-22. Inspection of work.**

The plumber in charge shall notify the plumbing inspector whenever any work is ready for inspection, i.e., soil, vent, underground drain, final inspection. All plumbing work shall be left exposed until such time as the inspector has completed his examination and inspection. When, in the opinion of the inspector, a test in addition to that provided in the state plumbing code is necessary, he may require a water or air test in any part of the installation.

### **ARTICLE III. RADIANT HEATING UNITS**

#### **Sec. 5-23. Definitions.**

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

#### **Sec. 5-24. Permit.**

(a) *Required.* It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the town without first having obtained a permit from the building inspector.

(b) *Application.* Application for a permit shall be made on a form provided by the building inspector. The following data shall be submitted with the application:

- (1) The manufacturer's installation, maintenance and operations manual.
- (2) Type and size of chimney.
- (3) The proposed chimney flue or new chimney flue size.
- (4) The number and size of existing vent connections to the chimney flue.

- (5) The clearance distance from any wall or ceiling; if less than 36 inches from wall or ceiling, the description of fire resistant material to cover such wall or ceiling.
- (6) The type of floor on which the unit will be mounted; if the floor is combustible, the type and size of fire resistant covering to be used.
- (7) Any other information required by the building inspector relating to the safety and operation of the unit.

(c) *Issuance.* Upon examination of the application and accompanying data by the building inspector, the inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this article and, if so, issue the permit; if not, the building inspector shall state in writing his reasons for not issuing the permit.

#### **Sec. 5-25. Inspection.**

No person may operate or permit the operation of a radiant heating unit until the building inspector has inspected and approved its installation.

### **ARTICLE IV. MOVING BUILDINGS**

#### **Sec. 5-26. Permit.**

(a) *Required.* No person shall move any building or structure into, out of, or within the town without first obtaining a permit therefor from the building inspector as provided in this section.

(b) *Application.* Application for a moving permit shall be in writing upon a form furnished by the building inspector. Such application shall state the following:

- (1) The name and address of the owner of the building or structure to be moved.
- (2) Pictures of the building to be moved.
- (3) The present location of the building to be moved.
- (4) The name of the municipality to which the structure is to be moved.
- (5) The legal description of the premises to which the building or structure is to be moved.
- (6) Proof of permission to so locate, if applicable.
- (7) If to be located within the town, a plat or survey showing the location of the building or structure on such premises.

- (8) If to be located within the town, the names and addresses of the owners of the property within 300 feet of the premises on which the building or structure is to be located.
- (9) The use being made of the premises within 300 feet of the premises on which the building or structure is to be located.
- (c) *Fee.* For the moving permit fee see section 5-37.

#### **Sec. 5-27. Insurance and bond.**

If a structure is moved across any town street or highway, a road repair bond shall be furnished by the applicant sufficient to cover possible road damage. A certificate of insurance shall also be filed with the application for a permit.

#### **Sec. 5-28. Public hearing.**

If the building or structure being moved is to be located within the town, prior to the issuance of a moving permit, a public hearing shall be held by the plan commission regarding the site to which the building or structure is to be moved. Notice of such meeting shall be mailed to the last known address of the owners of property within 300 feet of the proposed site.

#### **Sec. 5-29. Determination of plan commission.**

(a) If the building or structure being moved is to be located within the town, the plan commission shall determine the following:

- (1) Whether or not the architecture and condition of the building proposed to be moved is compatible with the neighborhood of the proposed site insofar as such building would adversely affect values incident to ownership of land in that area; if not, the application for a permit shall be denied.
- (2) The amount of the bond to be posted for compliance with the requirements of the plan commission.
- (3) Such other requirements as would make such structure or building comply with the general welfare, beauty and harmony of the neighborhood.

(b) The determination of the plan commission shall be set forth in writing and shall become a part of the moving permit, if issued.

## ARTICLE V. SWIMMING POOLS AND PONDS

### Sec. 5-30. Definitions.

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

*Pond* means any privately owned manmade depression in the ground, either temporary or permanent, in which water more than 18 inches is contained.

*Swimming pool* means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. **Cross references:** Paris Code August 1, 1973.

### Sec. 5-31. Regulated.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building or pond in the town except in accordance with this article.

### Sec. 5-32. Permit.

(a) *Required.* No person shall construct, install, enlarge or alter any private swimming pool or pond unless a permit therefor has first been obtained from the building inspector.

(b) *Application.* Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:

- (1) Location of pool or pond on lot, distance from lot lines and distance from structures.
- (2) Pool or pond dimensions and volume of water in gallons.
- (3) Location of fence, and type, size and gate location, if applicable.
- (4) Existing overhead wiring relative to proposed pool or pond.

### Sec. 5-33. Construction requirements.

(a) No pool or pond shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by chapter 70 for permitted accessory building uses, and the waterline of any pool or pond shall be not less than five feet from any lot line or building.

- (b) No connection shall be made to the sanitary sewer or septic system.
- (c) Gaseous chlorination systems shall not be used for disinfecting pool waters.
- (d) No pool shall be less than five feet from any septic system or less than 25 feet from any well.

#### **Sec. 5-34. Fences.**

(a) *Required.* All swimming pools not enclosed within a permanent building and all ponds located in a subdivision or within 150 feet of a residence of another shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. The wall of the house or building facing a pool may be incorporated as a portion of such fence. No fence shall be located, erected, constructed or maintained closer than three feet to a pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(b) *Exceptions.*

- (1) Aboveground swimming pools with walls that are at least four feet high at all points around such pool or have platforms and railings that are four feet or more in height above the ground are not required to be enclosed as provided in subsection (a) of this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates or be folded up and locked to prevent entry when the pool is not in use.
- (2) Below-ground swimming pools or ponds which have a slope of no more than four to one from any point on the perimeter of such pool or pond for at least a distance of 20 feet toward the center of such pool or pond are not required to be enclosed as provided in subsection (a) of this section.

#### **Sec. 5-35. Electrical requirements.**

(a) *To comply with electrical codes.* All electrical installations shall require separate permits and shall be governed by the town or state electrical code.

(b) *Pool lights.* If overhead flood or other artificial lights are used to illuminate the pool or pond at night, such lights shall be shielded to direct light only on the pool.

#### **Sec. 5-36. Use of pool.**

No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

## ARTICLE VI. BERMS

### Sec. 5-37. Berm design and construction

(a) *Purpose.* The land forms and landscapes shall be preserved in their natural state and so far as practicable by minimizing soil and tree removal that is not essential to protect development and by maintaining grades and contours and keeping with the general appearance of the neighboring developed area.

(b) *Definitions.* For purposes of this ordinance, any grading, regarding, deposit or other accumulation of earth or dirt which raises the elevation of existing topography eighteen (18) inches or more for the purpose of or which has the effect as acting as a barrier screen or vision shield, with or without the addition of vegetation planted thereon, shall be considered a berm.

(c) *Berm Construction.* No owner, lessee, occupier of land, contractor, or any agent or representative of any of the foregoing, shall construct a berm without first obtaining plan review and approval by the Town Board. The Town Board may impose such conditions or requirements as are consistent with these ordinances in issuing a permit for the construction of a berm.

- (1) No berm shall be constructed which exceeds six (6) feet in height. The measurement shall be based on the elevation height from the natural topography. The application shall include actual topographical elevations and the height elevation along the berm for each ten (10) foot increment of lineal distance.
- (2) The tow of the berm shall not be located closer than five (5) feet to any adjoining property or property line.
- (3) The berm shall be constructed so that it will neither increase or decrease the normal rate or flow or volume of water moving across the subject property.
- (4) The berm shall be constructed so that it will neither increase nor decrease the flow rate or volume of water moving through drain tile on the subject property.
- (5) No berm shall be constructed in an area where it would block the view of vehicular or pedestrian traffic and thereby create a safety hazard.
- (6) Upon the presenting of an application with appropriate contour mapping, the Town Board may waive any provision that does not materially affect the health and safety of the community.
- (7) There shall be an inspection fee of \$65.00 to be paid upon submission of the application.

(Amended on 05/27/03)

(Amended on 03/22/05)

## **ARTICLE VII. FEES AND CHARGES**

### **Sec. 5-38. Fees for building permits and inspections.**

At the time the application for a building permit or other designated permit is filed, the applicant shall obtain such specific permits and pay such permit fees as are set periodically by resolution of the Town Board.

### **Sec. 5-39. New construction deposit.**

In addition to all other fees, every applicant for a building permit for any initial construction shall deposit \$200.00 with the clerk for the purpose of reimbursing the town for the cost of removing any mud or other debris from the highway and the cost of repairing or replacing the driveway culvert resulting from such construction. Any of such costs incurred by the town shall be deducted from such deposit, and the balance of such deposit, if any, shall be returned to the applicant upon completion of construction.

### **Sec. 5-40. Repealed.**

### **Sec. 5-41. Permits for temporary electrical work.**

On applying for a permit for temporary work, the period of time for which such wiring is to remain in service shall be specified. Service shall be cut off at the end of this period and shall not again be connected without written permission from the electrical inspector.

### **Sec. 5-42. Repealed.**



## CHAPTER 6 BUSINESSES

Cross references: Alcoholic and nonintoxicating beverages, ch. 3; nuisance-type businesses, ch. 6.

Section Number	Title	Ordinance Number	Date of Ordinance
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### ARTICLE I. IN GENERAL

Sec. 6-1	Penalty for Violation of Chapter		
Sec. 6-2	Payment of All Fees and Charges Required		
Sec. 6-3	General License Provisions		

### ARTICLE II. ADULT ORIENTED ESTABLISHMENTS

Sec. 6-4	General		
Sec. 6-5	License Required Display		
Sec. 6-6	Preapplication Staff Conference		
Sec. 6-7	License Application		
Sec. 6-8	Decision		
Sec. 6-9	License		
Sec. 6-10	License Renewal, Amendments, Minor Modification		
Sec. 6-11	Suspension, Adjustment or Termination of License		
Sec. 6-12	Appeal		
Sec. 6-13	Inspection		
Sec. 6-14	Requirements and Prohibitions		
Sec. 6-15	Employee and Entertainer Permits		
Sec. 6-16	Violations and Enforcement		
Sec. 6-17	Authorized Representatives		
Sec. 6-18	Discrepancies		
Sec. 6-19	Other Licenses, Permits and Approvals		
Sec. 6-20	Definitions		
Sec. 6-21	Injunction		

### ARTILCE III. AMUSEMENT ARCADE

#### Division 1. Generally

Sec. 6-21A	Definitions		
Sec. 6-22	Penalty for Violation of Article		
Sec. 6-23	Restrictions and Regulations		

#### Division 2. License

Sec. 6-24	Required; Fees		
Sec. 6-25	Transfer		
Sec. 6-26	Suspension, Revocation or Non-Renewal		

**ARTICLE IV.  
CIGARETTE DEALERS**

Sec. 6-27      Cigarette Retainer's License

**ARTICLE V.  
COIN-OPERATED MACHINES**

Sec. 6-28      Definitions  
Sec. 6-29      License  
Sec. 6-30      Prizes and Gambling

**ARTICLE VI.  
JUNK DEALERS**

**Division 1. Generally**

**Division 2. License**

Sec. 6-31      License  
Sec. 6-32      Required  
Sec. 6-33      Exception  
Sec. 6-34      Application  
Sec. 6-35      Fee  
Sec. 6-36      Inspection Required  
Sec. 6-37      Referral of Applicant to Planning Commission  
Sec. 6-38      Referral of Applicant to Town Board

**ARTICLE VII.  
SHOOTING RANGES**

Sec. 6-39      Repealed. 2016-1-26-A      01/26/16

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Penalty for violation of chapter.**

In addition to the specific penalties provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-5. A separate offense shall be deemed committed on each day which a violation of this chapter occurs or continues.

**Sec. 6-2. Payment of all fees and charges required.**

Any person or business must pay all delinquent fees, charges, property taxes or personal taxes prior to the issuance of a license or permit.

### **Sec. 6-3. General license provisions.**

(a) *Application.* Every application for a license or permit required by this chapter shall be made upon a form furnished by the clerk and verified. The appropriate license or permit fee, together with a publication fee, if any, shall be paid to the clerk at the time of filing such application. No initial license or permit fee shall be refunded unless the granting of the license or permit is denied.

(b) *Issuance.* Licenses, when granted, shall be issued by the clerk and shall state the date thereof, the day from which it shall be in force, the name and place of business of the person to whom it is issued, the particular purpose and the time period for which issued, and the amount of license fee paid. The clerk shall keep all such applications on file and keep a record of all licenses issued. If any license applied for is denied, the clerk shall return the license fee to the applicant.

(c) *Termination.* Except as otherwise specifically provided, every license or permit granted under this chapter shall terminate or expire on June 30 of each year.

(d) *Prorating of fees.* Except as otherwise specifically provided, no initial license or permit fee shall be prorated.

(e) *Refund of fees.* No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.

(f) *Transfer of licenses and permits.* No license or permit may be transferred from the licensee or permittee to another person unless otherwise provided in this chapter.

(g) *Suspension and revocation of licenses and permits.* Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the town board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law.

## **ARTICLE II. ADULT-ORIENTED USES AND ESTABLISHMENTS**

### **Sec. 6-4. General.**

A. *Authority.* This chapter is adopted pursuant to authority granted by the Wisconsin Statutes, including, without limitation, Sec. 61.34(1) and Sec. 66.0415(1), Wis. Stats.

B. *Purpose.* The purpose of this chapter is to regulate, prevent, combat, control and mitigate the harmful secondary effects of adult-oriented uses and establishments operated within the Town, in a manner that is fully consistent with the First Amendment of the United States Constitution.

C. *Interpretation.* The provisions of this chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town. Any word, term or phrase that is defined in this chapter shall have the meaning stated in its definition. Any

undefined word, term or phrase shall have its common, ordinary meaning unless some other particular meaning is clearly suggested by the context in which it appears. As used in this chapter, "shall" is mandatory and "may" is permissive. Headings are provided in this chapter only for convenience and ease of reference, and such headings shall not be used to interpret the meaning, purpose or effect of any provision of this chapter. Notwithstanding any of the foregoing statements regarding interpretation, this chapter shall be interpreted so as to be fully consistent with the requirements of the First Amendment of the United States Constitution.

#### **Sec. 6-5. License required; display.**

A. After the effective date of this chapter:

- (1) The operator of a proposed new or relocated adult-oriented use or establishment in the Town shall obtain from the Town and possess a valid adult-oriented use license issued pursuant to this chapter before commencing the operation of such use or establishment; and
- (2) The operator of an adult-oriented use or establishment already existing in the Town on the effective date of this chapter which proposes to expand or shift the area occupied by its operations, or to which a new or additional adult-oriented use is proposed to be added, shall obtain from the Town and possess a valid adult-oriented use license issued pursuant to this chapter before commencing the operation of such new or additional use or before expanding or shifting the area occupied by its operations; and
- (3) The operator of an adult-oriented use or establishment to whom a valid adult-oriented use license has been issued shall obtain and possess a valid amendment or minor modification of such license pursuant to this chapter before making any change or modification to the nature, operation or physical layout of the use(s) provided for in such license; and
- (4) The operator of an adult-oriented use or establishment to whom a valid adult-oriented use license has been issued shall obtain and possess a valid renewed or new adult-oriented use license before continuing to operate such use or establishment after the expiration of the issued license.

B. The operator of an adult-oriented use or establishment in the Town licensed pursuant to this chapter shall prominently display at all times a valid adult-oriented use license within the physically separate defined area of the building occupied by the adult-oriented use. Possession of a valid adult-oriented use license shall not entitle the operator of an adult-oriented use or establishment to operate an adult-oriented use or establishment in violation of applicable requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or any other Town ordinance.

## **Sec. 6-6. Preapplication staff conference.**

Prior to filing an application for an initial or amended (or amended and renewed) adult-oriented use license, or for a minor modification of an adult-oriented use license, the operator or an authorized representative of the operator shall request and participate in a face-to-face conference with the Town to discuss the proposed adult-oriented use(s), the requirements of this chapter and how the requirements of this chapter interface with the requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and other applicable Town ordinances, for the purpose of ensuring an efficient application review and decision-making process. The requirements of a preapplication staff conference shall be deemed to be waived by the Town if the operator has participated during the past 180 days in a preapplication staff conference, regarding the same proposed adult-oriented use(s) and the same other use(s) as are proposed by the operator to be located and conducted together with such adult-oriented use(s) in the same physically separate defined area of a building. The Town may waive in writing the requirement of a preapplication staff conference whenever such requirement is determined to be not necessary to achieve an efficient application review and decision-making process.

## **Sec.6-7. License application.**

A Filing. An application for an adult-oriented use license, or for any renewal, amendment or minor modification of such a license, shall be filed with the Town clerk, on a form provided by the Town and dated and signed by the operator, together with the application fee provided for in Sec. 6-7G of this chapter.

B. Contents. An application shall only deal with the adult-oriented use(s) and any other use(s) that are proposed by the operator to be located and conducted together in a single physically separate defined area of a building. The application for an initial adult-oriented use license shall contain or have attached to it the following information and documents or shall explain why any such particular requirement is not applicable to the application. (For the required contents of a renewal, amendment or minor modification application, see §6-10 of this chapter):

- (1) Name (and any aliases), street address (a post office box without a street address is not sufficient) and telephone number of the operator (and, at the option of the operator, the operator's fax number and/or e-mail address if the operator consents to receive notices or other communications relating to the application or license by such means), and any other name under which the operator is currently doing business or has done business at any time during the five years immediately preceding the date of application;
- (2) If the operator is an individual, his or her date of birth, sex, race, and state of residence currently and at any time during the five years immediately preceding the date of the application;
- (3) If the operator is not an individual, the type of entity it is (e.g., corporation, general partnership, limited partnership, limited liability company, joint venture, etc.), the state in which it was formed, each state in which it is currently doing business or has done business during the

five years immediately preceding the date of application, and the name and address of its registered agent;

- (4) If the operator is not an individual, the name and the information specified in Subsection 8(2) or (3) above, whichever is applicable, for each of the following:
  - (a) If the operator is a corporation, for each officer and director and for each shareholder owning at least a 25% interest in the operator;
  - (b) If the operator is a partnership, for each general partner;
  - (c) If the operator is a limited partnership, for any general partner, and for any limited partner owning at least a 25% interest in the operator;
  - (d) If the operator is a joint venture, for each joint venturer;
  - (e) If the operator is a limited liability company managed by one or more managers, for each manager and for each member owning at least a 25% interest in the operator; if the operator is a limited liability company managed by the members, for each member;
  - (f) If the operator is any other type of entity, for each person who or which exercises or is authorized to exercise any control over the operations of the entity;
- (5) If the operator is not the sole owner of the real property on which the proposed adult-oriented use(s) or establishment are proposed to be located or operated, the name, street address and telephone number of each such owner;
- (6) If the operator is not the sole and record owner of the real property on which the proposed adult-oriented use(s) or establishment are proposed to be located or operated, attach proof of the operator's right to conduct the proposed adult-oriented use(s) or establishment on such real property (e.g, copy of deed or lease);
- (7) If the operator or any person required to be listed in response to Subsection 8(4) above has been convicted during the five years immediately preceding the date of the application of obscenity, sexual assault, prostitution, keeping a place of prostitution, pandering, soliciting prostitutes, lewd and lascivious behavior, public sexual gratification or other similar crimes of a sexual nature, or of the manufacture, distribution or delivery of a controlled substance or of a controlled substance analog, or of possession of a controlled substance or a controlled substance analog with intent to manufacture, distribute or deliver, or of other similar crimes relating to the distribution or delivery of controlled substances or controlled substance analogs, identify the person so convicted and state the crime, the date of

conviction and identify the court and jurisdiction in which the conviction occurred (e.g. Circuit Court, Kenosha County, Wisconsin);

- (8) If the operator or any person required to be listed in response to Subsection 8(4) above has been adjudicated guilty during the five years immediately preceding the date of application of any ordinance violations occurring in or relating to the operation of an adult-oriented use or establishment, identify the person so adjudicated, state the nature of the ordinance violation, the date of the adjudication and identify the court and jurisdiction in which the adjudication occurred;
- (9) Name and street address of any other adult-oriented use(s) or establishment(s) owned and/or operated by the operator or by any person required to be listed in response to Subsection 8(4) above currently or within the five years immediately preceding the date of application, and the name, street address and telephone number of each local governmental entity which has issued or granted any permit or license for or with respect to each such use or establishment;
- (10) If a permit or license for an adult-oriented use or establishment owned or operated by the operator or by any person required to be listed in response to Subsection 8(4) above has been terminated or suspended during the five years immediately preceding the date of the application, state the name and address of the business, the type of permit or license terminated or suspended, the date and reason(s) for the termination or suspension and the name, street address and telephone number of the governmental entity that terminated or suspended the permit or license;
- (11) Location of the proposed adult-oriented use(s) or establishment (legal description of the real property, street address of the building, and the floor and/or building unit designation, if applicable);
- (12) Zoning district in which the proposed adult use(s) or establishment is proposed to be located and whether any such use or establishment is a nonconforming use pursuant to the Chapter 2, Article IV, Sec. 2-24, "Plan Commission"; if nonconforming use status is claimed, attach proof of each element of such status (see definition of "nonconforming use" in Sec. 6-20 below);
- (13) List and describe all proposed adult-oriented use(s) [e.g., adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video-rental store, adult video store and/or adult viewing facility] to be located and conducted together in the same physically separate defined area of a building;
- (14) List and describe all proposed indoor accessor uses related to and to be located and conducted together with the listed adult-oriented use(s) in the same physically separate defined area of a building;

- (15) List and describe all other proposed principal uses and related accessory uses to be located and conducted together with the listed adult-oriented use(s) in the same physically separate defined area of a building;
- (16) Name of the business or establishment which the proposed adult-oriented use(s) will constitute or be a part of;
- (17) Whether the entire building where the proposed adult-oriented use(s) will be located will be the physically separate defined area occupied by the proposed adult-oriented use(s) and any related indoor accessory use(s), and if not, attach a scale drawing showing the boundaries of the physically separate defined area to be occupied by such use(s) [see Subsection B(28) below], and describe in detail the means by which such area will be physically separated from the remainder of the building or, if applicable, from the remainder of the building unit;
- (18) Whether site and operational plan approval has been issued or applied for with respect to the proposed adult-oriented use(s) and any other use(s) to be located and conducted together in the same physically separate defined area of a building, and if so, the date of issuance of such approval or, if not issued, the date of the application for such approval;
- (19) Whether a conditional use permit has been issued or applied for with respect to any of the use(s) proposed to be located and conducted together with the proposed adult-oriented use(s), and if so, the date of issuance of such permit or, if not issued, the date of the application for such permit, and the type of conditional use involved;
- (20) Whether any existing conditional use permit will be automatically terminated upon issuance of the requested adult-oriented use license pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission";
- (21) Whether a zoning amendment is necessary to accommodate the proposed adult-oriented use(s) or establishment, and if so, whether the required zoning amendment has been adopted or denied, or if pending, the date of the rezoning application;
- (22) If the building in which the proposed adult-oriented use(s) is proposed to be located does not exist, or if such building is proposed to be modified, attach a copy of detailed building plans that satisfy the plan requirements for a building permit;
- (23) A detailed description of how the operator will ensure that individuals who are less than 18 years of age will be excluded from the physically separate defined area to be occupied by any proposed adult-oriented use(s);
- (24) A detailed description of how the operator will ensure that any seminude individual appearing live and publicly in an adult-oriented use



or establishment will only so appear on a stage or raised platform which is raised not less than 23 inches above the surrounding floor areas;

- (25) A detailed description of how the operator will ensure that no seminude individual appearing live in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use;
- (26) A detailed description of how the operator will ensure that no adult-oriented printed or graphic materials displayed in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use or establishment;
- (27) A detailed description of how the operator will ensure that no adult-oriented movie or other adult-oriented motion-picture materials shown in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use or establishment;
- (28) Attach a scale drawing of the layout of the interior of the building in which the proposed adult-oriented use(s) and any proposed related indoor accessory use(s) will be conducted, or of the floor or building unit thereof to which the proposed adult-oriented use(s) will be limited, if applicable, but in any event showing enough of the building interior to include the boundaries of the physically separate defined area of the building to be occupied by such use(s), showing:
  - (a) The boundary of the physically separate defined area within which the proposed adult-oriented use(s) and any related indoor accessory uses will be conducted, with dimensions, and showing any physical means by which the required physical separation of such area will be achieved, and if the adult-oriented use(s) will involve the retail sale or rental of merchandise, the location where the checkout counter and cash register will be located within such area;
  - (b) The location, dimensions and function of each room, cubicle or other enclosed space to which customers or members of the public will have access;
  - (c) The location, dimensions and function of each room or other enclosed space from which customers or members or the public will be excluded, and the means of accomplishing such exclusion;
  - (d) The location, height and other dimensions, type and purpose of any interior movable or non-floor-to-ceiling walls, partitions, screens or other barriers; and the function of any spaces created by such barriers, and whether customers or members of the public, customers, club members or guests will be admitted to or excluded from such spaces;

- (e) The location and dimensions of each doorway, entryway or passageway through which customers or members of the public will be permitted to pass and whether the doorway, entryway or passageway will be open and unobstructed or closed (only exterior entrances/exits and rest rooms can be closed or obstructed);
- (f) The location and dimensions of each doorway, entryway or passageway through which members of the public, customers, club members or guests will not be permitted to pass and the means of accomplishing such exclusion;
- (g) The location and dimensions of any raised platform or stage on which any seminude employees or entertainers will appear live and publicly and the height thereof above the surrounding floor areas;
- (h) The location and dimensions of the required minimum six-foot separation zone between any raised platform or stage where seminude employees or entertainers will appear live and publicly any area where customers or members of the public will be permitted to sit, stand, move about or dance, and the locations, type, materials and dimensions of the required physical separation barrier at the outer periphery of such separation zone;
- (i) The location and dimensions of any bar and of any related service area;
- (j) The location and dimensions of any dance floor;
- (k) The location and dimensions of any customer seating areas;
- (l) The location and dimensions of any merchandise racks;
- (m) The location and dimensions of any cubicles, booths, small rooms or other small partially enclosed spaces to be used by customers or members of the public for private viewing of videos or any other similar purpose;
- (n) The location and dimensions of any movie screen, projection equipment, or viewing equipment;
- (o) A certification that the operator has reviewed this chapter;
- (p) A certification that the operator has reviewed the information contained in or submitted with the application and that such information is up to date, accurate and complete as of the date of the application.

C. Incomplete applications. The Town may decline to accept an adult-oriented use application for filing if it is obviously incomplete. With respect to any filed application that is

determined upon review to be incomplete, the Town shall issue a written notice to the operator, within five business days after the date of filing, stating that the application is incomplete and listing the specific items required to complete the application. If no such notice is issued within such five-day period, the application shall be deemed to be complete for purposes of processing. Upon completion of the application, the Town shall notify the operator in writing within three business days that the application was completed as of a specified date. In the event the application is not completed within 60 days after the initial filing of the application, the Town shall deny the application as incomplete and shall notify the operator in writing of the reason for the denial within three business days.

D. Waiver of application requirements. The Town waive in writing any application requirement that the Town determines is not necessary for the effective review and determination of the application. Such waivers may be issued at a pre-application staff conference or at any time during the application review process.

E. Background check. Upon the filing of an application for an adult-oriented use license, the Town Board shall immediately request the Kenosha County Sheriffs Department to conduct a background check on the operator and on each person identified in response to Subsection B(4) of this section. The Kenosha County Sheriffs Department shall promptly forward the results of such background check(s) to the Town Board, which shall include the results of such background check(s) for the five years immediately preceding the date of the application.

F. Staff report. The Town shall prepare a staff report on the application, which shall include the relevant results of any background checks conducted pursuant to Subsection D above. A copy of such staff report shall be made available to the operator prior to the meeting at which the Town Board will consider the application.

G. Application fees.

- (1) License. The application fee for an initial adult-oriented use license shall be \$500. The application fee for an amendment of such a license or for a renewal and amendment of such license shall be \$300. The application fee for a renewal of such a license without change shall be \$200. The application fee for an informal minor modification of such a license shall be \$100.
- (2) Work permit. The application fee for an adult-oriented use work permit shall be \$100.

## **Sec. 6-8. Decision.**

A. Time limit.

- (1) The Town Board shall decide each application for an initial adult-oriented use license, or for an amendment or renewal of such a license, within 45 days after a complete application and the applicable fee for such application are filed, unless the operator or an authorized representative of the operator agrees to an extension of time at a Town Board meeting, which extension is contained in the minutes of such meeting, or is

memorialized in a writing signed by the operator or an authorized representative of the operator; provided, however, that notwithstanding the foregoing time limit, the Town Board may toll the remaining time for decision until the next regularly scheduled meeting that is conducted by the Town Board if:

- (a) A required site and operational plan approval under Chapter 2, Article IV, Sec. 2-24, "Plan Commission" (including the determination of the applicable physically separate defined area), has not yet been issued with respect to the proposed adult-oriented use(s) and any other use(s) to be located and conducted together with such adult-oriented use(s) in the same physically defined separate area of a building; or if
  - (b) A required amendment of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", has not yet been enacted and the application for such amendment is not ripe for decision by the Town Board; or if
  - (c) The operator or a knowledgeable representative of the operator authorized to speak for and bind the operator fails to appear at a meeting of the Town Board at which consideration of the application is duly scheduled, and if the Town Board has any questions about the application or the proposed use(s) to which it reasonably requires answers before deciding the application, or if the operator or the operator's authorized representative are unable to answer such questions without an adjournment.
- (2) If the Town Board fails to decide an application for an adult-oriented use license within the time limits established by this chapter, the license shall be deemed to be issued on the basis of the information provided in the application.

B. Notice and opportunity to be heard. The Town Board shall cause a written notice to be issued to the operator, not less than 10 days prior to the date of the Town Board meeting at which the operator's application is proposed to be considered, stating the date, time and place of the meeting, the operator's obligation to be present in person or by knowledgeable representative authorized to speak for and bind the operator, and optionally, any additional information that the Town Board or staff believes is necessary or desirable to decide the application. The operator shall be given an opportunity to present its application and to respond to any concerns that members of the Town Board have which might be the basis for denial or the imposition of any special limiting condition.

C. Approval. The Town Board shall approve an application for an adult-oriented use license if the application and the proposed adult-oriented use(s) and establishment satisfy all of the requirements of this chapter and if the Town Board does not find that there is a reasonable probability that the operator will fail to comply with the requirement of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information.

D. Conditions. The Town Board may impose reasonable requirements and conditions to ensure compliance by the operator with the requirements of this chapter or of a license issued pursuant to this chapter, and for such purposes may incorporate by reference in its decision all or portions of the operator's application or other documents. The Town Board shall specify whether any condition imposed on its approval is a condition precedent (must be satisfied before the license takes effect) or a condition subsequent (must be satisfied after the license takes effect to avoid a subsequent suspension and possible termination) and may specify a reasonable period of time within which to satisfy any such condition. For existing adult-oriented uses or establishments that are allowed uses pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", conditions precedent shall be avoided unless they are required to remedy serious health or safety problems or serious adverse secondary effects in the surrounding area.

E. Physically separate defined area. In the event that the physically separate defined area to be occupied by an existing allowed adult-oriented use and any related interior accessory use(s) involved in the adult-oriented use license application has not been determined and will not be determined pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", in connection with a then-currently-required site and operational plan approval, the Town Board shall determine the physically separate defined area of such use(s) as part of the license decision.

F. Denial. The Town Board shall deny the license application if it finds that the proposed adult-oriented use(s) or establishment fail to satisfy the requirements of this chapter, or if it finds that there is a reasonable probability that the operator will fail to comply with the requirements of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information. The Town Board may deny a license application for lack of specific information, which it reasonably needs to decide the application, if the operator has been given a reasonable opportunity to supply such information. The Town Board shall specifically state its reasons for denying any adult-oriented use license application.

G. Minor modifications. Applications for minor modifications of adult-oriented use licenses may be informally granted in writing by the Town pursuant to Sec. 6-10 below.

## **Sec. 6-9. License.**

A. Issuance of a License. The Town shall issue an adult-oriented use license within five business days after Town Board approval of the application, if there are no conditions precedent, or Town certification that all conditions precedent to the Town Board approval have been satisfied pursuant to Subsection B(1) below. If the Department fails to act timely pursuant to this Section 6-9A, the license shall be deemed to be issued for purposes of the operator's right to operate, but a subsequently issued license shall be valid and binding. Notwithstanding any other provision of this chapter, no violation of this chapter shall result from an operator of an existing adult-oriented use or establishment that is an allowed use pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", continuing to operate such use or establishment during the period between Town Board's approval of an adult-oriented use license for such use or establishment, which is not subject to any conditions precedent, and the issuance of such license to the operator. An adult-oriented use license shall be personal to the operator and site-specific to the approved location, shall not

run with the land, shall not be transferable or assignable and shall not be applicable to an adult-oriented use or establishment at a location different than the approved location. A transfer or assignment of an adult-oriented use license shall automatically terminate such license. (A simple name change by an operator shall not be deemed to involve an assignment and require a new license, but the merger or acquisition of an operator shall be deemed to involve an assignment and shall require a new license.) Except as provided in Sec. 6-10 below, any initial, renewed or amended adult-oriented use license shall automatically expire one year after the date of issuance unless it is sooner invalidate or terminated.

B. Satisfaction of license conditions.

- (1) Conditions precedent. The operator of a proposed adult-oriented use or establishment shall satisfy all conditions precedent imposed by the Town Board on its approval of an application for an adult-oriented use license within the time specified by the Town Board in its decision, or if the time was not specified by the Town Board, within 270 days after the date of approval. The operator shall notify the Town in writing, within the time prescribed, of the satisfaction of any conditions precedent and shall either provide proof of satisfaction with such notice or request in such notice an inspection of the premises. The Town shall make any requested inspection within three business days after receipt of such notice and shall certify to the Town Board satisfactory compliance with any condition precedent and issue the license (or notify the operator in writing why a condition has not been satisfied) within three business days after receiving such proof or after making an inspection. In the event that the operator fails to satisfy a condition precedent within the time prescribed, the Town Board's approval shall be automatically suspended. If the operator thereafter satisfies the condition precedent within one year after the Town Board's approval, and files an updated application in which the operator certifies that the updated information is accurate and complete, together with the fee required for a renewal application, the Town shall certify satisfactory compliance with the condition(s) precedent and issue the license within three business days, unless facts have changed materially or the requirements of this chapter have changed materially in the interim, in which event the Town shall issue a notice to the operator within three business days that the updated application is being treated as an application for renewal.

If the Department fails to act timely pursuant to this Subsection B(1), the action in favor of the operator shall be deemed to have been taken timely.

- (2) Conditions subsequent. The operator shall satisfy any conditions subsequent to the license and obtain the Town's certification of such satisfaction within the time specified in the license or, if such time is not specified, within 60 days after the date of issuance. The operator shall notify the Town in writing, within the time prescribed, of satisfaction of any conditions subsequent and provide proof of satisfaction with such notice or request in such notice an inspection of the premises. The Town shall inspect the premises within three business days after receiving notice and a request for inspection. The Town shall certify the satisfaction (or notify the operator in writing why the condition has not been satisfied) within three business days after receiving such proof or conducting such an inspection. In the event that an operator fails to satisfy a condition subsequent and obtain the Town's certification of such satisfaction within the time



prescribed, the license shall be automatically suspended. During any such suspension, operations shall be prohibited. Any such suspension shall be automatically lifted upon the Town's certification of satisfactory compliance with the condition(s) subsequent. If the Town fails to act timely pursuant to this Subsection B(2), the action in favor of the operator shall be deemed to have been taken on the last day of the time prescribed for such action.

#### **Sec. 6-10. License renewal, amendments, minor modification.**

A. License renewal. An operator wishing to renew a valid adult-oriented use license shall file a complete renewal application with the Town, together with the renewal license application fee specified in Sec. 6-7G of this chapter, not later than 60 days prior to the expiration of the existing license. The timely filing of a complete renewal application and the required application fee shall entitle an operator to continue operating an adult-oriented use or establishment during the pendency of the application, even if the application is not decided until after the expiration of the existing license, and until the license is issued if the Town Board approves the application without conditions precedent. Any amendments to this chapter that are enacted before the Town Board's decision shall be applicable to a renewal application. The application for renewal of an adult-oriented use license shall contain all of the information and documents required for an initial adult-oriented use license. Such an application may incorporate by reference specific information filed by the operator in or attached to the most recent application on the basis of which an adult-oriented use license was approved by the Town Board, provided that such previous application and any applicable attachments thereto are attached to the renewal application or are on file with the Town and readily available, if the operator specifies the date of such prior application and certifies that such information has not changed and is up to date, accurate and complete as of the date of the application. Any information that has changed since the previous application or which was incorrectly stated in the previous application shall be updated and corrected by the operator so that all of the information filed with the Town is accurate and complete as of the date of the application. Sections 6-8 and 6-9 of this chapter shall apply to license renewal.

B. License amendment. An operator desiring to amend a valid adult-oriented use license shall file an application for amendment of the license with the Town, together with the amended license application fee specified in Sec. 6-7G of this chapter, after requesting and participating in any preapplication staff conference required by Sec. 6-6 of this chapter. Any amendments to this chapter that are enacted before the Town Board's decision shall be applicable to an amendment application. The application for amendment of an adult-oriented use license shall contain all of the information and documents required for an application for an initial adult-oriented use license and shall contain a complete and detailed description of any proposed changes in use, operation, physical layout or license provisions and a scale drawing showing any physical changes in layout. Such an application may incorporate by reference specific information filed by the operator in the most recent application on the basis of which an adult-oriented use license was approved by the Town Board, provided that such previous application and any applicable attachments thereto are attached to the application, or that such documents are on file with the Town and is readily available, if the operator specifies the date of such application and certifies that such information has not changed and is up to date, accurate and complete as of the date of the application. Any information that has changed since the date of the previous application or which was incorrectly stated in the previous application shall be updated and corrected by the operator so that all of the information filed with the Town is accurate and complete as of the date of the application. Sections 6-8 and 6-9 of this chapter shall apply to license amendment.

C. Minor modification of license. An operator desiring a minor modification of a valid adult-oriented use license shall file an application for minor modification with the Town, together with the minor modification application fee specified in Sec. 6-7G of this chapter, after requesting and participating in any preapplication staff conference required by Sec. 6-6 of this chapter. The Town shall be authorized but not obligated to grant a minor modification, and if practicable, the Town shall give guidance to the operator during the preapplication staff conference whether an application for a minor modification is advisable. The application for minor modification shall contain a complete, detailed and accurate description of the proposed minor modification(s) of the operation, physical layout or license provisions and a scale drawing showing any proposed physical modification(s) in layout, any information required to update or correct any changes or inaccuracies or incomplete statements in the information filed with the most recent application on the basis of which the Town Board approved an adult-oriented use license so that all of the information filed with the Town is accurate and complete as of the date of the application, together with the certification by the operator that all such information is accurate and complete as of the date of the application, and any other information reasonably required by the Town to determine whether any proposed modification is a minor modification. Any application for a minor modification of an adult-oriented use license the Town or fails to issue in writing within 10 business days after the filing of the application shall be deemed to be denied. If the operator still desires to effect the proposed modification(s) in the license, the operator shall file an application for an amended license.

#### **Sec.6-11. Suspension, adjustment or termination of license.**

A. Upon receipt of information providing a reasonable basis to believe that a serious violation of this chapter or of a license issued pursuant to this chapter has occurred (for purposes of this section, "serious violation" shall include any violation which involves criminal activity, involves the presence of an individual of less than 18 years of age inside the physically separate defined area of a building within which an adult-oriented use is located, or is of a type reasonably likely to result in harmful secondary effects in the surrounding area) or that a pattern of violations of this chapter or of a license issued pursuant to this chapter has occurred which reasonably suggests intentional violation by the operator or a lack of concern about compliance on the part of the operator or that materially false, misleading or incomplete information was provided by the operator in or with an adult-oriented use application; the Town Board may schedule a hearing to determine whether such violations occurred (unless a court has already made such determination), whether the operator committed or was responsible for such violation(s), and whether adjustments in the operation, supervision, layout or other aspects of the licensed adult-oriented use(s) or establishment are required, or whether adjustments in the adult-oriented use license provisions are required, to prevent similar violations in the future, and with respect to materially false, misleading or incomplete information provided in or with a license application, what the accurate and complete information is and whether, how and to what extent any such false, misleading or incomplete information affected the Town Board's decision to approve the license application and whether the license should be adjusted or terminated in light of such information.

B. The Town Board shall cause a written notice of any such hearing to be served upon the operator or upon the individual apparently in charge of the adult-oriented use or establishment in the manner of serving a summons under Sec. 801.10 and Sec. 801.11(1), Wis. Stats., not less than 10 days before the date of the hearing. The notice shall specify the alleged violation(s), state the reason for the hearing, and state the date, time and place of the hearing.



C. If the Town Board finds that adjustments in the adult-oriented use license provisions are required to ensure that further similar violations are prevented, or in light of complete and accurate information, it may impose such additional or further requirements or conditions on the license as are reasonably designed to prevent further similar violations or to deal with the situation presented by complete and accurate information, and may suspend such license for a reasonable period of time while such adjustments are being made and while related requirements or conditions are being implemented or satisfied. If the Town Board finds that the operator has intentionally committed, authorized, approved or knowingly acquiesced in a serious violation of the provisions of this chapter or of a license issued pursuant to this chapter, or if a felony has been committed at the adult-oriented use or establishment for which the operator is responsible pursuant to Sec. 6-14AA of this chapter, or if the Town Board finds, based on a substantial pattern of violations of this chapter or of a license issued pursuant to this chapter committed by the operator or for which the operator is responsible pursuant to Sec. 6-14AA of this chapter, that a reasonable probability exists that violations will continue, it may terminate the license. If the Town Board finds, in a situation where the operator provided materially inaccurate, misleading or incomplete information in or with a license application, that it would not grant an adult-oriented use license based on the current information (or lack thereof) that it has, or if the license it would grant would have different provisions in light of such information or the lack thereof, it may terminate or adjust the license, and may suspend the license until satisfactory information is provided and/or for a reasonable period of time while such adjustments are being made and while related requirements or conditions are being implemented or satisfied.

D. The operator may be represented by legal counsel at such a hearing and may make legal arguments, present evidence and call, examine and cross examine witnesses. The proceedings shall be recorded by a recording device or stenographer. Exhibits shall be marked and preserved. The Town Board shall make findings of fact and conclusions of law to support any decision to suspend, adjust or terminate a license. If a license is terminated pursuant to this Sec. 6-11, the operator shall not file an application for a new license within one year after the date of termination.

E. The procedures of this Sec. 6-11 shall be in addition to any other remedies that the Town may have in the event of violations of this chapter or of a license issued pursuant to this chapter.

## **Sec. 6-12. Appeal.**

At the option of the operator, any denial by the Town Board of an initial adult-oriented use license application or of an application to renew or amend such a license, or any adjustment, suspension or termination of such a license by the Town Board, or the imposition of any requirement or condition by the Town Board, or any determination by the Town that a condition of approval has not been satisfied, may be appealed by the operator to the Kenosha County Zoning Board of Appeals in accordance with the procedure and with the effect set out in Kenosha County Ordinances, but if the operator wishes to challenge any such denial, condition or determination directly in court, the Town Board shall waive any defense based on the operator's failure to exhaust administrative remedies. Any denial by the Town Clerk of an adult-oriented use work permit may similarly be appealed by the applicant to the Kenosha County Zoning Board of Appeals, but if the applicant wishes to challenge such denial directly in court, the Town shall waive any defense based on the applicant's failure to exhaust administrative remedies.

### **Sec. 6-13. Inspection.**

The portions of any adult-oriented use or establishment open or proposed to be open to any customers or members of the public shall be subject to inspection by Town inspectors or police officers at any time such use or establishment is open to the public to determine compliance with the requirements of this chapter or of any license issued pursuant to this chapter. The filing of an application for an adult-oriented use license (or for the renewal, amendment or minor modification of such license) shall constitute consent to any such inspection.

### **Sec.6-14. Requirements and prohibitions.**

The following requirements or prohibitions shall apply to licensed adult-oriented uses and establishments:

A. The operator (if the operator is an individual), all individuals identified in response to Sec. 6-6B(4) of this chapter, and all employees and entertainers working, providing services or entertaining in an adult-oriented use or establishment shall be at least 18 years of age.

B. Any adult-oriented use shall be conducted entirely within a principal building.

C. All adult-oriented uses located and conducted together in the same principal building, and all related indoor accessory uses, shall be located within the same physically separate defined area of a principal building, and no other uses shall be permitted in such defined area except as expressly approved in an adult-oriented use license.

D. Any adult-oriented use license shall either designate an entire principal building as the physically separate defined area or shall precisely designate the location of the boundary of such defined area and specify the approved means of physically separating such defined area from other portions of the building or, if applicable, from other portions of the applicable unit of a building. In the event that an adult-oriented use license fails to designate the applicable physically separate defined area, however, any designation of such defined area made pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", shall be deemed to be controlling, and in the absence of such a designation, the entire building shall be deemed to be included in such area.

E. An adult-oriented use license shall not be issued for any adult-oriented use or establishment if the operator, use(s) or related operation or layout in question fail to satisfy any applicable requirements of this chapter, Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or any other Town ordinance.

F. An individual shall not appear live and publicly in an adult-oriented use or establishment while completely nude. A female individual shall not appear live and publicly in an adult-oriented use or establishment without wearing at least opaque pasties and an opaque G-string. A male individual shall not appear live and publicly in an adult-oriented use or establishment without wearing at least an opaque G-string. An individual appearing live and publicly in an adult-oriented use or establishment shall not uncover or expose to view his or her genitals or anus, and a female individual appearing live and publicly in an adult-oriented use or establishment shall not uncover or expose to view the areola or nipple of her breast. The operator shall not permit an individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection F.

G. A seminude individual shall not appear live and publicly in any adult-oriented use or establishment other than on a raised platform or stage that is at least 23 inches above the surrounding floor areas. A seminude individual shall not appear live and publicly in an adult-oriented use or establishment in an area that is not open to and viewable by customers and members of the public generally who are within the physically separate defined area occupied by the adult-oriented use in which such individual is appearing. The operator shall not permit a seminude individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection G.

H. The raised platform or stage on which any seminude individual appears live and publicly in an adult-oriented use or establishment shall be separated from any area of such use or establishment where any members of the public or customers are permitted to sit, stand, move about or dance by a separation zone consisting of not less than six feet of space (measured horizontally from the closest edge of the raised platform or stage), and a rigid physical barrier not less than 30 inches high at the outer periphery of such separation zone. A customer or member of the public shall not sit, stand, move about or dance within such six-foot separation zone while a seminude individual is appearing live and publicly in such adult-oriented use or establishment. The operator shall not permit a customer or member of the public in an adult-oriented use or establishment to so occupy such six-foot separation zone while a seminude individual is appearing live and publicly in such use or establishment.

I. Without respect to Subsections G and H above, a seminude individual shall not appear live and publicly in any adult-oriented use or establishment within six feet of any customers or members of the public.

J. An individual less than 18 years of age shall not enter or remain in the physically separate defined area of a building in which an adult-oriented use is located. The operator of an adult-oriented use or establishment shall not permit any individual less than 18 years of age to enter or remain in the physically separate defined area of a building in which an adult-oriented use is located. The age limit shall be prominently and clearly posted at all entrances to the physically separate defined area of a building in which an adult-oriented use is located.

K. A seminude individual appearing live in an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.

L. Adult-oriented printed or graphic materials (including, without limitation, any advertising or packaging materials that are themselves adult-oriented printed or graphic materials) that are displayed within an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.

M. An adult-oriented movie or other adult-oriented motion-picture materials being shown in an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.

N. An adult-oriented use or establishment shall comply with all applicable requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and of all Town ordinances.

O. An adult-oriented use license shall not be granted for the operation of an adult-oriented use or establishment in the same building as a residential use or a motel or hotel use, unless both the adult-oriented use or motel or hotel use and the residential use are existing allowed uses pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and the only way to access the residential use or motel or hotel use is by an exterior entrance that is completely separate from the adult-oriented use(s) or establishment.

P. An individual who appears live and publicly in a seminude condition in an adult-oriented use or establishment shall not socialize or mingle with customers or members of the public or customers in such use or establishment, and shall not work as a bartender, waitress, waiter, hostess or host, or in any other capacity in such use or establishment that involves direct contact with customers or members of the public in such use or establishment, during the eight hours immediately before or after so appearing.

Q. An operator shall not permit any criminal activity in an adult-oriented use or establishment.

R. A seminude individual appearing live and publicly in an adult-oriented use or establishment shall not touch any customer or member of the public in such use or establishment, or voluntarily allow himself or herself to be touched by a customer or member of the public in such use or establishment. A customer or member of the public in an adult-oriented use or establishment shall not touch a seminude individual appearing live and publicly in such a use or establishment and shall not voluntarily allow himself or herself to be touched by a seminude individual appearing live and publicly in such a use or establishment. These restrictions on touching shall be applicable, without limitation, to any touching in connection with the acceptance or giving a tip or other gratuity. The operator shall not permit a customer, member of the public or seminude individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection R.

S. A customer or member of the public in an adult-oriented use or establishment shall not be directly and physically involved in any entertainment involving the live public appearance of a seminude individual. The operator shall not permit a customer or member of the public to violate this Subsection S.

T. A seminude individual appearing live and publicly in an adult-oriented use or establishment shall not fondle or otherwise touch in an erotic or indecent manner any other entertainer or employee in an adult-oriented use or establishment or voluntarily permit herself or himself to be fondles or otherwise touched in an erotic or indecent manner by any other entertainer or employee in such a use or establishment.

U. Any cubicle, booth or small room or other small enclosed space having a floor area less than 100 square feet in an adult use or establishment, which is used by customers or members of the public for private viewing of adult-oriented materials or other similar purposes (but not including a rest room), shall be completely open at one end to the main room or to an interior aisle, shall be situated and arranged so as to be easily inspected, shall contain seating for not more than one individual, shall have walls not less than six feet high without any openings separating it from any adjoining cubicles, booths or small rooms or enclosed spaces. No more than one customer, member of the public, employee or entertainer shall occupy any such cubicle, booth, small room or other small enclosed space at any one time, The operator shall not permit more than one individual to occupy any such cubicle, booth, small room or other small enclosed space at any one time.

V. The hours than an adult-oriented use or establishment may be open to the public shall only be those periods of time that are permitted for such a use in the B-2 Zoning District by Sec. 5-119K(1) of Chapter 2, Article IV, Sec. 2-24, "Plan Commission".

W. An individual shall not perform or engage in any actual specified sexual activities in an adult-oriented use or establishment. The operator shall not permit any individual to perform or engage in any such activities in an adult-oriented use or establishment.

X. Except as otherwise specifically provided in this chapter:

- (1) Each employee or entertainer working, performing any services or entertaining in an adult-oriented use or establishment shall possess a valid adult-oriented use work permit issued by the Town Clerk pursuant to Sec. 6-15 of this chapter;
- (2) The operator shall not permit any employee or entertainer to work, perform any services or entertain in an adult-oriented use or establishment without possessing a valid adult-oriented use work permit; and
- (3) Each employee or entertainer shall have a valid adult-oriented use work permit on his or her person or readily accessible at all times when working, performing any services or entertaining in an adult-oriented use or establishment and shall display such permit upon reasonable request by a Town inspector or police officer.

Y. Any cubicle, booth or small room or other small enclosed space having a floor area of less than 100 square feet, which is used by customers or members of the public for private viewing of adult-oriented materials or other similar purposes (but not including a rest room) shall have interior surfaces that are light-colored, nonabsorbent and easily cleaned. Such surfaces shall be maintained in a clean and sanitary condition at all times.

Z. All doorways, entryways or passageways within the physically separate defined area of a building occupied by an adult-oriented use through which any customers or members of the public are permitted to pass, except exterior entrances/exits and rest rooms, shall not be closed, or obstructed, or off limits to other customers or members of the public unless specifically provided for in an adult-oriented use license.

AA. Every act or omission of an employee or entertainer working, providing any services or entertaining in an adult-oriented use or establishment, and every act or omission of a customer or member of the public present in an adult-oriented use or establishment, which violated this chapter or a license pursuant to this chapter shall be deemed to be the act or omission and violation of the operator if such act or omission and violation of the operator if such act or omission occurred with the authorization, approval or knowing acquiescence of the operator, or as a result of the operator's negligent failure to supervise the conduct of the employee, entertainer, customer or member of the public and diligent supervision by the operator would reasonably have prevented the violation, and the operator shall be punishable for such act or omission to the same extent as if the operator committed or caused the act or omission.

BB. The operator shall be responsible for advising employees, entertainers, customers and members of the public in an adult-oriented use or establishment of applicable requirements of this chapter and of any license issued pursuant to this chapter. The operator shall be responsible for closely supervising the activities and conduct of all employees, entertainers, customers and members of the public in an adult-oriented use or establishment in order to prevent violations of this chapter and of any license issued pursuant to this chapter, and to terminate any violations that do occur as rapidly as possible, and to take such actions as may reasonably be required to prevent any recurrence of any such violations.

CC. Any adult-oriented use or establishment shall comply with the requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and all other applicable Town ordinances.

### **Sec. 6-15. Employee and entertainer permits.**

After the effective date of this chapter any employee or entertainer desiring to work, provide services or entertain within the physically separate defined area of a building in which an adult-oriented use or establishment licensed pursuant to this chapter is located, while such use or establishment is open to customers or the general public, shall obtain and possess a valid adult-use work permit before commencing or continuing such work, services or entertaining. The Town Clerk is authorized to issue such permits for periods of 30 days or one year, depending on the work plans of the applicant.

A. An application for an adult-oriented use work permit shall be filed with the Town Clerk, on a form provided by the Town and dated and signed by the applicant. The application shall include the following information:

- (1) Name of the applicant and any aliases used within the five years immediately preceding the date of the application;
- (2) Name and address of the adult-oriented use or establishment where the applicant proposes to work, perform services or entertain, the nature of the work, services or entertainment to be provided, and the anticipated duration of the work, services or entertainment;
- (3) The street address and telephone number at which the applicant can be contacted regarding the application and permit;
- (4) Applicant's date of birth;
- (5) Applicant's sex;
- (6) Applicant's race;
- (7) Applicant's state of residence currently and at any time during the five years immediately preceding the date of the application;
- (8) Whether the applicant has been convicted during the five years immediately preceding the date of the application of any of the crimes specified in Sec. 6-78(7) of this chapter, and if so, the information about such conviction(s) required by that subsection; and

- (9) Whether the applicant has been adjudicated guilty during the five years immediately preceding the date of application of any ordinance violation occurring in or relating to the operation of an adult-oriented use or establishment, and if so, the nature of the ordinance violation, the date of the adjudication, and the court and jurisdiction in which the adjudication occurred.

B. Upon the filing of an application, the Town Clerk shall request that the Kenosha County Sheriffs Department conduct a background check on the applicant. Any information obtained by the Kenosha County Sheriffs Department regarding the applicant shall be promptly provided to the Town Clerk. If the application as filed is incomplete, the Town Clerk shall notify the applicant in writing, within three business days after the date of filing, what additional information is required.

C. The Town Clerk shall deny the license if the applicant is not at least 18 years of age or if the Clerk finds that a reasonable probability exists that the applicant will violate the provisions of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information. The Town Clerk shall state the reason(s) for denial and notify the applicant of such reasons in writing within five business days after the filing of a complete application and the application fee.

D. If the applicant is at least 18 years of age, and the Town Clerk does not find that a reasonable probability of future violations exists, the Clerk shall issue the license, within five business days after a complete application and the application fee required by this chapter is filed. If the Town Clerk fails to act within the time provided in this Sec. 6-15, a thirty-day license shall be deemed to be issued.

#### **Sec. 6-16. Violations and Enforcement.**

A. Violations. After the effective date of this chapter, except as otherwise specifically provided in this chapter, it shall be unlawful to, and no person shall:

- (1) Operate an adult-oriented use or establishment without possessing a valid adult-oriented use license;
- (2) Operate an adult-oriented use or establishment other than in accordance with the requirements of this chapter and of a valid adult-oriented use license;
- (3) Violate any provision of this chapter or of any license issued pursuant to this chapter; or
- (4) Provide materially false, misleading or incomplete information in or with an application for an initial license pursuant to this chapter, or for a renewal, amendment or minor modification of such a license.
- (5) Work, provide services or entertain in an adult-oriented use or establishment without a valid work permit required by Sec. 6-15 of this chapter.

**B. Enforcement.**

- (1) Legal actions. The Town may institute any appropriate legal actions or proceedings to enforce the provisions of this chapter or of any license issued pursuant to this chapter by means of forfeitures or penalties, injunction of violations, abatement or nuisances, or otherwise as provided by law.
- (2) Forfeitures; penalties. Any person who violates the provisions of this chapter shall, upon conviction, forfeit not less than \$250 nor more than \$1,000 for each violations, plus the costs or prosecution. Each day that a violation exists or continues shall constitute a separate violation. The penalty for default of payment of any such forfeiture and costs shall be imprisonment in the Kenosha County Jail until payment thereof, but not exceeding six months.
- (3) Adjustment, suspension, termination of license. The Town Board may adjust, suspend or terminate a license issued pursuant to this chapter in accordance with Sec. 6-11 of this chapter for violations of this chapter or of any license issued pursuant to this chapter that are committed by the operator or for which the operator is responsible pursuant to Sec. 6-14AA of this chapter.

**Sec. 6-17. Authorized representatives.**

Any individual representing and appearing or speaking for an operator in any dealings with the Town Board or with the Town shall be deemed to be an authorized representative of the operator unless the operator has specifically advised the Town in writing that such individual is not to be regarded as an authorized representative or is only to be regarded as an authorized representative with respect to certain specified matters.

**Sec. 6-18. Discrepancies.**

In the event of any discrepancy between a requirement imposed by the Town Board pursuant to this chapter and a requirement imposed pursuant to any other Town ordinance, the more stringent requirement shall control.

**Sec. 6-19. Other licenses, permits and approvals.**

Possession by an operator of a valid adult-oriented use license shall not eliminate the need to obtain any other license, permit or approval required by any Town ordinance. Notwithstanding any other provision of a Town ordinance to the contrary, any complete application for a Town license, permit or approval needed by an adult-oriented use or establishment shall be deemed to be automatically granted if the application is not decided within 45 days after the date of filing (or the date of completion, if later than the date of filing) and the payment of any applicable application fee, and the Town shall issue a written notice to the operator of any required additional information needed to complete any such application within 10 business days after the date of filing.



## **Sec. 6-20 Definitions.**

As used in this chapter, certain words, terms and phrases are defined as follows: **ACCESSORY USE** - A use of real property that is related, subordinate and customarily incidental to a particular principal use, or a use that is specifically recognized by Chapter 2, Article IV, Sec. 2-24, "Plan Commission", as an accessory use in relation to a particular principal use, and which is located on the same lot or on the same approved site as such principal use. (Note: An indoor accessory use related to an adult-oriented use must be located within the same physically separate defined area of the principal building occupied by such adult-oriented use, pursuant to Sec. 6-6B of this chapter.)

**ADJUDICATED GUILTY**- See definition for "convicted" below.

**ADULT BOOKSTORE** - A use or establishment that sells at retail adult-oriented printed or graphic materials, provided that 40% or more of the store's inventory of printed or graphic materials that are displayed and offered for sale in the store (either in terms of the number of items or in terms of the aggregate retail value of such items) consists of adult-oriented printed or graphic materials, or that 40% or more of the display space or floor area devoted to printed or graphic materials for sale in the store is devoted to adult-oriented printed or graphic materials, or that 40% or more of the store's gross receipts from the sale of printed or graphic materials during any calendar month within the past 12 calendar months are attributable to the sale of adult-oriented printed or graphic materials, or that the store holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult bookstore or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult books," "adult entertainment," "exotic entertainment" or similar terms.

**ADULT CABARET** - A use or establishment, open to members of the public, that serves or sells alcoholic beverages by the drink, and which typically or on a frequently recurring basis provides or allows the provision of adult live entertainment to its customers, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an establishment where adult live entertainment is typically available or available on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "exotic entertainment," "strippers," "showgirls," "exotic dancers," "gentlemen's club" or similar terms relating to either or both sexes.

**ADULT CLUB** - A use or establishment that would be classified as an adult cabaret, adult dry cabaret or adult viewing facility except that it is operated as a private club that is open only to members and their guests.

**ADULT DRY CABARET** - A use or establishment, open to members of the public, that does not serve or sell alcoholic beverages, and which typically or on a frequently recurring basis provides or allows the provision of adult live entertainment to its customers, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult dry cabaret or an establishment where adult live entertainment is typically available or available on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "exotic entertainment," "strippers," "showgirls," "exotic dancers," "gentlemen's club" or similar terms relating to either or both sexes.

**ADULT LIVE ENTERTAINMENT** - Seminude dancing or any other form of live entertainment performed by seminude entertainers.

**ADULT MOVIE THEATER** - A use or establishment, open to the public, that typically or on a frequently recurring basis shows movies which have as their dominant subject or theme, or which are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas, or that holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult movie theater or a movie theater where adult-oriented motion-picture materials are typically shown or shown on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "exotic entertainment" or similar terms.

**ADULT-ORIENTED ESTABLISHMENT**- A business, private club or other use conducted at a particular location, which constitutes or includes one or more adult-oriented uses, and the building or portion of a building where it is operated.

**ADULT-ORIENTED MATERIALS** - Adult-oriented printed or graphic materials and/or adult oriented motion-picture materials.

**ADULT-ORIENTED MOTION-PICTURE MATERIALS** - Motion-picture materials which have as their dominant subject or theme, or which are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT-ORIENTED PRINTED OR GRAPHIC MATERIALS** - Printed or graphic materials that have as their dominant subject or theme, or that are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT-ORIENTED USE** - An adult bookstore, adult cabaret, adult club, adult movie theater, adult dry cabaret, adult video store, adult video rental store or adult viewing facility.

**ADULT VIDEO STORE** - A use or establishment that sells at retain adult- oriented motion-picture materials, provided that 40% or more of the store's inventory of motion-picture materials that are displayed and offered for sale in the store (either in terms of the number of items or in terms of the aggregate retail value of such items) consists of adult-oriented motion-picture materials, or that 40% or more of the display space or floor area devoted to motion-picture materials for sale in the store is devoted to adult-oriented motion-picture materials, or that 40% or more of the store's gross receipts from the sale of motion-picture materials during any calendar month within the past 12 calendar months are attributable to the sale of adult-oriented motion-picture materials, or that the store holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult video store or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult videos," adult entertainment," exotic entertainment" or similar terms.

**ADULT VIDEO-RENTAL STORE** - A use or establishment that rents at retail motion-picture materials, provided that 40% or more of the store's inventory of motion-picture materials that are displayed and offered for rent in the store (either in terms of the number of items or in terms of the aggregate rental value of such items) consists of adult-oriented motion-picture materials, or

that 40% or more of the display space or floor area devoted to motion-picture materials for rent in the store is devoted to adult-oriented motion-picture materials, or that 40% or more of the store's gross receipts from the rental of motion-picture materials during any calendar month are attributable to the rental of adult-oriented motion-picture materials, or that the establishment hold itself out to the public by its name, its signs and/or its advertising as an adult video rental store or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult videos," "adult entertainment," "exotic entertainment" or similar terms.

**ADULT VIEWING FACILITY** - A use or establishment, open to members of the public, that allows individuals to view adult-oriented motion-picture materials on site, provided that 40% or more of the motion-picture materials available for such on-site viewing consist of adult-oriented motion-picture materials, or that 40% or more of the display space or floor area devoted to motion-picture materials that can be viewed in the establishment is devoted to adult-oriented motion-picture materials, or that 40% or more of the motion-picture materials actually viewed in the establishment in any calendar month within the past 12 calendar months are adult-oriented motion-picture materials, or that 40% or more of the establishment's gross receipts from on-site viewing of motion-picture materials during any calendar month within the past 12 months are attributable to the viewing of adult-oriented motion-picture materials, or that the establishment holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult viewing facility or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult videos," "adult entertainment," "exotic entertainment" or similar terms.

**ALLOWED USE** - Any type of use of real property that is allowed by Chapter 2, Article IV, Sec. 2-24, "Plan Commission", in a particular zoning district or any existing use of real property in a particular location and in a particular set of circumstances that satisfies the requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission".

**APPEAR PUBLICLY IN AN ADULT-ORIENTED USE OR ESTABLISHMENT** - Appear in areas of an adult-oriented use or establishment to which customers or members of the public are admitted (other than a rest room) so as to be visible to any customer or member of the public in such use or establishment.

**BUILDING** - Any roofed structure that provides or is designed to provide housing, shelter, enclosure, protection or support for persons, animals or property. Whenever any portion of a building is completely separated from every other portion of the building by a fire division wall without pedestrian openings, it shall be deemed to be a separate attached building.

**CABARET** - A use or establishment, open to members of the public, in which alcoholic beverages are served or sold by the drink, and which provides or allows the provision of live entertainment to its customers.

**CONDITIONAL USE** - A use that has been legislatively approved in Chapter 2, Article IV, Sec. 2-24, "Plan Commission", for a particular zoning district, subject to required administrative approval by the Town Plan Commission of a particular proposed use of that type at a particular proposed locations (in the form of a conditional use permit), in light of potential problems or potential adverse impacts associated with that type of use. A conditional use may require other Town permits, licenses or approvals in addition to the conditional use permit.

**CONVICTED** - An unvacated adjudication of guilt or other determination in a court of original jurisdiction or an authorized administrative tribunal that a person has violated or failed to comply with the law, including without limitation, a plea of guilty or no contest accepted by a court, payment of a fine or court cost, an unvacated forfeiture or property deposited to secure the person's appearance in court, or an adjudication of having violated a local ordinance.

**CRIME** - Conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

**CUSTOMER** - An individual who:

- A. Is allowed to enter an adult-oriented use or establishment in return for the payment of an admission fee or any other form of consideration or gratuity,
- B. Enters an adult-oriented use or establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein, or
- C. Is a member of (or the guest of such a member) and on the premises of an adult-oriented use or establishment that is operated as a private club.

**DRY CABARET** - A use or establishment, open to members of the public, that provides or allows the provision of live entertainment to its customers, and that does not serve or sell alcoholic beverages, exclusive of theaters, dinner theaters, concert facilities and organized sporting events.

**EMPLOYEE** - Any individual who works in or provides any services in an adult-oriented use or establishment, while open to customers, members of the public or members, without regard to the nature of such individual's relationship with the operator.

**ENTERTAINER** - Any individual who provides live entertainment in an adult-oriented use or establishment, whether or not compensation is received for such entertainment, and without regard to the nature of such individual's relationship with the operator.

**ESTABLISHMENT** - A business, private club or other use conducted at a particular location and the building or portion of a building where it is operated.

**FREQUENTLY RECURRING** - Occurring on six or more occasions within a period of six consecutive calendar months, provided that such six or more occasions occur within at least three separate calendar weeks (i.e., the period of seven consecutive days beginning with Monday and ending with Sunday).

**INDOOR ACCESSORY USE** - An accessory use conducted inside a building, e.g., not including outdoor parking, fencing, landscaping, etc.

**ISSUE WRITTEN NOTICE** - To personally deliver a written notice, to mail such a notice by prepaid first class United States mail or certified mail, return receipt requested, or by transmitting such notice by facsimile or e-mail if the operator has provided a fax number or e-mail address in the license application.

**MEMBERS OF THE PUBLIC** - Individuals who are neither employees nor entertainers in an adult-oriented use or establishment.

**MINOR MODIFICATION** - A modification of the physical layout of the physically separate defined area of a building occupied by an adult-oriented use or of the operation of an adult-oriented use as approved by the Town Board in approving an application for an adult-oriented use license (or in approving an application for renewal or amendment of such a license), which:

- A. Is a minor in scope;
- B. Has no potential to create or increase the risk of harmful secondary effects of the adult-oriented use(s) in question;
- C. Is not contrary to any requirement of this chapter, Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or any other Town ordinance;
- D. Does not involve the addition of any new use within the applicable physically separate defined area; and
- E. Does not involve an expansion of any adult-oriented use or any related indoor accessory use or of the approved physically separate defined area occupied by such use(s).

**MOTION-PICTURE MATERIALS** - Videotapes, films, disks, slide shows, or other recordings of visual images from which motion pictures or a series of still pictures can be projected or reproduced and viewed, with or without audio accompaniment.

**NONCONFORMING USE** - An existing use what was lawful in its inception, but that has subsequently become either a prohibited use under Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or a use requiring a conditional use permit which has not been granted, and that was active and actual at the time the use became nonconforming (as distinguished from being merely casual, occasional, incidental or accessory), and that has been continuous with no gap of 12 or more consecutive months since it became a nonconforming use, and that has not been physically expanded or extended to occupy a greater area since the use became nonconforming, and that does not occupy a building or other structure that has been structurally altered or repaired to the extent of 50% or more of its assessed value since the use became nonconforming.

**OPEN TO THE PUBLIC** - The hours during which members of the public or customers are invited onto or permitted to remain on the premises of an adult-oriented use or establishment.

**OPERATOR** - Any person that owns, operates or conducts an adult-oriented use or establishment; also, the person that is required to apply for an adult-oriented use license and the person to whom or to which an adult-oriented use license is issued.

**PERSON** - An individual, corporation, limited liability company, partnership, joint venture, trust, association or any other type of legally recognized entity.

**PHYSICALLY SEPARATE DEFINED AREA** - The area of a principal building or of a unit of a principal building occupied by one or more specified uses (such as an adult-oriented use), which area is defined in an approved site and operational plan, conditional use permit or special Town

license (such as an adult-oriented use license) and is physically separated from other portions of the building or other portions of a particular unit of the building by walls, doorways, floor stripes, signs and/or other approved means which individually or collectively make it readily apparent that one is entering or leaving the defined area.

**PRINCIPAL BUILDING** - A building occupied by or used for one or more principal uses [and, if applicable, occupied by or used for one or more accessory uses related to such principal use(s)].

**PRINCIPAL USE**- A primary use of real property, including any use that is not an accessory use to a principal use conducted on the same lot or site.

**PRINTED OR GRAPHIC MATERIALS** - Books, magazines, newspapers, periodicals, calendars, posters, cards, photographs, pictures, drawings, covers or other packaging for merchandise or any other similar printed or graphic materials.

**PROPOSED (USE, DEVELOPMENT, STRUCTURE, ALTERATION, MODIFICATION, ETC.)** - Any use, development, structure, alteration, modification, etc., for which a license, permit or approval is required by this chapter or Chapter 2, Article IV, Sec. 2-24, "Plan Commission", which has not yet been issued or granted, regardless of whether or not the permit or approval has been requested, and regardless of whether or not the use, development, structure, alteration, modification, etc., is existing or has been commenced, constructed, installed or completed.

**SEMINUDE** - When any portion of human genitals, pubic region, buttocks or anus, or any portion of the human female breast below the top of the areola, is not completely and opaquely covered.

**SPECIAL LICENSED USE** - Any use requiring a special Town license, e.g., and adult-oriented use, a cabaret license, or a liquor license. A special licensed use can only be conducted pursuant to and in accordance with a required Town license, and the granting of such a license is not assured either by permitted use zoning status or by the granting of a conditional use zoning permit or of any other Town permit or approval. A special licensed use may require other Town permits or approvals.

**SPECIFIED ANATOMICAL AREAS** - Less than completely covered human genitals, pubic region, anus, buttocks and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - Simulated or actual acts of human sexual intercourse, fellatio, cunnilingus, sodomy, masturbation, sadomasochistic abuse, bestiality or necrophilia; or simulated or actual physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, anus or buttocks or with a female person's breast; or a person's simulated or actual use of an inanimate object in an act of apparent sexual stimulation or gratification.

**STORE** - A use devoted exclusively or primarily to the retail sale or rental of goods or products.

**UNIT OF A BUILDING** - The specified area of a building in which a tenant or other person has a right of use and occupancy for nonresidential purposes, e.g., a store space in a shopping center building or a suite of offices in an office building.

USE - The employment and/or occupancy of a particular real property for a particular purpose or purposes; or a particular use of real property that is specifically recognized by Chapter 2, Article IV, Sec. 2-24, "Plan Commission", (Note: "use" is intended to be sufficiently elastic to refer simultaneously to the most limited possible hypothetical use, e.g., the retail sale of books, and to an actual use of which such hypothetical use is a component, e.g., a combined bookstore/coffeehouse.)

USES CONDUCTED TOGETHER IN THE SAME BUILDING - Uses conducted in the same building by the same owner or operator as part of the same business, company, firm or organization.

USES LOCATED TOGETHER IN THE SAME BUILDING - Two or more principal uses located in the same principal building, if there are no units of such building, or two or more principal uses located in the same unit of a building; provided, however, that uses located in difference physically separate defined areas of a building, approved pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or this chapter, will be deemed not to be located together.

VALID ADULT-ORIENTED USE LICENSE - An adult-oriented use license that has been approved by the Town Board and issued to an operator pursuant to this chapter, and which has not expired, or been terminated, or been adjudged to be invalid by a court of competent jurisdiction, and which is not currently suspended.

TOWN - The Town of Paris, Wisconsin.

TOWN BOARD - The Chairman and Supervisors of the Town of Paris, Wisconsin.

(Amended 6/11/08)

## **Sec. 6-21 Injunction**

A person who operates or causes to be operated a sexually-oriented business without a valid license or in violation of section 6-15 or in violation of section 17.62 of this Chapter is subject to a suit for injunction as well as prosecution for violation of such ordinance. Such violations shall be punishable by a forfeiture of \$200.00 plus costs. Each day a sexually oriented business so operates is a separate offense or violation.

## **ARTICLE III. AMUSEMENT ARCADE**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-21A. Definitions.**

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

*Amusement arcade* means any premises at which eight or more mechanical or electronic amusement devices are located.

*Premises* means a building or part of a building in which a mechanical or electronic amusement device or an amusement arcade is located and which is described in the license.

**Cross references:** Town of Paris Code August 17, 1961, and July 1, 1983.

#### **Sec. 6-22. Penalty for violation of article.**

Any person who shall violate any provision of this article shall be subject to a forfeiture of not less than \$50.00 nor more than \$100.00.

#### **Sec. 6-23. Restrictions and regulations.**

(a) Premises to be safe and sanitary. No license shall be granted for any amusement arcade unless the premises complies with all fire and building requirements of the town and the state, provides adequate room for operation of the devices without blocking access or restricting the movement of patrons and is an otherwise safe and sanitary environment. Generally, usable patron floor space should be three times greater than the floor space required by the amusement devices.

(b) Premises to be supervised. The premises shall be adequately supervised during all hours of operation.

(c) Orderly conduct required. The licensee shall maintain supervision of the premises in such a manner as to ensure that no disorderly conduct, gambling or other activity prohibited by this Code or state or federal law is permitted on such premises or adjacent areas.

(d) Offering of prizes or awards. No licensee under this article shall offer, advertise, make or give any reward, prize, money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.

(e) Consent to inspection. An applicant for a license under this article thereby consents to the entry of police or authorized representatives of the town upon the licensed premises at all reasonable hours for the purposes of inspection.

### **DIVISION 2. LICENSE**

#### **Sec. 6-24. Required; fee.**

(a) No person shall operate an amusement arcade within the town without having first obtained a license from the clerk. No amusement arcade license shall be issued until the applicant has obtained a conditional use permit pursuant to section 70-241.

(b) The amusement arcade license fee shall be as set by the board from time to time.



### **Sec. 6-25. Transfer.**

Amusement arcade licenses are not transferable.

### **Sec. 6-26. Suspension, revocation or nonrenewal.**

(a) Any license issued under this article may be suspended, revoked or not renewed for cause by the town board. No license shall be suspended, revoked or not be renewed except upon verified written complaint filed with the town board by a member of such body, a law enforcement officer or resident of the town. The licensee shall be served with a copy of the complaint and shall be given an opportunity to be heard. The licensee shall be given written notice of such hearing not more than 20, nor less than five, days prior to the hearing.

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

## **ARTICLE IV. CIGARETTE DEALERS**

### **Sec. 6-27. Cigarette retailer's license.**

(a) *Required.* No person shall sell cigarettes in the town without first obtaining a license from the clerk. The provisions of Wis. Stats. § 134.65 are adopted and made part of this section by reference.

(b) *Fee.* The cigarette retailer's license fee shall be \$30.00 per year.

## **ARTICLE V. COIN-OPERATED MACHINES**

### **Sec. 6-28. Definitions.**

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

*Coin-operated machine* means any machine operated by the insertion of a coin, token or similar item designated for amusement of the person operating the device or the sale of certain products including, but not limited to, jukeboxes; video and pinball machines; pool, shuffleboard and similar games; and cigarette, food and beverage vending machines.

**Cross references:** Definitions generally, § 1-2.

## **Sec. 6-29. License.**

(a) *Required.* No person shall distribute, install, lease or set up any coin- operated machine for use on any premises in the town without first obtaining a license from the clerk.

(b) *Application.*

(1) Application for a license under this article shall be made to the clerk on a form furnished by the clerk. The following information shall be required:

- a. The applicant's name.
- b. Type, brand and general description of all machines.
- c. Identifying numbers of all machines.
- d. Location of machines.

(2) The applicant shall consent in such application to reasonable inspection of his devices to determine ownership and character of the device.

(c) *Fee.* The fee for a license under this article shall be as set by the board from time to time for each machine. Permits may be transferred from machine to machine for a fee as set by the board from time to time.

(d) *Posting.* All licenses for coin-operated machines shall be attached in plain view upon the respective licensed devices.

## **Sec. 6-30. Prizes and gambling.**

No person shall offer, make, give or award any prize, money or coin to any person through or by reason of the use or operation of a coin-operated machine. No licensee shall permit his coin-operating devices to be used for gambling purposes.

# **ARTICLE VI. JUNK DEALERS**

## **DIVISION 1. GENERALLY**

## **DIVISION 2. LICENSE**

## **Sec. 6-31. Required.**

No person within the town shall keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or secondhand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles,

rubber, iron, brass, copper or other metal, furniture, used motor vehicles or the parts thereof, or other article which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as provided in this division. One carrying on such business shall be referred to as a "junk dealer."

**Cross Reference:** Paris Ordinance April 22, 1958.

#### **Sec. 6-32. Exception.**

No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site, provided that only three wrecked vehicles may be stored on such premises at any one time for a period not exceeding 14 calendar days.

#### **Sec. 6-33. Application.**

Application for such license shall be made to the clerk on a form provided by the clerk.

#### **Sec. 6-34. Fee.**

The license fee shall be as set by the board from time to time or any fraction thereof per year; such year will commence on July 1 and end on June 30. In addition, there shall be an investigation and inspection fee as set by the board from time to time for the initial license.

#### **Sec. 6-35. Inspection required.**

The clerk shall report such application to the town and the building inspector, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Such premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building and police authorities.

#### **Sec. 6-36. Referral of application to plan commission.**

The application shall first be submitted to the plan commission for a hearing to determine the suitability of the site for the business proposed thereon. The plan commission may recommend conditions for granting the license.

#### **Sec. 6-37. Referral of application to town board.**

The application, together with the recommendation of the plan commission, shall be referred to the town board which may grant, grant with conditions, or deny the license.

### **Sec. 6-38. Revocation.**

Upon complaint being made in writing by any three residents or any official of the town to the town board that any licensee under this article has violated any of the provisions of this article, the board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The board shall thereupon proceed to hear the matter and if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions of this section shall not be effective unless the licensee has received notice from the building inspector that a complaint has been filed with the board as to the operation of his premises, and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

## **ARTICLE VII. SHOOTING RANGES**

### **Sec. 6-39. Repealed.**

## CHAPTER 7 FIRE PREVENTION AND PROTECTION

\*Cross references: Buildings and building regulations, ch. 5.

Section Number	Title	Ordinance Number	Date of Ordinance
<b>ARTICLE I. IN GENERAL</b>			
Sec. 7-1	Penalty for Violation of Chapter		
Sec. 7-2	Fire Protection Agreement		
Sec. 7-3.	Fire Department and Rescue Squad Established		
Sec. 7-4.	Organization		
Sec. 7-5	By Laws		
Sec. 7-6.	Appropriations		
Sec. 7-7	Compensation		
Sec. 7-8	Organization		
Sec. 7-9	Powers and Duties of Chief		
Sec. 7-10	Disciplinary Review Committee and Department Grievances	2011-12-20	12/20/2011
Sec. 7-11	Control and Care of Apparatus		
Sec. 7-12	Authority of Fire Department at Incident		
Sec. 7-13	Fire Inspectors		
Sec. 7-14	Fire Inspection, Prevention, and Detection	2022-01	03/22/2022
Sec. 7-15	Hazardous Materials		
Sec. 7-16	False Alarms		
Sec. 7-17	Enforcement, Action, and Penalties		
Sec. 7-18	Rescue Squad Fees Established		
Sec. 7-19	Fee for Fire Calls on Highways	2011-6-28a	07/26/2011
Sec. 7-20	Uniform Address Signs for Houses and Buildings	2015-7-28	07/28/2015

### ARTICLE I. IN GENERAL

#### **Sec. 7-1. Penalty for violation of chapter.**

Any person who shall violate any provision of this chapter or any order, rule or regulation made under this chapter, and any firefighter who shall neglect or refuse to perform any duty required under this chapter shall be subject to a penalty as prescribed in section 1-5 unless specifically stated otherwise in this article.

#### **Sec. 7-2. Fire protection agreement.**

As authorized in Wis. Stats. § 60.55, 60.556, and 60.57, fire protection for the town is provided by the Town of Paris.

### **Sec. 7-3. Fire Department and Rescue Squad Established.**

(a) FIRE DEPARTMENT. The Town Board of the Town of Paris has organized a Fire Department and the duties and responsibilities of firefighting and fire protection within the Town are delegated to such department.

(b) RESCUE SQUAD. The Town of Paris has also established a Rescue Squad to be affiliated with the Paris Fire Department, and the duties of providing emergency medical services to the Town are delegated to such squad. The Town Board may contract with either public or private services to provide an alternate when Town rescue services are unavailable.

### **Sec. 7-4. Organization.**

(a) GENERALLY. Except as may be otherwise provided by State Statute, the organization and internal regulation of the Fire Department and Rescue Squad shall be governed by the provisions of this Ordinance and by such by-laws as adopted by the Fire Department and Rescue Squad, not inconsistent with this Ordinance, the budget and planned future budgets for the Department.

### **Sec. 7-5. By-Laws.**

The Fire Department and the Rescue Squad shall each adopt by-laws for their control, management and governance and for regulating the business and proceedings of the Department and Squad respectively, not inconsistent with the provisions of this Ordinance, the budget and planned future budgets for the Department. Such by-laws shall be prepared by the Advisory Board under Sec 6 (e)(2) of this Ordinance and after adoption by a 2/3 vote of the members of the Department and Squad combines, and shall be reviewed by the Town Board for consistency with the provisions of the Ordinance, budget and planned future budgets for the Fire Department and Rescue Squad and to the extent such by-laws are consistent and shall approve the same, a copy of which shall be filed with the Town Clerk. Amendments to the by-laws shall be adopted in the same manner, and a copy shall be filed with the Town Clerk.

### **Sec. 7-6. Appropriations.**

The Town Board shall appropriate funds for the Department and Squad operations and equipment for the use of the Department or Squad as the Board may deem expedient and necessary to maintain efficiency and to protect life and property within the Town.

### **Sec. 7-7. Compensation.**

The officers and members of the Department and Squad shall receive such compensation from the Town as may from time to time, be fixed by the Town Board.

## **Sec. 7-8. Organization.**

(a) **FIRE DEPARTMENT AND RESCUE SQUAD LEADERSHIP.** The Fire Department and Rescue Squad shall be under the direct supervision of the Chief who shall be appointed by the Town Board. The slate of officers for the Department shall be presented to the Town Board with the specific budgeted amount for each office held, which shall be ratified as part of the budget by the Town Board.

### **(b) FIRE DEPARTMENT OFFICERS.**

- (1) **Assistant Fire Chief.** The Chief shall appoint an Assistant Fire Chief who shall have the duties of Fire Chief when the Chief is absent. In addition, the Assistant Fire Chief shall be the second-in-command of the Fire Department and anyone holding the office of Captain shall report to the Assistant Fire Chief.
- (2) **Captain.** The Chief shall appoint a Captain of the Fire Department who shall be the highest commanding officer below the rank of Assistant Fire Chief. Lieutenants shall report to the Captain.
- (3) **Lieutenant.** The Captain of the Fire Department shall make recommendations to the Chief as to the appointment of a Lieutenant or Lieutenants. It shall be the responsibility of the Chief, after consultation with the Captain of the Fire Department, and the Assistant Fire Chief to appoint a Lieutenant or Lieutenants as deemed appropriate within the budget set by the Town Board.
- (4) **Members.** Members of the Fire Department shall be appointed by the chief upon recommendation of officers, provided such members meet the standards and qualifications for membership in the Department under the terms of the ordinances and the by-laws of the Department.

### **(c) RESCUE SQUAD OFFICERS.**

- (1) **Assistant Rescue Chief.** The Chief shall appoint an Assistant Rescue Chief, who shall have the rights, duties, and obligations of Chief with regard to rescue squad operations and personnel when the Chief is absent. The Assistant Rescue Chief shall be the highest ranking officer below the rank of Chief. The captain shall report to the Assistant Rescue Chief.
- (2) **Captain:** The Chief shall appoint a Captain of the Rescue squad who shall be the highest ranking officer below the level of Assistant Rescue Chief. Lieutenants in the Rescue Squad shall report to the Captain.
- (3) **Lieutenant.** The Captain of the Rescue Squad shall make recommendations to the Chief as to the appointment of a Lieutenant or Lieutenants. It shall be the responsibility of the Chief, after consultation with the Captain of the Rescue Squad, to appoint a

Lieutenant or Lieutenants as deemed appropriate within the budget set by the Town Board.

- (4) Members. Members of the Rescue Squad shall be appointed by the Chief upon recommendation of officers, provided such members meet the standards and the qualifications for membership in the Squad under the terms of the ordinances and the by-laws of the Squad.

(d) OTHER OFFICERS. There shall be a Secretary/Treasurer who shall serve in that capacity for the combined budget of the Fire Department and the Rescue Squad. The Secretary/Treasurer shall be appointed by the Chief on recommendations by the officers of the respective department and squad.

(e) SELECTION OF OFFICERS.

- (1) Chief. The Chief shall serve as commanding officer of the Fire and Rescue Squad and shall be appointed by and serve at the pleasure of the Town Board. The Town Board, at their direction, may invite a member elected by the Fire Department and Rescue Squad combines, to sit with the Town Board during deliberations to appoint or terminate a Chief, but such individual shall have no vote in the Board's decision.

- (2) Advisory Board. The membership of the Fire Department and Rescue Squad combined, by vote of members below the rank of Chief shall elect an advisory board at an annual meeting to be held by the Department and Squad. The Board shall consist of two members of the Fire Department below the rank of Chief. There shall be one other member of the Advisory Board who shall be a member of the Fire Department below the rank of Chief and shall be appointed by the Town Chairman.

- (a) To qualify for election to two of the positions on the Advisory Board, the candidates shall be Fire Department personnel, meeting all the requirements as such personnel. To qualify for election for two of the positions on the Advisory Board, the candidates shall be rescue squad personnel, meeting all the requirements of such personnel.

- (b) The Advisory Board shall have the following duties and functions: To prepare, organize, and amend by-laws for the efficient operation of the Department and the Squad. All such by-laws shall be submitted to the membership for ratification by a 2/3 majority vote of the members present at the meeting for approval of the by-laws provided a quorum is present, prior to submission to Town Board for review and approval consistent with the ordinances, the budget and planned future budgets of the Town. Such meetings shall be subject to the open meeting laws, Chapter 19 of the Wisconsin Statutes. Also to provide information and



advice to the Town Board upon request concerning the operations of the Fire Department and Rescue Squad.

## **Sec. 7-9. Powers and Duties of Chief.**

(a) **GENERAL SUPERVISION.** The Chief shall have the general supervision of the Fire Department and Rescue Squad, which supervision shall be subject to and not conflict with this Ordinance and the By-laws of the Fire Department and Rescue Squad. The Chief shall administer compliance with the Ordinances and the By-laws and shall be responsible for the personnel and general efficiency of the Department. Disciplinary action by the Chief shall be subject to Section 8 of this Ordinance.

(b) **PRESIDING OFFICER.** The Chief or the person designated by the Chief shall preside at all meetings, call special meetings, preserve order and decide all points of order that may arise. Meetings of the Fire Department and Rescue Squad shall be subject to Chapter 19, Subchapter II Public Records and Property, and Subchapter V, Open Meetings of Governmental Bodies, Chapter 19, Wisconsin Statutes.

(c) **COMMAND AT INCIDENTS.** The Chief shall have complete command of, and entire responsibility for, all fire-fighting, rescue and hazardous materials operations, plan the control of the same, direct the action of the department when it arrives at the incident, observe the action of the Department when it arrives at the incident, observe that the Department does its duty, grant leaves of absence at an incident when deemed proper, and see that the emergency apparatus is kept in proper condition at all times. In the absence of the Chief, the next highest ranking officer of the department at the site shall be in charge and shall have the same authority and responsibility at incidents as the Chief.

(d) **BUDGETS.** Not later than October 1 of each year, the Department and Squad shall file with the Town Clerk, on forms approved by the Clerk, a detailed estimate of the appropriations needed for the conduct of the Department and the Squad during the ensuing fiscal year.

(e) **REPORTS.**

- (1) **Building Damage.** The Chief shall submit a written report to the Building Inspector on all fire calls in which there is damage to buildings. Such report shall advise as to the time, location, nature and extent of damage to buildings.
- (2) **Annual Fire Report.** In addition, the Chief shall prepare a report for the annual Town Meeting, relating to the activities of the Fire Department in the proceeding year.
- (3) **Annual Rescue Report.** The Chief shall prepare a report for the annual Town Meeting relating to the activities of the Rescue Squad in the preceding year.

(f) **ENFORCEMENT OF FIRE PREVENTION ORDINANCES.** The Chief shall enforce all fire prevention Ordinances of the Town and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(g) **FIRE RECORD.** The Chief shall keep records of every fire to which the Department was called and shall enter in such record the locality of the fire, where the fire started, the method of extinguishing and the equipment used, the time the fire was extinguished, the names of the fire fighters responding and any additional general remarks deemed appropriate.

(h) **APPARATUS INVENTORY.** The Chief shall keep an inventory of all apparatus and equipment, and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered. Annually, the Chief shall provide a copy of the inventory records to the Town clerk for insurance purposes. The Chief shall have the right to require all members of the Department to deliver inventory and equipment of the Department for audit at the time of the annual inventory.

(i) **ADDITIONAL DUTIES OF COMMANDING OFFICER.** The Chief shall perform such other duties as are usually incumbent on the commanding officer of a fire Department.

## **Sec. 7-10 Disciplinary Review Committee and Department Grievances.**

(a) **DISCIPLINARY REVIEW COMMITTEE:** The Disciplinary Review Committee shall consist of the Chief, Assistant Fire Chief, Assistant Rescue Chief, Captains, and Lieutenants.

(b) **GRIEVANCES:** All employees and officers of the Fire Department, including the Chief, shall be entitled to have any grievance pertaining to termination, discipline or workplace safety heard pursuant to a grievance procedure adopted by resolution of the Town Board. As required by state statute, the grievance procedure shall include without limitation the right to a hearing by an impartial hearing examiner and the right of ultimate appeal to the Town Board.

## **Sec. 7-11 Control and Care of Apparatus.**

(a) **CHIEF RESPONSIBLE.** The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(b) **USE.** No apparatus shall be used for any purpose except for emergencies within the Town, or in training therefor, except pursuant to an agreement by the Town Board after the Chief has given his recommendations on such use.

(c) **DAMAGE TO EQUIPMENT.** No person shall willfully damage any vehicle, apparatus or property belonging to the Fire or Rescue Department. No vehicle shall be driven over any unprotected hose of the Fire Department when laid over a street, private driveway, track or other place to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

## **Sec. 7-12 Authority of Department at Incident.**

(a) **POLICE POWERS AT INCIDENTS.** The Chief, Assistant Fire Chief, Assistant Rescue Chief and the Fire Department Captain as it relates to fires and the Rescue Squad Captain as it relates to Rescue Squad duties, shall have full and complete police authority at incident occurring under their respective jurisdictions. Either of the aforesaid commanding officers may cause the arrest of any person who violates an ordinance, or state law adopted by these ordinances with regard to Fire Protection and Rescue Services.

(b) **CONTROL AT INCIDENTS.** The Fire Chief may prescribe certain limits in the vicinity of any incident within which no person, except emergency personnel and those admitted by order of any officer of the Department, may come. The Chief may cause the removal of any property whenever it becomes necessary for the preservation of such property, or to prevent the spread of fire, or to protect the adjoining property; and during the progress of any incident, may order the removal or destruction of any property necessary to prevent the further spread of fire or hazard that may exist. The 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 an incident.

(c) **ENTERING PREMISES.** Any fire-fighter acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of, any building or other property then on fire, to extinguish such fire; and if any person hinders, resists or obstructs a fire-fighter in the discharge of his duty as herein provided, the person so offending shall be guilty of resisting a fire-fighter in the discharge of his duties.

(d) **DUTIES OF BYSTANDERS.** Every person who is present at an incident shall be subject to the orders of the Fire Chief or officer in command, and may be required to assist in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person who refuses to obey such order.

## **Sec. 7-13 Fire Inspectors**

(a) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire Chief shall hold the office of Fire Inspector and may appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(b) **DUTY OF INSPECTION.** The Fire Inspector shall inspect semi-annually all public and commercial buildings, premises and thoroughfares within the Town to note and cause to be corrected, any condition liable to cause fires. Repairs or alterations necessary to remove hazardous conditions shall be made within a reasonable time at the Owner's expense. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the Town.

(c) **SPECIAL INSPECTION WARRANT.** If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under Sec. 66.122 and 66.123, Wis. Stats.

(d) **RECORD AND REPORTS OF INSPECTIONS.** The Fire Inspector shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Industry, Labor and Human Relations and shall make the quarterly report of inspections required by such Department.

(e) **CORRECTION OF FIRE HAZARDS.** When any inspection by the Fire Inspector or the Deputy Inspector, reveals a fire hazard, the Inspector or Deputy 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. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance; and the Fire Inspector may have the same removed by the Town. The cost of such removal shall be recovered in an action by the Town against the owner of the property and may be entered in the tax roll as a special charge against the property.

(f) **COMPLIANCE WITH FIRE INSPECTOR.** No person shall deny the Fire Inspector or Deputy Inspector, free access to make fire inspections to any property within the Town at any reasonable time. No person shall hinder or obstruct the Fire Inspector in the performance of duty, or refuse to observe any lawful direction given by the Fire Inspector.

#### **Sec. 7-14 Fire inspection, prevention, and detection.**

(a) **WISCONSIN STATUTE ADOPTED.** Section 101.14 of the Wisconsin Statutes is hereby adopted, as same may from time to time be amended, and is made a part hereof as if set forth in full.

(b) **WISCONSIN ADMINISTRATIVE CODE ADOPTED.** Chapter Comm 14- Fire Prevention Section of the Wisconsin Administrative Code is hereby adopted in its present form or from time to time as amended, and is made a part of this ordinance incorporated by reference as if fully set forth herein.

(c) **CORRECTIVE ORDERS.** Whenever the Fire Chief shall find a violation or a condition which must be corrected to bring the premises or the structure, into compliance with the Fire Code, an order shall be issued to the owner, agent or manager thereof, setting forth the nature of the violation and the time in which it shall be corrected. In the event the Fire Chief shall find an extreme or hazardous condition which must, for the protection of the public, be corrected or removed immediately, the Fire Chief shall have the authority to take such steps as may be necessary to protect the public and property, including closing and vacating of a building, structure or premises. The Fire Chief shall also have authority to take such steps as may be necessary, including obtaining appropriate court orders to enforce any order of the Chief correcting a hazardous or potential fire condition.

(d) **OPEN BURNING PROHIBITED-APPROVAL REQUIRED.**

- (1) No person shall kindle or maintain any bonfire, brush fire, burn off grass, hay, open fields, or crop residue (such as straw, corn stalks, bean stalks) construction materials or other waste, rubbish or residue, without first obtaining a written permit issued by the Fire Chief.

- (2) A person applying for permission to burn may contact the Fire Department in person or by telephone, state the location of the premises in which the fire is to take place, the type of material to be burned, the person to be in charge of the burning, and what steps are taken to prevent the fire from spreading to other areas or buildings. The Fire Chief or his designee may visit the site and impose conditions or restrictions as to the burning activity if deemed appropriate. If the activity presents a danger to the health and safety of the community, permission may be denied. Any denial must be in writing stating the reasons. Denial is appealable to the Administrative Appeals Board.
- (3) There shall be no fee for issuing approval for burning.
- (4) No person shall set any fire on any Town street, road, County Trunk Highway, State roadway, any alleyway or any other public lands, unless approval is obtained from the Fire Chief and the Chairperson of the Town Board.
- (5) This section shall not apply to leaves, plant clippings, or lawn residue grown or produced on the owners land commencing on the 15th day of April and continuing through the 15th day of May, and from the 15th day of October through the 30th day of November. This exception shall apply only to leaves, plant clippings, or lawn residue grown or produced on the particular land where burning is permitted by this Section and shall not apply to leaves, plant clippings, or lawn residue which shall originate from any other land or source regardless of ownership.
- (6) It shall be unlawful for any person to transport any waste, refuse or other combustible materials from lands owned in or operated in the Town of Paris, or any other lands outside to any lands within the Town of Paris for the purpose of burning, except licensed and registered landfills which meet DNR and EPA requirements, and who has entered into a specific agreement with the Town of Paris and the County of Kenosha.

(e) **DOMESTIC BURNING ACCEPTED.** Except as may be limited or prohibited by State Statute or Department of Industry, Labor and Human Relations Administrative Code, this section shall not apply to domestic burning of household refuse and debris, provided that such burning is done in a non-combustible receptacle and with an appropriate screen cover and consists of waste created at the property where it is burned.

(f) **RAZING A BUILDING IN FIRE DEPARTMENT EXERCISE.**

- (1) Training Burns. From time to time, the Town of Paris Fire Department may determine, in its sole discretion, that it is in the best interest for the health, safety and welfare of the community for the firefighters to have a training experience in dealing with a burning building. If a property owner desires to have the Fire Department raze a building as part of a training exercise, and if the Fire Department is so willing, the property owner shall

execute an application and agreement on a form to be provided by the Town. The application/agreement form shall provide, in part, that the owner must indemnify and agree to defend the Town of Paris, the Paris Fire Department, and any other fire department that may participate in the training, including all their respective officers, employees, agents and firefighters, from and against any claims for negligence, injury, or damage that may occur in connection with the burning of the building. The application/agreement shall further require, at a minimum, that the owner shall be responsible for, and shall provide to the Town adequate proof of, the following:

- a. The termination and removal of all utilities to the building, specifically including without limitation all electrical and natural gas service;
- b. The absence or lawful removal of any/all asbestos from the building;
- c. The absence of any lienholder(s) on the building and/or on the underlying property, or the written permission of such lienholder(s) to the razing of the building via a Fire Department training exercise;
- d. The provision of a site plan showing the building to be burned as well as the locations of any/all nearby potential hazards to Fire Department personnel and equipment, including, without limitation, the locations of any buried storage tanks (septic, fuel, etc.) and the locations of any above-ground, below-ground, or overhead utilities or other obstructions.

- (2) Additional Owner Responsibilities. It shall be the duty of the building owner to remove any/all household hazardous waste, as defined by Wisconsin DNR, from the building, including without limitation any paint, cleaning solvents, household fuels, pesticides or herbicides, and any similar chemicals that may cause dangerous conditions upon burning. It shall also be the duty of the owner to subsequently remove any in-ground systems, including closing any well, cistern or septic system. The property owner shall also be responsible for removing any and all remaining building debris from the site following completion of the raze, for filling, or removing and refilling, all subgrade foundations, and for restoring the raze site to an erosion- and dust-free condition.
- (3) Training Burn Fee; Fee Waiver. In addition to any other applicable required permits and fees (which may include a raze permit or a burn permits), a Fire Department training burn permit fee in the amount of \$1,500, or such other amount as is determined periodically by resolution of the Town Board, shall be charged to the property owner in order to compensate for the Town Building Inspector's and Fire Department's time in reviewing the owner's compliance with the requirements of this section and other incidental Town costs. Notwithstanding the above, in cases where the Fire Department certifies to the Town Board that a particular building would pose a uniquely valuable training opportunity, the Fire

Department raise exercise permit fee may be waived by a duly-adopted motion of the Town Board, although the property owner shall remain responsible for satisfying and providing proof of compliance with all other requirements of this section, including all other applicable permits and fees.

- (4) Execution of Training Burns. The Town of Paris Fire Department shall have the exclusive authority to determine the exact date and time for the training burn, depending on weather conditions including but not limited to wind, and any such training burn shall be commenced only upon approval of the Fire Department, regardless of any specific date or time indicated in the training burn approval.

(g) **ABSOLUTE PROHIBITION UNDER CERTAIN CONDITION.** Whenever the Town Board, upon recommendation of the Fire Chief, deems it imprudent to set fires for any purpose, including domestic burning, upon any land within the Town, the Town Board shall cause a notice to be posted in five (5) or more public places, which notices shall be those prepared by the Department of Natural Resources, and, further, shall place such notice in the Kenosha News, a newspaper of general circulation within the Town, which order shall forbid the setting of fires within the Town. After said notice, no person may set any fire upon any land in the Town, except for warming the person or cooking food until the fire prohibition shall be lifted by the Fire Chief. This prohibition may include outside grills used for the preparation of food.

(h) **FIRE WORKS PROHIBITED.** The use, possession and sale of fireworks within the Town is prohibited unless the Town Chairperson, after approval of the Fire Chief, shall issue a permit as set forth in Section 167.10(2) Wis. Stats. As used in this section of this Ordinance, the term "fireworks" includes the definitions set forth in Section 167.10(1), Wis. Stats., including subsections (1),(e),(f),(g),U), (k),(l), (m) and (n).

**Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by a minor shall be liable for all damage caused by the minor's use of fireworks. Liability for all damages not inconsistent with Wisconsin Statutes caused by the minor's use of fireworks; however, not inconsistent with the Wisconsin Statutes as to parental liability.

## **Sec. 7-15 Hazardous Material.**

(a) **PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Paris, except those areas specifically licensed for waste disposal activities and to receive such materials. Any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid or gas having a deleterious effect on the environment.

(b) **CONTAINMENT. CLEANUP AND RESTORATION.** Any person, firm or corporation in violation of the above section shall, upon direction of any emergency



government officer, the Chief of the Paris Fire Department, or his designee, begin immediate actions to contain, cleanup and remove to an approved repository, the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply, or to complete the requirements of this section, the Office of emergency Government may order the required actions to be taken by public or private resources, and allow the recovery of any and all costs incurred by the Town of Paris as hereafter set forth in Subsection (3).

(c) **EMERGENCY SERVICES RESPONSE.** Emergency Services Response includes, but is not limited to fire services, emergency medical services and such law enforcement services as deemed appropriate while carrying out fire services and emergency medical services.

- (1) A person, firm or corporation who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance.
- (2) Actual and necessary expenses may include, but not are not limited to; replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance of response personnel as required by the responding agencies medical advisor.

(d) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected, will be provided to emergency government officers and staff, and to Town of Paris Fire Department personnel, for the purpose of evaluating the threat to the public, and monitoring containment, cleanup and restoration activities.

(e) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public, at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the Chief, or any officer of the Paris Fire Department on the scene of the emergency, may order an evacuation of the area, or take other appropriate steps for a period of time until the Town board and Director of Emergency Government can take appropriate action.

## **Sec. 7-16. False Alarms.**

(a) **FALSE ALARMS.** A false alarm is an act by a person with the intent to summon the Paris Fire Department or Rescue Squad service when no incident requiring their



response has occurred. False alarm does not include the summoning of Fire or Rescue Services by the inadvertent or improper transmission of an alarm control system.

(b) **FIRE ALARM CONTROL SYSTEMS.** Any person who owns, operates or controls a mechanical or electrical device which, upon being activated transmits a signal for the purpose of obtaining a response by the Paris Fire and/or Rescue Department shall be responsible for proper installation, maintenance and testing of said alarm system to prevent subsequent false notification of the Department.

(c) **COSTS TO BE ASSESSED.**

- (1) Any person who shall cause a false alarm to be given shall be responsible to the Town of Paris for all costs resulting from such false alarm. The Chief shall prepare a statement of charges and present it to the Town Board with recommendations as to the action to be taken. The Town Board is authorized to take such action as they deem appropriate.
- (2) Inadvertent summoning of the Fire or Rescue Department as a result of a mechanical or electrical device which improperly transmits a fire or rescue warning and, which occurs more than once in a year is deemed by this ordinance a nuisance, and the Chief shall make such recommendations to the Town Board for any action he deems appropriate. The Town Board, in their discretion, is authorized to act.

**Sec. 7-17 Enforcement, Action, and Penalties.**

(a) **Injunction and Mandamus Actions.** The Town Chairperson or the Fire Department is authorized under this ordinance to initiate any injunction or mandamus to stop or compel such action as deemed necessary to obtain compliance with these ordinances.

(b) **Violators to Pay Costs.** Any person who shall violate a provision of the ordinance for which the court grants an injunction or the court compels by mandamus to comply with said ordinances shall be responsible for the reasonable costs, disbursements and attorney fees of the Town of Paris in obtaining compliance with the terms of this ordinance.

(c) **Penalties.** Unless specifically enumerated otherwise any person who shall be convicted of a violation of Section 11 e. and f., Section 12, Section 13, Section 14 and Section 15 shall be fined not less than Twenty-five Dollars (\$25.00) per day nor more than Five-hundred Dollars (\$500.00) per day for each day of violation. Failure to pay said fine may result in incarceration up to but, not exceeding six months.

(d) **False Alarms.** A person convicted of a violation of 14 a. under the provisions of this ordinance shall be fined not less than Two-hundred fifty Dollars (\$250.00) nor more than Five-hundred Dollars (\$500.00) for each violation. This provision is exclusive of any costs assessed which are provided by the ordinance. Failure to pay said fine may result in incarceration up to, but not exceeding six months.

(e) Report to the District Attorney. The Fire Chief shall report all responses suspected to be intentional false alarms to the Kenosha District Attorney's office for such action that the District Attorney deems appropriate.

#### **Sec. 7-18 Rescue Squad Fees Established.**

The Town Board may establish by resolution from time to time a fee schedule for providing ambulance and emergency services. In addition, the Town may require an assignment of insurance benefits to be provided by any party receiving services from the rescue squad.

#### **Sec. 7-19 Fee For Fire Calls on Highways.**

(a) There is hereby imposed a highway fire emergency response fee upon and charged to the owner or operator of any vehicle involved in a fire call by the Town of Paris Fire Department on any of the public highways, including country trunk highways, state trunk highways, and any highways which are a part of the national system of interstate highways. The fire call charge fee shall be Four Hundred Fifty Dollars (\$450.00).

(b) The Fire Chief of the Town of Paris shall submit statements for such fee to all such owners or operators of the vehicles involved in highway fire calls, or such owners' or operators' insurers, as soon as practical following the completion of the fire call. All such charges shall be paid to the Town Treasurer, who shall report monthly to the Fire Chief as to all such charges that were collected during the preceding month.

#### **Sec. 7-20 Uniform Address for Signs for Houses and Buildings.**

(Adopted as Ordinance No. 2015-7-28 creating Sec. 7-19, which was already used.)

(a) *Declaration of policy.* The town board finds that uniform address signs and the uniform location of such signage serves the health, safety, and welfare of the residents of the Town of Paris by providing an efficient means for locating properties in the event of a necessary sheriff, fire, or other emergency response, as well as serving the interests of the traveling public.

(b) *Uniform address signs required.* Uniform signs displaying a parcel's official address and meeting such specifications as are adopted by the board shall be installed on all improved parcels within the town. Such uniform address signs shall be obtained through the town building inspector and shall be installed by the town or its contractors. Except where the installation at such a location would be impossible or incompatible with the policy underlying uniform address signage, such uniform address signs shall be installed approximately fifteen feet to the right (as determined while facing the property from the road) of the driveway in the town's right-of-way, or at such other location as is designated by the town. In the event that multiple properties are serviced by a single driveway, the town shall install the uniform address signs for such properties in the manner it deems best suited to satisfy the policy underlying this section. After their installation, uniform address signs may not be removed or relocated without the written consent of the town, and each parcel owner shall be responsible for maintaining the parcel's uniform address sign in good and visible condition, including by removing any organic growth that would impede the sign's visibility from the road.

(c) *Installation of signs for new addresses.* 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 a uniform address sign for such property. At the time of application for a uniform address sign, the building inspector shall collect from the applicant the address sign fee set by the board, reflecting the town's costs of acquiring and installing a new address sign on such parcel. The town shall thereafter install, in conformance with the requirements of subsection (2), a uniform address sign on the property.

(d) *Address signs for Unimproved Parcels.* At the discretion of the town board, and after consultation with the property owner, the town board may require the installation of an address sign on an unimproved parcel where the circumstances warrant such action.

(e) *Replacement of address signs.* If a uniform address sign is stolen, destroyed, or materially damaged (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, or in the alternative, the town may direct that a replacement address sign be installed. The cost of replacement shall be the responsibility of the parcel owner.

(f) *Destruction of address signs.* It shall be unlawful for any person to remove or to intentionally damage, or to intentionally cause to be damaged, any uniform address sign installed under this section. Any person convicted of so doing shall be fined not less than \$100.00, nor more than \$500.00, plus court costs and assessments. Each address sign so damaged shall constitute a separate violation.

## **CHAPTER 8 HEALTH AND SANITATION**

\*Cross references: Animals, ch. 4; buildings and building regulations, ch. 5; mobile/manufactured homes, ch. 9; public nuisances affecting health, et seq.; Paris Ordinance April 1, 1994.

<b>Section Number</b>	<b>Title</b>	<b>Ordinance Number</b>	<b>Date of Ordinance</b>
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### **ARTICLE I. IN GENERAL**

Sec. 8-1	Penalty for Violation of Chapter		
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### **ARTICLE II. NUISANCE TYPE BUSINESSES**

Sec. 8-2	Definitions		
Sec. 8-3	Permit Required		
Sec. 8-4	Authority of Article Provisions		

### **ARTICLE III. SOLD WASTE AND RECYCLING**

Sec. 8-5	Guidelines		
Sec. 8-6	Drop Off Site		
Sec. 8-7	Businesses		

### **ARTICLE I. IN GENERAL**

#### **Sec. 8-1. Penalty for violation of chapter.**

Any person who shall be found guilty of violation of any of the provisions of this chapter, except as otherwise provided, shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00, together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the county jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.

### **ARTICLE II. NUISANCE-TYPE BUSINESSES\***

\*Cross references: Businesses, ch.6; public nuisances, ch. 11.

#### **Sec. 8-2. Definitions.**

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

*Business which has a tendency to create a public nuisance* means one which, unless properly regulated, may create conditions creating a public nuisance, as defined in section 11-2.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 8-3. Permit required.**

No person shall conduct within the town any business which has a tendency to create a public nuisance, except upon a permit issued by the town board and subject to such conditions as the board may impose.

### **Sec. 8-4. Authority of article provisions.**

This article is enacted pursuant to Wis. Stats. § 66.0415.

## **ARTICLE III. SOLID WASTE AND RECYCLING**

### **Sec. 8-5. Guidelines.**

The Town of Paris herein adopts and incorporates by reference, the requirements of Chapter 287, Wis. Stats. as if fully stated herein.

### **Sec. 8-6. Drop off site.**

The town residents are allowed to haul their waste materials generated on property in the Town of Paris to the Paris drop off site located on the property of Waste Management which use is restricted pursuant to an agreement between the Town of Paris and Waste Management. All town residents using the drop off site must comply with the requirements set forth by Waste Management of Wisconsin, Inc. in an agreement or future agreements negotiated between Waste Management and the Town of Paris.

### **Sec. 8-7. Businesses.**

All businesses within the town are required to contract with a hauler to collect solid waste and recyclables. The recyclables to be separated and collected are defined in Wis. Stats. § 287.07(3)(4).

## CHAPTER 9

### MOBILE/MANUFACTURED HOMES

\*Cross references: Buildings and building regulations, ch. 5; health and sanitation, ch. 8;  
Paris Ordinance April 4, 1972.

Section Number	Title	Ordinance Number	Date of Ordinance
Sec. 9-1	Statutes Adopted by Reference		
Sec. 9-2	Parking Outside Licensed Mobile Home Parks		
Sec. 9-3	Park License		
Sec. 9-4	Additions to the Parks		
Sec. 9-5	Parking Permit Fees for Non-Exempt Mobile Homes		
Sec. 9-6	Mobile Home Parks Prohibited in the Town of Paris		

#### **Sec. 9-1. Statutes Adopted by Reference.**

The provisions of Wis. Stats. § 66.0435 and the definitions therein are adopted by reference in this section.

#### **Sec. 9-2. Parking outside licensed mobile home parks.**

(a) *Restricted.* No occupied mobile home shall be permitted to be located in the town unless the mobile home is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of the ordinance from which this section is derived.

(b) *Exception.* Subsection (a) of this section is not intended to restrict the location of one- and two-family manufactured homes which meet the applicable one- and two-family standards set forth in Wis. Stats. ch. 101, and the requirements of chapter 70 of this Code.

#### **Sec. 9-3. Park license.**

(a) *Required.* No person shall establish or operate upon property owned or controlled by him within the town a mobile home park without having first secured a license therefor from the clerk. All applicants must comply with section 70-195 regarding location, layout, improvements and management.

(b) *Fee.* The mobile home park license fee shall be \$100.00 per year for 50 units or a fraction thereof. The transfer fee shall be \$10.00.

#### **Sec. 9-4. Additions to the parks.**

Licensees of mobile home parks shall furnish information to the clerk and assessor on such homes added to their park within five days after their arrival on forms furnished by the clerk.

#### **Sec. 9-5. Parking permit fees for nonexempt mobile homes.**

There is imposed on each occupied nonexempt mobile home located in the town a parking permit fee, such amount to be determined in accordance with Wis. Stats. § 66.0435(3)(c). The fees shall be paid to the treasurer on or before the tenth day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stats. chs. 70 and 74.

#### **Sec. 9-6. Mobile Home Park Prohibited in Town.**

Due to the lack of available sewer and water within the Town of Paris and the needs for such facilities for mobile home parks, the town herein prohibits the location of mobile home parks within the boundaries of the town.

## OFFENSES AND MISCELLANEOUS PROVISIONS

### CHAPTER 10

Section Number	Title	Ordinance Number	Date of Ordinance
<b>ARTICLE I. IN GENERAL</b>			
Sec. 10-1	Offenses Against State Laws Subject to Forfeiture		
Sec. 10-2	Penalties for Violation of Chapter		
Sec. 10-3	Open Cisterns, Wells, Basements, or Other Dangerous Excavations		
Sec. 10-4	Abandoned or Unattended Iceboxes or Other Airtight Containers		
Sec. 10-5	Damage to Town Property		
Sec. 10-6	Graffiti		
Sec. 10-7	Littering		
Sec. 10-8	Loud and Unnecessary Noise		
Sec. 10-8.5	Compression Braking Prohibited	2018-10-23A	10/23/18
Sec. 10-9	Loitering		
<b>ARTICLE II. FIREARMS</b>			
Sec. 10-10	Penalties for Violation of Article		
Sec. 10-11	Definitions	2016-1-26-A	01/26/16
Sec. 10-12	Use of Weapons Regulated	2016-1-26-A	01/26/16
Sec. 10-13	Throwing or Shooting of Arrows, Stones, and Other Missiles		
<b>ARTICLE III. SMOKING</b>			
Sec. 10-14	Use of Cigarettes and Other Tobacco Products in Town Owned Buildings		
<b>ARTICLE IV. CONSUMPTION OF ALCOHOL IN PUBLIC</b>			
Sec. 10-15	Definitions		
Sec. 10-16	Prohibited Conduct		
Sec. 10-17	Prohibited Conduct Outside Licensed Premises		
Sec. 10-18	Exemptions to Article Provisions		



## ARTICLE V. SEXUAL OFFENDER RESIDENCE RESTRICTIONS

Sec. 10-19	Findings and Intent	2018-24-7	07/24/18
Sec. 10-20	Definitions	2018-24-7	07/24/18
Sec. 10-21	Sexual Offender and Sexual Predator Resident Prohibitions And Exceptions	2018-24-7	07/24/18
Sec. 10-22	Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators	2018-04-24 2018-24-7	04/27/18 07/24/18
Sec. 10-23	Severability		
Sec. 10-24	Penalties		
Sec. 10-25	Appeal for an Exemption	2018-04-24 2019-02	04/27/18 10/22/19

## ARTICLE I. IN GENERAL

### **Sec. 10-1. Offenses against state laws subject to forfeiture.**

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the town, provided that the penalty for the commission of such offenses shall be limited to a forfeiture imposed under section 1-5.

Wis. Stats. § 144.42(2), Pollution by motor vehicle/failure to repair.

Wis. Stats. § 167.10, Fireworks.

Wis. Stats. § 175.25, Illegal storage of junked vehicles.

Wis. Stats. § 254.76, Careless smoking.

Wis. Stats. § 346.935, Drinking in motor vehicles on highway.

Wis. Stats. § ch. 905, Privileges.

Wis. Stats. § 939.05, Aiding and abetting.

Wis. Stats. § 939.22, Words and phrases defined.

Wis. Stats. § 940.19(1), Battery.

Wis. Stats. § 940.32, Stalking.

Wis. Stats. § 940.34, Duty to aid victim.

Wis. Stats. § 941.01, Negligent operation of vehicle.

Wis. Stats. § 941.10, Negligent handling of burning materials.

Wis. Stats. § 941.12(2), (3), Interfering with or failing to assist in firefighting.

Wis. Stats. § 941.13, False alarms.

Wis. Stats. § 941.20, Reckless use of weapon.

Wis. Stats. § 941.21, Disarming a police officer.

Wis. Stats. § 941.23, Carrying concealed weapon.

Wis. Stats. § 941.235, Carrying firearms in public buildings.

Wis. Stats. § 941.237, Possession of handguns in taverns.

Wis. Stats. § 941.24, Possession of switchblade knife.

Wis. Stats. § 941.327, Tampering with household products.

Wis. Stats. § 941.37, Obstructing emergency vehicles prohibited.

Wis. Stats. § 943.01(1), Criminal damage to property.

Wis. Stats. § 943.06, Molotov cocktails.

Wis. Stats. § 943.13, Trespass to land.

Wis. Stats. § 943.14, Criminal trespass to dwellings.

Wis. Stats. § 943.15, Entry onto a construction site.

Wis. Stats. § 943.20, Theft (less than \$1,000.00).

Wis. Stats. § 943.23(4m), Carjacking.

Wis. Stats. § 943.24, Issue of worthless checks (not over \$1,000.00).

Wis. Stats. § 943.50, Shoplifting (not over \$1,000.00).

Wis. Stats. § 944.20, Lewd and lascivious behavior.

Wis. Stats. § 944.21(5)(a), (b), Lewd, obscene or indecent matter, pictures and performances.

Wis. Stats. § 944.23, Making lewd, obscene or indecent drawings.

Wis. Stats. § 944.30, Prostitution.

Wis. Stats. § 944.31, Patronizing prostitutes.

Wis. Stats. § 944.33(1), Pandering.

Wis. Stats. § 945.01, Definitions relating to gambling.

Wis. Stats. § 945.02, Gambling.

Wis. Stats. § 946.41(1), Resisting or obstructing officer.

Wis. Stats. § 946.42(2), Escape.

Wis. Stats. § 946.70(1), Personating peace officer.

Wis. Stats. § 946.72(2), Tampering with public records and notices.

Wis. Stats. § 947.031, Harassment prohibited.

Wis. Stats. § 947.06, Unlawful assemblies.

Wis. Stats. § 951.01--16, Crimes against animals.

Wis. Stats. § 961.573(2), Possession of paraphernalia.

Wis. Stats. § 961.574(2), Manufacture of paraphernalia.

Wis. Stats. § 961.575(2), Delivery of paraphernalia to a minor

## **Sec. 10-2. Penalties for violation of chapter.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-5. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Wis. Stats. § 895.35.

## **Sec. 10-3. Open cisterns, wells, basements or other dangerous excavations.**

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the cover cannot be removed by small children.

#### **Sec. 10-4. Abandoned or unattended iceboxes or other airtight containers.**

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

#### **Sec. 10-5. Damage to town property.**

No person shall intentionally cause damage to any physical property of the town.

#### **Sec. 10-6. Graffiti.**

(a) 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:

Graffiti means any writings, drawings, inscriptions, figures or marks of paint, ink, dye, chalk or other similar substances on public or private buildings, structures or places that are not expressly authorized by the property owner or occupant or that are not otherwise permitted by law. For the purposes of this section, graffiti includes any form of writings, drawings, inscriptions, figures or marks, regardless of their content or the nature of materials used in their placement.

(b) Declared a nuisance. Graffiti is specifically declared to be a public nuisance, as defined in section 11-2.

(c) Prohibited acts. No person shall write, spray, scratch or otherwise affix graffiti upon any property, whether private or public, without the consent of the owner of such property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for removing or covering such graffiti in addition to any forfeiture imposed for violating this section. The parents of any unemancipated minor child who affixed graffiti may be held liable for the cost of removing or covering such graffiti in accordance with Wis. Stats. § 895.035. This subsection shall not be construed to prohibit the placement on public or private streets, sidewalks or other paved surfaces of temporary and easily removable chalk or other water soluble markings incident to lawful youth activities or other lawful business or activity.

(d) Notification of town. Every owner or occupant of a structure or property defaced by graffiti shall notify the constable of the graffiti before removing or covering such graffiti.

(e) Removal by owner.

(1) Every owner of a structure or property defaced by graffiti shall comply with the terms of a written notice served upon him by the town to remove or cover such graffiti within ten days.

- (2) If any owner fails to comply with the notice mentioned in subsection (d) of this section within ten days, the town shall have the graffiti covered or removed and all costs, fees and expenses shall be charged to the real estate taxes pursuant to Wis. Stats. § 66.0627.

### **Sec. 10-7. Littering.**

No other person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the town or upon any private property or into or upon any body of water or stream within the town. Any person found guilty of violating this section shall be subject to a forfeiture of not more than \$200.00, plus the cost of prosecution and cleanup. Each day a violation continues shall constitute a separate violation.

### **Sec. 10-8. Loud and unnecessary noise.**

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

(b) Public address systems and amplifiers. No person shall use or operate any PA system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.

#### **Sec. 10-8.5. Compression braking prohibited.**

(a) Compression Braking Prohibited. No person shall use a compression braking system within designated areas of the Town unless the vehicle is equipped with an adequate engine brake muffler in constant operation and properly maintained to prevent excessive or unusual noise.

(b) Definition. "Compression braking," also known as "engine braking," refers to the use of a dynamic braking device (commonly referred to as "Jake brakes," "Jacobs brakes," or "engine brakes") for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without or limiting the use of wheel brakes. In addition, "compression braking" includes the process of downshifting and releasing the clutch to utilize the vehicle's engine to slow in order to meet proper speed restrictions.

(c) Emergency Defense Exception. It shall be an affirmative defense to prosecution under this ordinance that compression braking was applied in an emergency in which there was an imminent and immediate risk of injury to a person or damage to another vehicle or property, and compression braking was necessary for the protection of said persons or property.

(d) Emergency Vehicle Exception. Authorized emergency vehicles, as defined by §340.01(3), Wis. Stats., shall be exempt from this ordinance when responding to an emergency call, when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm.

(e) 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.

(f) Signs. The Town Clerk/Treasurer or his/her designee is authorized and directed to gain appropriate approval, if required, from the State of Wisconsin to post appropriate signs consistent with the provisions of this ordinance and in accordance with State statutes and administrative regulations.

(g) Penalty. Any person who violates this section shall be subject to a forfeiture in accordance with the general penalty provisions set forth in Section 1-5 of the Town's Code of Ordinances.

## **Sec. 10-9. Loitering.**

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

(b) Obstruction of highway. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

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

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

(e) In or on school property. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the town.

## ARTICLE II. FIREARMS

\*State law references: Local regulation of firearms generally, Wis. Stats. § 66.0409.

### **Sec. 10-10. Penalties for violation of article.**

Any person who shall be found guilty of violating any of the terms and provisions of this article shall be punished by a forfeiture of not less than \$10.00, nor more than \$200.00, together with the cost of prosecution and, in the event of nonpayment of such forfeiture and such costs, shall be imprisoned in the county jail until such forfeiture and such costs, together with subsequent costs, shall be paid, but not for a period greater than ten days.

### **Sec. 10-11. Definitions.**

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

*Building* means a structure devoted to human occupancy, but does not include any tent, bus, truck, vehicle or similar portable unit.

*Firearm* means a weapon that acts by force of gunpowder.

*Dangerous Weapon* means bow and arrow, crossbow, slingshot, blow gun and other similar weapons.

### **Sec. 10-12. Use of firearms and other dangerous weapons regulated.**

(a) *Exceptions.* The provisions of this Section shall not prohibit the discharge of Firearms and Dangerous Weapons in the following cases:

- (1) By a public official, including a law enforcement officer or police officer, in the lawful discharge of official duties.
- (2) By a member of the Armed Forces of the United States or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.
- (3) By a person in the lawful defense of his person or property.
- (4) By a person at an approved target range or legal game preserve
- (5) 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.

(b) It shall be unlawful for any person to discharge any Firearm or Dangerous Weapon within the boundaries of the town in a careless and heedless manner and in willful and wanton disregard for the rights and safety of others, or without the due caution or in a manner so as to endanger or be likely to endanger property or any person.

(c) It shall be unlawful for any person to use or discharge a Firearm or Dangerous Weapon:

- (1) Within 300 feet of a Building if discharging a Firearm or a Dangerous Weapon, without the permission of the person who owns the land on which the Building is located.
- (2) Discharge a Firearm within a distance of 100 feet from the centerline of any highway or road surfaced with concrete or blacktop.

### **Sec. 10-13. Throwing or shooting of arrows, stones and other missiles.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, highway, park, playground or other public place within the town.

## **ARTICLE III. SMOKING**

### **Sec. 10-14. Use of cigarettes and tobacco products in town-owned buildings.**

(a) Smoking defined. Smoking means the combustion of any cigar, cigarette, pipe or other similar article using any form of tobacco or any other lighted smoking equipment.

(b) Regulation of smoking. No person may smoke indoors at any time in any town-owned building.

(c) Posting of prohibitory signs. Except where other signs are required by law, wherever in this section smoking is prohibited, conspicuous signs shall be posted so stating in places in order to give notice to the general public.

## **ARTICLE IV. CONSUMPTION OF ALCOHOL IN PUBLIC**

\*Cross references: Paris Ordinance, April 10, 1995

### **Sec. 10-15. Definitions.**

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



Licensed premises means the area within a building or structure which is licensed pursuant to chapter 6, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

Public parking lot means any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned unless such area is specifically identified as part of the licensed premises.

Public property means any property, including buildings or structures thereon, which is owned, leased or operated by the town or the school district; public sidewalks; roadways and streets; playgrounds; and parks.

#### **Sec. 10-16. Prohibited conduct.**

No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

#### **Sec. 10-17. Prohibited conduct outside licensed premises.**

No person who has purchased fermented malt beverages or intoxicating liquor from any licensed premises shall consume such beverages or liquor outside of, but within the property boundary lines of, such premises.

#### **Sec. 10-18. Exceptions to article provisions.**

(a) The prohibitions in sections 10-16 and 10-17 shall not apply to those events or activities which are otherwise permitted or licensed pursuant to chapter 6.

(b) The prohibitions in sections 10-16 and 10-17 shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of Wis. Stats. § 346.93.

### **ARTICLE V. SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

#### **Sec. 10-19. Recitals, findings and Intent.**

(1) *Recitals.*

(a) Whereas, after reviewing and discussing examples of sex offender residency restriction ordinances from other municipalities, the locations of places where children are known to congregate in the Town, after public meetings, the Town Board adopted the first version of this ordinance on September 10, 2008.

- (b) Whereas the United States District Court for the Eastern District of Wisconsin issued an Order on April 17, 2017, in the case titled *Hoffman v. Town of Pleasant Prairie*, which contained holdings that directly impact the terms of the Town's Municipal Code Article V of Chapter 10 and make it necessary to amend the terms of this ordinance to comply with the District Court's holdings.
- (c) Whereas, on, April 24, 2018, the Town Board held a public meeting on proposed revisions to the Town's sex offender ordinance. At this meeting, the Board reviewed and discussed the existing ordinance, proposed revisions to the existing ordinance and discussed the following written materials:
  - 1. "Recidivism of Adult Sexual Offenders." U.S. Department of Justice, July 2015, SOMAPI (Sex Offender Management Assessment and Planning Initiative); and
  - 2. "An Overview of Sex Offender Management." July 2002, U.S. Department of Justice, CSOM (Center for Sex Offender Management); and
  - 3. "There goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." May 2006, National Bureau of Economic Research; and
  - 4. Order of the Honorable J.P. Stadtmueller of the United States District Court, Eastern District of Wisconsin, *Hoffman et al. v. Town of Pleasant Prairie*, Case No. 16-CF-697-JPS.
- (d) Whereas, the Town Board held a public meeting on June 26, 2018 on this ordinance and reviewed the list of protected locations as set forth under the ordinance.
- (2) *Findings.* This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Town from the risk that convicted sex offenders may reoffend in locations close to their residences. The Town Board finds and declares that repeat sexual offenders who use physical violence and sexual offenders who prey on children, are sexual offenders who present an extreme threat to the public safety and the health of children. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and the community where they reside, while incalculable, clearly exorbitant. It is further believed that such persons present an alarmingly high risk of re-offending once released and as such it is better for sex offenders to reside in their home community where their support systems exist rather than in a community where the sex offender may not have a support network. The Town Board finds the risk of recidivism increases if the sex offender recently offended and if the sex offender does not have a strong social network, including community and familial ties. The Town

Board is aware of many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions. The Town Board acknowledges that literature on the subject includes some studies that support the practice of sex offender residency restrictions and others that are critical of the practice. As such, the Town hereby establishes regulations which restrict certain offenders from residing or congregating in areas that are at or near where there is a high concentration of children in order to provide better protection for children in the Town by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism.

- (3) *Intent.* It is expressly not the intent of this Ordinance to impose additional punishment on sex offenders, but rather to serve the Town of Paris compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing residency. The Town establishes these regulations in order to provide protection to children in the Town by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of reoffense, there is a compelling need to protect children where they congregate or play in public places.

## **Sec. 10-20 Definitions.**

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

- (1) "Child" means a person under the age of sixteen (16) years for purposes of this ordinance.
- (2) "Designated Offender" means any person who is required to register under Section 301.45 and 301.46, Wisconsin Statutes, for any sexual misconduct or violation as a result of being a repeat sexual offender, sexual offender who has used physical violence in committing an offense or who has preyed upon children.
- (3) "Minor" means a person under the age of seventeen (17) years.
- (4) "Permanent Residence" means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.
- (5) "Temporary Residence" means either: (a) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.

- (6) *Protected Location* means any School Property, Day Care Center, Library, Park, Recreational Trail, Playground, Athletic Fields used by children, Place of Worship, Swimming Pool, any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; any other place designated in the Map adopted by the Town under Sec. 10-21 (5) as a place where children are known to congregate. The defined terms included in the definition of Protected Location are:
- (a) *School Property* means any public school as defined by Wis. Stat. § 115.01(1); a private school as defined by Wis. Stat. § 115.001(3); a charter school as defined by Wis. Stat. § 115.001(1); a specialty school, including, but not limited to, a Montessori school, a gymnastics academy, dance academy, or music school.
  - (b) *Day Care Center* means a facility that has been licensed under Wis. Stat. § 48.65 to provide care and supervision of children and includes "before-and after-school daycare," which has the meaning as defined by Wis. Stat. § 120.125(1).
  - (c) *Facility For Children* means a public or private school, a *group home*, as defined in Wis. Stats. §48.02(7), a *residential care center for children and youth*, as defined in Wis. Stats. §48.02(15d), a *shelter care facility* as defined in Wis. Stats. §48.02(17), a *foster home*, as defined in Wis. Stats. §48.02(6), a *treatment foster home*, as defined in Wis. Stats. §48.02(17q), a *daycare center licensed under Wis. Stats. §48.65*, a *daycare program established under Wis. Stats. §120.13(14)*, a *daycare provider certified under Wis. Stats. §48.651*, or a *youth center*, as defined in Wis. Stats. §961.01(22).
  - (d) *Library* means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.
  - (e) *Park* means any area held open for use by the public for active or passive leisure purposes, including, but not limited to, any park, recreation area or beach. "Park" shall also mean any privately owned neighborhood parks and open spaces where children congregate such as those that host equestrian camps and other programming for children and those owned by a homeowners association of a subdivision.
  - (f) *Playground* means any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, sandboxes, seesaws.
  - (g) *Place of Worship* means a church, synagogue, mosque, temple or any other building where congregations gather for prayer.
  - (h) *Recreational Trail* means a trail where children walk, ride bicycles, or ride horses, whether publicly or privately owned.

## **Sec. 10-21 Sexual Offender and Sexual Predator Residence; Prohibitions and Exceptions.**

- (1) Prohibited Location of Residence; Child Safety Zones.
  - (a) It shall be unlawful for any Designated Offender to establish a Permanent or Temporary Residence within six thousand five hundred (6,500) feet of a Protected Location.
  - (b) No Designated Offender shall establish a Permanent Residence or Temporary Residence within a six thousand five hundred (6,500) foot radius of an existing Permanent Residence or Temporary Residence of another Designated Offender.
- (2) Notification. A Designated Offender must notify the Town Clerk/Treasurer in writing a minimum of three (3) days prior to establishing either a Permanent Residence or Temporary Residence within the Town of Paris on a form provided by the Town.
- (3) Prohibited Activity. It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this section. "Participation" is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter.
- (4) Determination of Minimum Distance Separation. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Protected Location.
- (5) *Maps.* A map depicting the above Protected Locations and the resulting residency restriction distances shall be adopted by Resolution of the Town Board, and which map may be amended from time-to-time, is on file in the Office of the Town Clerk for public inspection. This Map is a tool that the Town chooses to utilize to provide notice to the public of the requirements of the Ordinance. In the event of a conflict between the Map and this Ordinance where a Protected Location is inadvertently omitted from the Map, the written provisions of this Ordinance shall control.
- (6) Exceptions. A Designated Offender residing within a Protected Location as described in Section 10-20 shall not be in violation of this ordinance if any of the following apply:
  - (a) The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence

pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.

- (b) The Designated Offender is a minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.
- (c) The Protected Location situated within six thousand five hundred (6,500') feet of the person's Permanent or Temporary Residence was opened or established after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.
- (d) The residence is also the primary residence of the Designated Offenders parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the Designated Offender established residence at the location.

#### **Sec. 10-22 Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators**

It shall be unlawful for any property owner to lease or rent any place, room, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Protected Location zone as defined in Section 10-20.

#### **Sec. 10-23 Severability.**

Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a Whole, or any part thereof, other than the part so declared to be invalid or repealed.

#### **Sec. 10-24 Penalties.**

Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

## **Sec. 10-25 Appeal for An Exemption.**

- (1) A Designated Offender may seek an exemption from the requirements and prohibitions under Article V of Chapter 10 by appealing to the sex offender residency board (the "Appeals Board").
- (2) The Appeals Board shall consist of the three Town Board Supervisors until such a time that the Town Board appoints three citizens and one alternate, who are residents of the Town, who shall serve without compensation. At such a time when citizen members are initially appointed to the Appeals Board, the Town Board shall appoint three members to staggered terms of one, two or three years, and one alternate for a term of three years. After the initial appointment of members to a term of one, two and three years respectively, the Town Board shall annually appoint one member for a term of three years and one alternate for a term of three years every third year, commencing on May 1st. At the first meeting held of the Appeals Board after the first Monday of May of each year, the members of the Appeals Board shall vote by majority vote to select a chair for its meetings and appeals that come before it.
- (3) Appeal form, filing fee, bond, pre-hearing conference and notice.
  - a. Application Form. The Town Clerk, in consultation with the Appeals Board, shall prepare an official appeal form, a hearing schedule and deadlines for filing an appeal. An offender shall complete this official form and submit it to the Town Clerk, who shall forward it to the Appeals Board.
  - b. Filing Fee. The filing fee, if any, for the appeal shall be set by resolution of the Town Board from time-to-time.
  - c. Hearing Bond. To incentivize attendance at scheduled hearings, the Designated Offender shall pay a \$250 Hearing Bond made payable to the Town of Paris upon the filing of an application under this section. The Town Clerk shall hold the Hearing Bond until the conclusion of the Designated Offender's scheduled hearing. The Hearing Bond shall be returned to the Designated Offender upon the conclusion of Designated Offender's hearing regardless of the hearing's result. The Hearing Bond shall be returned if a timely withdraw is submitted at least one week prior to the scheduled hearing. The Town shall retain the Hearing Bond if the Designated Offender fails to appear at a pre-hearing conference that is not rescheduled or a hearing.
  - d. Undue Hardship. The Appeals Board may waive the Filing Fee or Hearing Bond if the Designated Offender illustrates that payment of the Filing Fee or Hearing Bond creates an undue hardship on the applicant due to income, employment status, or other relevant factors.
  - e. Pre-hearing conference. Prior to the Appeals Board hearing, the Designated Offender shall attend in person a pre-hearing conference with the Town Clerk and the Town Attorney. The purpose of the pre-hearing

conference is to explain the hearing process, complete the application, and review potential witnesses for the hearing. If the Designated Offender fails to appear at the pre-hearing conference, the Designated Offender's application shall be deemed incomplete and shall not be scheduled for a hearing. The Town Clerk shall send a notice to the Designated Offender indicating that the application is incomplete, and the application will not be scheduled for a hearing until the Designated Offender reschedules and attends the pre-hearing conference. The application shall be deemed withdrawn if the Designated Offender does not reschedule the pre-hearing conference within thirty (30) days of the failure to appear at the pre-hearing conference.

- f. Notice and Agenda. Notice in the form of an agenda shall be posted and/or published as required by law and provided to the Appeals Board, the property owner if not the applicant, and published on the Town's website at least seven days prior to the hearing date.

- (4) The Town elects not to be bound by Wis. Stat. Ch. 68 with respect to administrative procedure in the appeals process. The Appeals Board shall hold a hearing on each appeal to conduct an individual risk assessment in each case, during which the Appeals Board may review any pertinent information and may accept oral and written statements from any person. The Designated Offender that filed the appeal shall appear at any hearing held, unless otherwise approved by the Appeals Board. The Appeals Board shall consider the public interest as well as the applicant's presentation and concerns, giving the applicant a reasonable opportunity to be heard. The Appeals Board shall also consider any oral, emailed, and written statements from any person at the hearing or received in advance of the hearing. The Appeals Board shall consider the specific facts and circumstances of each applicant and determine whether the applicant presents a threat to public safety if he or she resides at that proposed location. The Appeals Board shall consider factors which may include, but are not limited to, the following:

- a. Circumstances surrounding the offense.
- b. Relationship of offender and victim.
- c. Presence or use of force.
- d. Presence of enticement.
- e. Need to protect victim or similarly situated individuals.
- f. Current dangerousness of the offender.
- g. Proximity in time from original offense.
- h. Any criminal offenses, ordinance or rule violations committed since original offense including failures to register or comply with restrictions set by bond, parole or probation.
- i. Time out of incarceration.
- j. Current supervision status by the Department of Corrections.
- k. Counseling and treatment history.



- l. Credibility of offender.
  - m. Remorse.
  - n. Proximity of proposed residence to a child safety zone.
  - o. Support network of offender near proposed residence
  - p. Alternative options for housing.
- (5) The Appeals Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or be conditional to a certain address or period of time. In the case of an approval or denial, the Appeals Board shall provide a written copy of the decision containing the reasons therein for its decision to the Town Clerk, any Code enforcement officer and to the applicant. The decision of the Appeals Board may be appealed to the Kenosha County Circuit Court by any aggrieved party within 30 days of filing of the final decision in the Town Clerk's office, a copy of which shall be mailed to the Designated Offender who appealed. The review shall be a review by certiorari and the Circuit Court may affirm or reverse the final decision, or remand to the decision maker for further proceedings consistent with the Court's decision.
- (6) Failure to Appear at Hearing.
- a. If a Designated Offender applies for an exemption under Sec. 10-25 and fails to appear at the Appeals Board hearing, the application shall be denied unless the Appeals Board finds the failure was the result of excusable neglect. A Designated Offender shall not apply for another appeal application within one (1) year from the date of such denial. In the event that a Designated Offender fails to appear at a hearing and the Appeals Board finds the Designated Offender's non-appearance is due to excusable neglect, the Appeals Board shall reset the application for a hearing.
  - b. Any application may be withdrawn by the Designated Offender at any time up to a week prior to the hearing scheduled by the Town Clerk. However, no application to reside at the same address may be filed within six (6) months of the withdrawal date. All such withdrawal requests shall be in writing by the Designated Offender.
  - c. No filing fees in the case of withdrawal shall be refunded.

## CHAPTER 11 PUBLIC NUISANCES

State law references: Public nuisances generally, Wis. Stats. § 823.01 et seq.

Section Number	Title	Ordinance Number	Date of Ordinance
<b>ARTICLE I. IN GENERAL</b>			
Sec. 11-1	Penalty for Violation of Chapter		
Sec. 11-2	Definitions		
Sec. 11-3	Prohibited Generally		
Sec. 11-4	Abatement		
<b>ARTICLE II. PUBLIC NUISANCES AFFECTING HEALTH</b>			
Sec. 11-5	Enumeration		
<b>ARTICLE III. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY</b>			
Sec. 11-6	Enumeration		
<b>ARTICLE IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY</b>			
Sec. 11-7	Enumeration		
<b>ARTICLE VI. JUNK, JUNKED VEHICLES, AND GARAGE OR RUMMAGE SALES</b>			
Sec. 11-8	Definitions		
Sec. 11-9	Penalty for Violation of Article	2018-2-27	02/27/2018
Sec. 11-10	Public Nuisances Declared		
Sec. 11-11	Storage of Vehicles		
Sec. 11-12	Storage of Junk		
Sec. 11-13	Rummage or Garage Sales		
Sec. 11-14	Issuance of Citation; Action to Abate		

## **ARTICLE I. IN GENERAL**

### **Sec. 11-1. Penalty for violation of chapter.**

In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in section 1-5.

### **Sec. 11-2. Definitions.**

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

*Public nuisance* means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### **Sec. 11-3. Prohibited generally.**

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

### **Sec. 11-4. Abatement.**

(a) *Enforcement.* It shall be the duty of the town, the fire chief and the building inspector to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does, in fact, exist.

(b) *By court action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve

notice on the person causing or maintaining the nuisance, and the owner of the property shall remove the nuisance within ten days. If such nuisance is not removed within ten days, he shall report such fact to the town chair, who may direct the town attorney to commence an action in circuit court for the abatement of the nuisance.

(c) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the town or its officials in accordance with law, nor as prohibiting an action to be commenced in the circuit court seeking a forfeiture as provided in section 11-1.

(d) *Cost.* In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## **ARTICLE II. PUBLIC NUISANCES AFFECTING HEALTH**

**\*Cross references:** Health and sanitation, ch. 8.

### **Sec. 11-5. Enumeration.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of section 11-2:

- (1) *Adulterated food.* All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) *Breeding places for vermin.* Accumulations 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.
- (4) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not flytight.
- (6) *Animals.* All animals running at large.

- (7) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (8) *Noxious weeds.* All noxious weeds within the town, as defined in Wis. Stats. § 66.0407. In addition, all growth of vegetation which becomes a potential hazard to vehicular traffic in vision clearance triangles shall be cut by the owner or occupant of the property.
- (9) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (10) *Noxious odors.* Any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
- (11) *Highway pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any highway, street, gutter, sidewalk or public place within the town.
- (12) *Noise.* Loud noise or noise that is offensive either by the volume of the sound or the repetitiveness of the noise or both, at any time of day or night, and is disturbing to one of ordinary sensitivity.

### **ARTICLE III.**

#### **PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

##### **Sec. 11-6. Enumeration.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of section 11-2:

- (1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, gambling, possession, sale of contraband, illegal drugs, or use of illegal drugs.
- (2) *Gambling devices.* All gambling devices and slot machines.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled,

manufactured or rectified without a permit or license as provided for by chapter 6.

- (4) *Continuous violation of town ordinances.* Any place or premises within the town where ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of laws or this Code.

#### **ARTICLE IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

##### **Sec. 11-7. Enumeration.**

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 11-2:

- (1) *Signs, billboards and similar structures.* All signs and billboards, awnings and other similar structures over or near highways, streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (2) *Illegal buildings.* All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the town.
- (3) *Unauthorized traffic signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.
- (4) *Obstruction of intersections.* All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) *Tree limbs.* All limbs of trees which project over and less than ten feet above any public sidewalk or less than 13 1/2 feet above a highway or other public place.
- (6) *Dangerous trees.* All trees in platted areas which are injurious to public health or safety because of a diseased or damaged condition; and

the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

- (7) *Dilapidated buildings.* All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (8) *Wires and cables over highway.* All wires and cables over highways, alleys or public grounds which are strung less than 18 feet above the surface thereof.
- (9) *Howling animals.* No person shall own, keep, harbor or have in his possession any animal within the town which, by frequent or habitual howling, yelping, crowing, barking or other disturbing noise, individually or together offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this subsection, when the person alleged to have violated this subsection owns, keeps, harbors or has in his possession more than one animal of the type causing the disturbance, it is not required to identify the particular animal causing the disturbance. Each day that such disturbance continues or occurs gives rise to a separate offense.
- (10) *Unlawful assembly.* Any unauthorized or unlawful use of property abutting on a public highway or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the highways or sidewalks.
- (11) *Refrigerators.* All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (12) *Open pits, basements, wells and excavations.* All open and unguarded pits, wells, excavations and basements.
- (13) *Exotic or Wild Animals.* Wild or exotic animals who present a potential danger, create fear, are disturbing to the peace of the community or are a danger to the health, safety, or serenity of the community.

## **ARTICLE V. JUNK, JUNKED VEHICLES AND GARAGE OR RUMMAGE SALES**

### **Sec. 11-8. Definitions.**

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

*Disassembled, inoperable, junked, damaged or wrecked motor vehicles, recreational vehicles, mobile homes, truck bodies, tractors, trailers* means motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

*Junk* means worn-out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or town property values, health, safety or general welfare.

*Garage or Rummage Sale* is a sale on one's property of a miscellaneous collection of items, originally used on the property, including but not limited to clothing, children's items, appliances, furniture, electronics and various other household items or personal effects.

*Motor vehicle* means as defined in Wis. Stats. § 340.01(35).

*Unlicensed motor vehicles, truck bodies, tractors or trailers* means motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

*Mobile Homes or recreational vehicles* in such state of physical or mechanical ruin.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 11-9. Penalty for violation of article.**

Any person who shall be adjudicated to have violated any of the provisions of Section 11-11 or 11-12 shall be subject to the general penalty provisions set forth in Section 1-5 of the Town's Code of Ordinances. Any person who shall be adjudicated to have violated any of the other provisions of this article shall be subject to a forfeiture not to exceed \$50.00, plus the costs of such prosecution, and upon default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days. Each day that a violation of this article continues shall be deemed a separate offense.

### **Sec. 11-10. Public nuisances declared.**

The following are declared to be public nuisances wherever they may be found within the town:

- (1) Any motor vehicle, truck body, tractor or trailer, mobile home or recreational vehicle as enumerated in section and 11-8.
- (2) Any junk as set forth in section 11-8.
- (3) A rummage or garage sale as set forth in section 11-8.



### **Sec. 11-11. Storage of vehicles.**

(a) No person shall accumulate, store or allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, or trailers in the open upon any property within the town for a period exceeding ten days unless it is in connection with an automotive sales, repair or storage business enterprise located in a properly zoned area, or a junkyard licensed under division 2 of article VI of chapter 5.

(b) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed 30 days, after which such vehicles must be removed.

### **Sec. 11-12. Storage of junk.**

No person, except a junk dealer licensed under Division 2 of Article VI of Chapter 6, shall accumulate, store or allow any junk outside of any building on any real estate located in the town.

### **Sec. 11-13. Rummage or garage sales.**

Rummage or garage sales may be held for a period not to exceed three continuous days. Such sales shall not take place more than two times in a twelve (12) month period. Sale items must include items of property previously used on the property. A violation of any condition of this ordinance shall be considered a public nuisance as defined in section 11-2. In addition, action to abate such nuisance may be commenced as provided in section 11-4(b).

### **Sec. 11-14. Issuance of citation; action to abate.**

Whenever the town shall find any such vehicle or junk accumulated, stored or remaining in the open upon any property within the town contrary to the provisions of section 11-8 he shall notify the owner of such property on which such vehicle or junk is located of the violation of this article. If such vehicle or junk is not removed within ten days, the town shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle or junk is located. In addition, action to abate such nuisance may be commenced, as provided in section 11-4(b).

## CHAPTER 12 STREETS AND OTHER PUBLIC PLACES

\*Cross references: Any ordinance lighting of streets and alleys saved from repeal, § 1-8(a)(6); any ordinance naming and changing of names of streets, alleys, public grounds and parks saved from repeal, § 1-8(a)(7); buildings and building regulations, ch. 5; moving buildings, mobile/manufactured homes, ch. 9; consumption of alcohol in public, ch. 3.

State law references: Public works generally, Wis. Stats. § 60.50 et seq.

Section Number	Title	Ordinance Number	Date of Ordinance
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### ARTICLE I. IN GENERAL

Sec. 12-1	Obstructions and Encroachment		
Sec. 12-2	Street Grades		
Sec. 12-3	Depositing Snow on Town Highways		
Sec. 12-4	Street Address Numbering Required		
Sec. 12-5	Search for Government Markers		

### ARTICLE II. DRIVEWAYS AND CULVERTS

#### Division 1. Generally

Sec. 12-6	Construction Regulations		
Sec. 12-7	Culvert Installation		
Sec. 12-8	Defective or Inadequate Culverts		
Sec. 12-9	Digger Hotline Notification; Restoration		
Sec. 12-10	Driveway Installation Required Prior to Construction		
Sec. 12-11	State Statute Requirements		

#### Division 2. Permit

Sec. 12-12	Required		
Sec. 12-13	Application; Fee		
Sec. 12-14	Issuance		

### ARTICLE III. WEIGHT LIMITATIONS ON TOWN HIGHWAYS

Sec. 12-15	Class B Highways	2014-7-22	08/26/14
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### ARTICLE I. IN GENERAL

#### Sec. 12-1. Obstructions and encroachments.

(a) *Prohibited generally.* No person shall encroach upon or in any way obstruct or encumber any street or public grounds of land dedicated to public use or any part thereof, or

permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b) of this section.

(b) *Exceptions.* The prohibition of subsection (a) of this section shall not apply to the following:

- (1) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the or street.
- (2) Awnings which do not extend below any point seven feet above the street.
- (3) Public utility encroachments authorized by the town.
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided that such goods, wares, etc., do not remain thereon for more than three hours.
- (5) Building materials when placed upon the street upon conditions prescribed by the building inspector. He may require such materials to be protected by barricades or appropriate lights.

#### **Sec. 12-2. Street grades.**

(a) *Establishment.* The grade of all streets shall be established and described by the town board and shall be recorded by the clerk in his office. No street or sidewalk shall be worked until the grade thereof is established.

(b) *Altering grade.* No person shall alter the grade of any street or public ground, or any part thereof, unless authorized or instructed to do so by the town board.

#### **Sec. 12-3. Depositing snow on town highways.**

(a) *Prohibited.* It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the town, or to permit such depositing of snow from property occupied by him.

(b) *Enforcement.* Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

#### **Sec. 12-4. Street address numbering required.**

Any residence or place of business intended for human occupancy shall be identified by a

street address number assigned by the County in accordance with the following requirements and standards:

- (1) *Placement.* The street address number shall be permanently attached to a sign or post installed at a place clearly visible from the traveled portion of the road not less than six to not more than ten feet from the property/right-of-way line and not less than ten to not more than 15 feet from the edge of the main entrance or driveway serving the property. For corner lots, such numbers shall be located along the street to which the main entrance or driveway is oriented. For properties having multiple driveways or entrances separated by a distance greater than 250 feet, a separate street number shall be permanently installed at each driveway or entrance. In the circumstance of a significantly reduced street yard setback (less than 50 feet), the street address number shall be permanently attached to the side of the garage or house that faces the street and is clearly visible from the traveled portion of the road.

## **Sec. 12-5. Search for government markers.**

(a) *Permit required.* No person shall, in a search for any government marker or section stone, cut into or remove any portion of a town road without first obtaining a permit from the clerk. Such permit shall set forth the exact location of any digging to be done and the length of time such permit is valid.

(b) *Permit fee.* The permit fee shall be set by the town board from time to time for each digging and shall be used by the town to defray the cost of restoration and repair of the town roads to their original condition.

(c) *Hold town harmless.* The permit holder shall erect the proper safeguards, such as caution signs, lights, barricades, etc., at the locations as set forth on the permit, which shall remain in place for a period of 48 hours after completion of work by the permit holder, or until the town has repaired the road. In addition, the permit holder shall carry liability insurance in an amount satisfactory to the town attorney to hold the town harmless for any highway defects or negligence resulting from such search.

(d) *Notification of completion of work.* The permit holder shall notify the clerk of completion of work, and the town shall, within 48 hours, make any and all necessary repairs.

## **ARTICLE II. DRIVEWAYS, CULVERTS AND TOWN ROAD RIGHT OF WAY**

### **DIVISION 1. GENERALLY**

## **Sec. 12-6. Construction regulations.**

The location and size of all proposed driveways shall comply with all applicable provisions of

this Code. In addition, driveways shall be subject to the following regulations:

- (1) Driveway approaches located on town highway rights-of-way may be constructed of gravel, asphalt or concrete.
- (2) Driveway grades shall have a pitch of one-half inch per foot away from the roadway to the center of ditch flow line.
- (3) If a driveway is constructed in violation of subsection (2) of this section, the building inspector may order the property owner to remove and replace the driveway at the owner's expense. If the property owner fails or neglects to remove the driveway in 30 days, the town will remove the driveway and bill the property owner. If the bill is not paid within 30 days, the charges will be placed on the tax roll pursuant to Wis. Stats. § 66.0627.

#### **Sec. 12-7. Culvert installation.**

All culverts shall comply with town standards established from time to time by the town board and shall be located and set at a grade as directed by the building inspector. No work shall commence until the building inspector has approved the location and established the grade. Any culvert which is not installed in accordance with this section shall be ordered by the building inspector to be removed and reinstalled in accordance with the requirements of this article.

#### **Sec. 12-8. Defective or inadequate culverts.**

The building inspector shall order the abutting property owner to replace any existing defective or inadequate culvert at the cost of the property owner. If the property owner fails or neglects to replace the culvert within 30 days, the town will replace the culvert and bill the property owner. If the bill is not paid within 30 days, the charges shall be placed on the tax roll pursuant to Wis. Stats. § 66.0627.

#### **Sec. 12-9. Digger hotline notification; restoration.**

The applicant shall, prior to culvert installation, arrange through diggers hotline for the location of underground utilities in the area of the proposed driveway and shall be responsible for the restoration of the highway right-of-way after installation of the culvert.

#### **Sec. 12-10. Driveway installation required prior to construction.**

No person shall commence any construction project until a culvert and a gravel or stone driveway has been installed in such a manner as to prevent mud from being tracked onto a town highway from a construction site.

### **Sec. 12-11. State Statute Requirements.**

It shall be unlawful for any person to do any excavation, construction, or construct a town road or right of way without a permit from the town board obtained from the building inspector. Any such roadway activity shall require proper barricades and lighting for safety in accordance with State Statute requirements.

## **DIVISION 2. PERMIT**

### **Sec. 12-12. Required.**

No person shall install a drainage culvert in any town road, street or driveway or any town road right-of-way without first obtaining a permit from the Board.

### **Sec. 12-13. Application; fee.**

Application for a culvert shall be made by the owner of the premises and shall be filed with the Town Clerk who shall refer the application to the Building Inspector. Said application shall contain information setting forth the owner, a description of the premises and the roadway, together with an agreement of the conditions under which the culvert may be installed. The fee shall be \$40.00.

### **Sec. 12-14. Issuance.**

Before granting a permit, the Building Inspector shall make an inspection of the site and establish a grade, the size and length of the culvert to be installed and determine such other work conditions as shall be necessary at the site in order to provide for proper drainage.

## **ARTICLE III. WEIGHT LIMITATIONS ON TOWN HIGHWAYS**

### **Sec. 12-15. Class B Highways.**

(a) *Designated.* All town highways within the Town of Paris are designated as Class B highways and shall be subject to the weight limitations imposed by Wis. Stat. § 348.16(2).

(b) *Pickup/delivery exception.* Any motor vehicle whose operation is pickup or delivery, including operation for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on a Class B Highway, may

pick up or deliver on a Class B highway without complying with the gross vehicle weight limitations imposed by sub. (a).

(c) *Exemption from Class B weight restrictions.* Pursuant to Wis. Stat. § 348.16(2), the weight limitations do not apply from April 24, 2014 to January 1, 2020 to a potato harvester or an implement of husbandry or agricultural commercial motor vehicle being operated or transported as described in Wis. Stat. § 348.15(9)(e) or (f)1. In addition, the town board may for good cause shown exempt certain motor vehicles on a case-by-case basis, from the Class B weight restrictions. Such exemption is dependent on the following criteria:

- (1) Weight;
- (2) Number and frequency of trips requested; and
- (3) Reason for overweight trips.

A request for an exception of the Class B weight restriction shall be made in writing to the town board addressing the criteria set out in this subsection. Requests for exemptions shall be placed on the next regularly scheduled board meeting agenda. If an exemption is needed prior to the next town board meeting, then the town chairperson may grant a temporary exemption if good cause is shown by the requestor. The town may place conditions on any exemption granted, including the posting of a cash bond or letter of credit. Any exemption granted, except a temporary exemption, is valid for a period of one-year, unless a shorter time period is set by the town board. An exemption granted under this section does not exempt the motor vehicle from any state department of transportation or county permit requirements.

(d) *Posting requirements.* The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways before enforcement of this ordinance.

(e) *Prohibition and forfeiture.* No person may operate any vehicle on the above-noted highways in violation of the weight limits set forth in Wis. Stat. § 348.16(2). Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$5.00 nor more than \$250.00, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

## **CHAPTER 13 LAND DIVISIONS**

(Ordinance 2018-8-28 – 08/28/18)

<b>Section Number</b>	<b>Title</b>	<b>Ordinance Number</b>	<b>Date of Ordinance</b>
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### **ARTICLE I. INTRODUCTION**

Sec. 13-1.	Title.
Sec. 13-2.	Statutory Authority.
Sec. 13-3.	Purpose.
Sec. 13-4.	Abrogation and Greater Restrictions.
Sec. 13-5.	Interpretation.
Sec. 13-6.	Severability.
Sec. 13-7.	Repeal.
Sec. 13-8.	Disclaimer of Liability.

### **ARTICLE II. DEFINITIONS**

Sec. 13-9.	Definitions.
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### **ARTICLE III. GENERAL PROVISIONS**

Sec. 13-10.	Area of Jurisdiction.
Sec. 13-11.	Applicability.
Sec. 13-12.	Compliance.
Sec. 13-13.	Land Suitability.
Sec. 13-14.	Dedication, Reservation, and Protection of Land.
Sec. 13-15.	Homeowner or Condominium Associations.
Sec. 13-16.	Improvements.
Sec. 13-17.	Development Agreement.
Sec. 13-18.	Exceptions and Modifications.
Sec. 13-19.	Violations.
Sec. 13-20.	Penalties and Remedies.
Sec. 13-21.	Appeals.



**ARTICLE IV  
LAND DIVISION PROCEDURES**

- Sec. 13-22. Pre-Application Consultation.
- Sec. 13-225. Density Calculation.
- Sec. 13-23. Preliminary Plat Review Within the Town.
- Sec. 13-24. Approval of a Preliminary Plat Within the Town.
- Sec. 13-25. Final Plat Review Within the Town.
- Sec. 13-26. Approval of Final Plat Within the Town.
- Sec. 13-27. Minor Land Divisions (Certified Survey Maps).
- Sec. 13-28. Replats.
- Sec. 13-29. Condominium Plats.

**ARTICLE V  
PRELIMINARY PLAT SPECIFICATIONS**

- Sec. 13-30. General Requirements.
- Sec. 13-31. Site Analysis Information.
- Sec. 13-32. Preliminary Plat Data.
- Sec. 13-33. Street Plans and Profiles.
- Sec. 13-34. Soil Borings and Tests.
- Sec. 13-35. Soil and Water Conservation.
- Sec. 13-36. Covenants and Condominium or Homeowners Association Documents.
- Sec. 13-37. Surveyor's Certificate.

**ARTICLE VI  
FINAL PLAT SPECIFICATIONS**

- Sec. 13-38. General Requirements.
- Sec. 13-39. Final Plat Data.
- Sec. 13-40. Deed Restrictions.
- Sec. 13-41. Survey Accuracy.
- Sec. 13-42. Surveying and Monumenting.
- Sec. 13-43. Wisconsin Coordinate System.
- Sec. 13-44. Certificates.
- Sec. 13-45. Filing and Recording.

**ARTICLE VII  
CSM (MINOR LAND DIVISION) SPECIFICATIONS**

- Sec. 13-46. General Requirements.
- Sec. 13-47. Required Information.
- Sec. 13-48. Additional Information.

- Sec. 13-49. Wisconsin Coordinate System.
- Sec. 13-50. Certificates.
- Sec. 13-51. Recording.

## **ARTICLE VIII DESIGN STANDARDS**

- |             |   |            |          |
|-------------|---|------------|----------|
| Sec. 13-52. | Residential Development Standards.                          | 2019-3-26C | 03/26/19 |
| Sec. 13-53. | Street Arrangement.   |            |          |
| Sec. 13-54. | Limited Access Highway and Railroad Right-of-Way Treatment. |            |          |
| Sec. 13-55. | Street, Bicycle, and Pedestrian Way Design Standards.       |            |          |
| Sec. 13-56. | Street Intersections.                                       |            |          |
| Sec. 13-57. | Blocks.   |            |          |
| Sec. 13-58. | Lots.   |            |          |
| Sec. 13-59. | Building and Setback Lines.                                 |            |          |
| Sec. 13-60. | Easements.  |            |          |
| Sec. 13-61. | Protection of Natural Resources.                            |            |          |
| Sec. 13-62. | Park, Open Space, and Other Public Sites.                   |            |          |

## **ARTICLE IX IMPROVEMENT STANDARDS**

- Sec. 13-63. General Requirements.
- Sec. 13-64. Survey Monuments.
- Sec. 13-65. Grading.
- Sec. 13-66. Street Surfacing.
- Sec. 13-67. Curb and Gutter.
- Sec. 13-68. Rural Street Sections.
- Sec. 13-69. Sidewalks and Bicycle/Pedestrian Paths.
- Sec. 13-70. Sanitary Sewage Disposal.
- Sec. 13-71. Storm Water Management Facilities.
- Sec. 13-72. Water Supply Facilities.
- Sec. 13-73. Other Utilities.
- Sec. 13-74. Street Lamps.
- Sec. 13-75. Street and Traffic Control Signs and Signals.
- Sec. 13-76. Street Trees.
- Sec. 13-77. Erosion and Sedimentation Control.
- Sec. 13-78. Landscaping.
- Sec. 13-79. Improvements to Extend to Limit of Parcel or Lot.

## **ARTICLE X CONSTRUCTION**

- Sec. 13-80. Commencement.
- Sec. 13-81. Phasing.

- Sec. 13-82. Building and Other Permits.
- Sec. 13-83. Plans.
- Sec. 13-84. Earth Moving.
- Sec. 13-85. Preservation of Existing Vegetation.
- Sec. 13-86. Inspection.
- Sec. 13-87. Completion of improvements.
- Sec. 13-88. As-Built Plans.

## **ARTICLE XI FEES AND COSTS**

- Sec. 13-89. General.

## **ARTICLE I. INTRODUCTION**

### **Sec. 13-1. Title.**

This Chapter shall be known as the “Land Division Chapter of the Town of Paris,” or as “Chapter 13 of the Town of Paris Code of Chapters.”

### **Sec. 13-2. Statutory authority.**

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

### **Sec. 13-3. Purpose.**

The purpose of this Chapter is to regulate and control all land divisions within the limits of the Town of Paris in order to promote and protect the public health, safety, aesthetics, and general welfare of the community. More particularly, and without limitation, it is the purpose of this Chapter to:

- A. Implement the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 and components thereof and facilitate enforcement of community development standards as set forth in the Town Code.
- B. Promote the wise use, development, conservation, and protection of the soil, water, wetland, woodland, and wildlife resources in the Town and its area of extraterritorial plat approval jurisdiction, and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. Further the orderly layout and appropriate use of land.
- D. Avoid the harmful effects of premature division or development of land.
- E. Lessen congestion in the streets and highways.
- F. Provide for proper ingress to and egress from development sites.
- G. Preserve the rural character of the Town through preservation of meaningful open spaces, sensitive natural areas, and economically-viable agricultural tracts.
- H. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- I. Preserve natural vegetation, vistas, and cover to protect the natural beauty of the Town.
- J. Provide adequate light, air, and water.

- K. Prevent the overcrowding of land and avoid undue concentration of population.
- L. Facilitate the division of land into smaller parcels.
- M. Facilitate and ensure the adequate provision of transportation, water, sewerage, storm water management, schools, parks, playgrounds, and other public facilities and services.
- N. Ensure adequate legal description and proper survey monumentation of divided land.
- O. Provide adequate, affordable Housing.
- P. Restrict building in areas of unsuitable soils.

#### **Sec. 13-4. Abrogation and greater restrictions.**

It is not the intent of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Chapter shall govern.

#### **Sec. 13-5. Interpretation.**

The provisions of this Chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **Sec. 13-6. Severability.**

If any section, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

#### **Sec. 13-7. Repeal.**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

#### **Sec. 13-8. Disclaimer of liability.**

The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and CSMs will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Town, its agencies or agents, or

employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

## **ARTICLE II. DEFINITIONS**

### **Sec. 13-9. Definitions.**

(a) *General Definitions.* For the purposes of this Chapter, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

(b) *Specific Words And Phrases.*

1. Advisory Agency. Any agency, other than an objecting agency, to which a plat or CSM may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or CSM, or it may suggest that a plat or CSM be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission, school districts, and local utility companies.
2. Alley. A public way affording secondary access to abutting properties.
3. Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.
4. Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets are designated in the Regional Transportation System Plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission.
5. Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village, or town boundaries.
6. Building. Any structure having a roof supported by columns or walls.
7. Building Line. A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the applicable zoning and the requirements of this Chapter.
8. Building Setback Line. See Building Line.

9. Certified Survey Map (CSM). A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Chapter, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.
10. Collector Street. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments.
11. Common Open Space. See Open Space, Common.
12. Comprehensive Plan. An extensively developed plan adopted by the Town pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan may include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and storm water management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs. Unless otherwise clearly indicated, comprehensive plan means the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035.
13. Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.
14. Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
15. Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.
16. Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.
17. Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, wooded or farmed state, precluding future or additional development.

18. County Planning Agency. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and CSMs.
19. Covenant. A restriction on the use of land, usually set forth in the deed.
20. Cul de sac Street. A local street with only one outlet and having an appropriate turn-about for vehicular traffic.
21. Datum. A system that serves as the basis for land survey measurements and calculations.
22. Deed Restriction. A restriction on the use of a property set forth in the deed.
23. Development Agreement. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Chapter. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.
24. Environmental Corridor. See “Primary Environmental Corridor”, “Secondary Environmental Corridor”, and “Isolated Natural Resource Area”.
25. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class city or a village and within three miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all parts of which are equidistant from the boundaries of each municipality, so that not more than one municipality exercises extraterritorial plat approval jurisdiction over any area.
26. Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Chapter for the purpose of creating a subdivision.
27. Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one percent annual probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.
28. Frontage. The total dimension of a lot abutting a public street measured along the street line.
29. Frontage Street. A land access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.



30. Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.
31. Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.
32. Isolated Natural Resource Area. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
33. Land Access Street. A street used, or intended to be used, primarily for access to abutting properties.
34. Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.
35. Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.
36. Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.
37. Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the applicable zoning.
38. Lot, Corner. 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. A corner lot shall have two front yards and two side yards.
39. Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. The front yard for a double frontage lot shall be the yard abutting on the street from which the lot is accessed, and the rear yard shall be the yard abutting the opposite street.
40. Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

41. Minor Land Division. A minor land division is any division of land that:
- a. Creates at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
  - b. Divides a block, lot, or outlot within a recorded subdivision plat into at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.
42. Municipality. An incorporated city or village.
43. Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.
44. Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Transportation, and the County Planning Agency if the plat is located in a Town and the County has adopted a County subdivision ordinance. The County is also an approving agency for such subdivisions.
45. Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.
46. Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.
47. Open Space, Common. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the

land division or condominium, or for continued agricultural use. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the Town.

48. Open Space, Public. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.
49. Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
50. Outlot. A parcel of land, not a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division. Any restrictions related to an outlot shall be included on the face of the plat or CSM. Section 236.13(6) of the Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots.
51. Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
52. Plat. A map prepared, as required by this Chapter, for the purpose of recording a subdivision, minor land division, or condominium.
53. Prairies. Open, generally treeless areas which are dominated by native grasses, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
54. Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.
55. Primary Environmental Corridor. 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.

56. Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
57. Public Way. Any public street, highway, bicycle or pedestrian way, drainageway, or part thereof.
58. Replat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, CSM, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or CSM without changing the exterior boundaries of said block, lot, or outlot is not a replat.
59. Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.
60. Secondary Environmental Corridor. 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.
61. Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.
62. Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Natural Resources Conservation Service.
63. Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.
64. Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale, transfer of ownership, or building development, including condominium development, where:
- a. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years; or

- b. The act of division creates six or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.
- 65. Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- 66. Town Engineer. A professional engineer who is a full-time employee of the Town, or a consulting engineer who provides resident staff services to the Town, and who is duly-appointed by the Town to the position.
- 67. Town Planner. A professional planner who is a full-time employee of the Town, or a consulting planner who provides resident staff service to the Town, and who is duly-appointed by the Town to the position.
- 68. Tract. A parcel lying in more than one U. S. Public Land Survey section.
- 69. Unit. See condominium unit.
- 70. Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.
- 71. Woodlands. Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Sec. 13-10. Area of jurisdiction.**

This Chapter shall apply to all land and water within the limits of the Town of Paris.

#### **Sec. 13-11. Applicability.**

(a) *Subdivision*: Any division of land within the Town that results in a subdivision as defined in this Chapter shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes.

(b) *Minor Land Division*: Any division of land within the Town that results in a minor land division as defined in this Chapter shall be surveyed and a CSM of such division approved and recorded as required by this Chapter and Chapter 236 of the Wisconsin Statutes.

(c) *Condominiums*: It is the express intent of this Chapter to regulate condominiums having one or more principal structures on any parcel, except for condominium conversions of existing buildings where no additional units are being created. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the applicable zoning if the parcel had been conventionally divided.

(d) The provisions of this Chapter, as it applies to division of tracts of land into four or fewer parcels, shall not apply to:

1. Transfers of interest in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages, or easements.
3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter, the Zoning Chapter, or other applicable laws or ordinances. However, all conveyances between neighboring owners that would adjust a lot line or create or eliminate a lot line shall be submitted to the Town Plan Commission for review prior to such conveyance being executed and recorded. The Town Plan Commission's review shall be limited to considering whether the conveyance is in compliance with Wisconsin Statutes and applicable laws, ordinances and regulations. Such conveyance will be in violation of this Chapter if any additional lots would be created by the conveyance, or if any of lots would be illegal or non-conforming after the conveyance. Any conveyance made in violation of this subsection shall constitute a violation of this Chapter.

(e) All of the following specific uses and activities are exempted from this Chapter:

1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), 236.20(1), and 236.20(2)(a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2)(L).
3. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.
4. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

## **Sec. 13-12. Compliance.**

No person shall divide any land located within the jurisdictional limits of the Town which results in a subdivision, minor land division, replat, or condominium as defined herein unless specifically

exempted under this Chapter; and no such subdivision, minor subdivision, replat, or condominium shall be entitled to record without compliance with:

- A. All requirements of this Chapter.
- B. The Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or any component thereof, a zoning ordinance, an official map ordinance, or an erosion control and storm water management ordinance.
- C. The provisions of Chapter 236 of the Wisconsin Statutes.
- D. The provisions of Chapter 703 of the Wisconsin Statutes for all proposed condominiums.
- E. The rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- F. The rules of the Wisconsin Department of Transportation relating to provision for the safety of entrance upon and departure from State trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.
- G. The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- H. All other applicable ordinances.

### **Sec. 13-13. Land suitability.**

No land shall be divided which is held unsuitable for such use by the Town Plan Commission, upon recommendation of the Town Engineer or other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment or to specific natural features or natural resources. Any lot line “gaps” or “overlaps” within the boundaries of a proposed land division shall be addressed and resolved by the subdivider before the proposed land division can receive final approval from the Town. In addition:

- A. Floodplains. No lot served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, or 4,200 square feet, whichever is greater, above the elevation of the one percent annual probability (100-year recurrence interval) flood. No lot one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in area served by a POWTS shall contain not less than 40,000 square feet of land which is at least two feet above the one percent annual

probability flood elevation identified by the Federal Emergency Management Agency. Where such flood stage data are not available, the regulatory flood elevation shall be determined by a professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer.

- B. Lands Made, Altered, or Filled with Non-earth Materials within the preceding 20 years shall not be divided into building sites which are to be served by private onsite wastewater treatment systems (POWTS) except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. Lands Made, Altered, or Filled with Earth within the preceding seven years shall not be divided into building sites which are to be served by private onsite wastewater treatment systems (POWTS) except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- D. Lands Having a Slope of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. No lot served by public sanitary sewer shall have more than 50 percent of its minimum required lot area in slopes of 12 percent or more. A lot served by a private onsite wastewater treatment system (POWTS) shall have 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent.
- E. Lands Having Bedrock within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS), unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of SPS 383. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The subdivision layout shall permit the infiltrative surfaces of dispersal cells to be located at least 24 inches above bedrock.
- F. Lands Having Seasonal and/or Permanent Groundwater within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by



private onsite wastewater treatment systems (POWTS) unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of SPS 383. The subdivision layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 24 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 24 inches of soil separation required shall be comprised of an in situ soil type for which soil treatment capability is credited under the aforereferenced table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within four inches of the bottom of the A horizon (often referred to as "topsoil").

- G. Lands Covered by Soils Having Coarse Textures such as loamy coarse sand with 60 percent or more coarse fragment content shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS) unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- H. Land Drained by Farm Drainage Tile or Farm Ditch Systems shall not be divided into building sites to be served by private onsite wastewater treatment systems (POWTS) unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated. In all cases, historical drainage must be preserved.
- I. The Town Plan Commission, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence regarding such unsuitability, if so desired. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.
- J. Zoning. Any parcel or tract of land proposed to be divided under this Chapter must be rezoned as "Agricultural Preservation Planned Residential Development District" ("APD") zoning prior to, or concurrently with, land division consideration under this Chapter. Notwithstanding any other provision of this Chapter, legal non-conforming lots for which minor land divisions are sought, but which are too small to be rezoned as APD, shall be reviewed under this Chapter, including sec. 13-225 (Density Calculation), and if such minor land division is permitted shall be rezoned to such applicable base zoning category as will accommodate the approved lots.

#### **Sec. 13-14. Dedication, Reservation, and Protection of Land.**

- A. Streets, Highways, and Drainageways. Whenever a proposed subdivision, minor land division, or condominium plat encompasses all or any part of an arterial street, drainageway, or other public way which has been designated in the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof or the official map of the Town, said public way shall be made a part of the plat or CSM and dedicated or reserved, as determined by the Town, by the subdivider in

the locations and dimensions indicated on said plan or map and as set forth in this Chapter.

- B. Dedication or Reservation. Park and school sites shall be dedicated or reserved as provided in this Chapter.
- C. Protection of Open Space. Whenever a proposed land division encompasses all or any part of open space lands, as defined in this Chapter, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:
  - 1. Reservation or dedication to the Town or County.
  - 2. Donation to a nonprofit conservation organization.
  - 3. Conservation easement.
  - 4. Deed restriction or restrictive covenant.

### **Sec. 13-15. Homeowner or Condominium Associations.**

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

- A. The subdivider shall provide the Town with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review and approval by the Plan Commission and reviewed as to form by the Town Attorney.
- B. The association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.
- C. Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.
- D. The association shall be responsible for maintenance and insurance of common areas and facilities.
- E. A land stewardship plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- F. The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.
- G. The association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- H. The subdivider shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit

within the land division or condominium a share of the total assessment for such common areas and facilities.

- I. The Town may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.
- J. In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. 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 association, or any successor association, shall be considered in violation of this Chapter, in which case the Town shall have the right, but not the obligation, to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

### **Sec. 13-16. Improvements.**

Before approval of any final plat or certified survey map (CSM) located within the corporate limits of the Town, the subdivider shall install street and other improvements as hereinafter provided. In the alternative, if such improvements are not installed at the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the Town agreeing to install the required improvements, and shall file with said development agreement a bond or letter of credit with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to 120% of the estimated cost of the improvements. Said estimate shall be made by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:

- A. Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town Engineer.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
- C. Survey Monuments. Before final approval of any plat or CSM within the corporate limits of the Town, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer. The Town

Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

### **Sec. 13-17. Development Agreement.**

Before or as a condition of receiving final approval from the Town of any final plat, condominium plat, or CSM for which public improvements are required by this Chapter; or for which public improvements, dedications, or fees are being deferred under this Chapter; or for which phasing approval is being granted under this Chapter, the subdivider shall sign and file with the Town a development agreement. The development agreement shall be approved as to form by the Town Attorney, and shall be approved by the Town prior to approval of the final plat, condominium plat, or CSM.

### **Sec. 13-18. Exceptions and Modifications.**

Where, in the judgment of the Town Plan Commission and the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Plan Commission may recommend and the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof. No exception or modification shall be granted unless the Plan Commission and the Town Board find that all the following facts and conditions exist and so indicate in the minutes of their proceedings:

- A. Exceptional Circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Chapter should be changed.
- B. Preservation of Property Rights: That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- D. A simple majority vote of the quorum present of the Plan Commission and of the Town Board shall be required to recommend and grant, respectively, any exception or modification of this Chapter, and the reasons shall be entered into the minutes. The granting of an exception or modification shall not waive any prior

violations of this Chapter, or any fines, forfeitures, or other penalties imposed as a result of any such prior violations, unless the Town Board specifically so decide.

### **Sec. 13-19. Violations.**

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Chapter or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Chapter not of record as of the effective date of this Chapter, until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter.

### **Sec. 13-20. Penalties and remedies.**

Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, pay a forfeiture as provided for in this Code, plus any additional applicable costs incurred by the Town for each offense, and the penalty for default of payment of such forfeiture and costs shall be such remedies as are allowed by law. Each day a violation exists or continues shall constitute a separate offense. Without limitation by enumeration, violations shall include the following:

- A. Recordation improperly made, as provided in Section 236.30 of the Wisconsin Statutes.
- B. Conveyance of lots in unrecorded plats, as provided for in Section 236.31 of the Wisconsin Statutes.
- C. Monuments disturbed or not placed, as provided for in Section 236.32 of the Wisconsin Statutes.
- D. An Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision is created by successive divisions.

### **Sec. 13-21. Appeals.**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) and 62.23 (7)(e) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

## **ARTICLE IV LAND DIVISION PROCEDURES**

### **Sec. 13-22. Pre-Application Consultation.**

Prior to the filing of an application for the approval of a preliminary plat, condominium plat, or CSM, the subdivider shall consult with the Plan Commission and/or its staff during one or more pre-application meetings in order to obtain their advice and assistance and to also review and complete a density calculation pursuant to Sec. 13-225. A conceptual plan of the proposed subdivision, condominium, or CSM, which may consist of marked up aerial photographs or GIS information generally showing the proposed land division, shall be brought by the applicant to the initial pre-application meeting. If necessary or helpful, the preliminary consultation may also involve a site visit with one or more Town officials. This consultation may be undertaken in conjunction with preliminary rezoning and comprehensive plan amendment discussions with Kenosha County, and its intended purpose is to inform the subdivider of the purpose and objectives of these regulations, of the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035, of duly adopted plan implementation devices of the Town, and generally to otherwise assist the subdivider in planning the proposed development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will also gain a better understanding of the subsequently required procedures. At the time of the initial pre-application consultation, the subdivider shall pay a non-refundable fee equal to the hourly rate charged the Town by its designated planner to defray the Town's costs relating to the pre-application process. Notwithstanding any agreement that may be reached between the subdivider and Town and/or County staff during the pre-application consultation, any such agreement or outcome of the pre-application consultation shall be strictly advisory and shall not be binding in any way on subsequent Town or County decisions regarding the proposed project.

### **Sec. 13-225. Density calculation.**

Allowable number of residential lots, if any, which may be created on a particular parcel (i.e., density) shall be determined on a case-by-case basis, based on the objective, property-specific criteria set forth in this Section. In order to objectively determine the maximum residential density for any parcel, each criterion shall be evaluated and given a score from 0 to 5. That score shall then be multiplied by a weight factor for the criterion to determine a weighted score. The total score for all criteria shall then be added to determine the final score. The final score shall be used to determine the maximum potential residential density for the parcel. The final score is not an absolute guarantee of residential density, but should be used as basis for subsequent applications, discussions, and approvals through the land division, rezoning and comprehensive plan designation processes. The Town Board-approved density calculation rubric is as follows:

## Chapter 13 Land Divisions Density Calculation Checklist

Review Criteria	Scale	Score	Weight Factor	Total Points
1. What percentage of the subject property is “suitable” for an on-site private septic system as a result of the mapped soil surveys? <i>A score of 0-1 is determined to be unsuitable, 2-3 is marginally suitable, and 4-5 is suitable as found on the attached Table 1.</i>	5: 50% 4: 40% to 49% 3: 30% to 39% 2: 20% to 29% 1: 10% to 19% 0: 0% to 9%	_____ x	2.0 =	_____ PTS
Comments:				
2. What degree could the subject property be put to substantial, commercial-grade agricultural use as it exists today? <i>Determining factors may include: parcel size, shape, “farmable soil suitability”, and adjacency to larger agricultural parcels under common ownership.</i>	0-1: highest degree 2-3: moderate degree 4-5: lowest degree	_____ x	2.0 =	_____ PTS
Comments:				
3. If development of the subject property was permitted, what will be the size of the remnant parcel following the division of lots for residential development?	0: 0 to 9 ac 1: 10 to 19 ac 2: 20 to 29 ac 3: 30 to 39 ac 4: 40 to 49 ac 5: 50+ ac	_____ x	2.0 =	_____ PTS
Comments:				
4. What is the density of the adjacent future land uses within 500 feet of the “newly proposed residential development area” perimeter as described in the Kenosha County Multi-Jurisdictional Plan: 2035?	0-1: low density 2-3: moderate density 4-5: high density	_____ x	2.0 =	_____ PTS
Comments:				
5. How many residences are located within 500 feet of the “newly proposed residential development area” perimeter?	0 : 0 homes    1 : 1home 2 : 2 homes    3 : 3 homes 4 : 4 homes    5 : 5+ homes	_____ x	1.5 =	_____ PTS
Comments:				
6. What degree will the lots for residential development preserve the rural scenic view within the Town? <i>Rural scenic view is defined as having, providing or relating to a pleasing or beautiful view of the natural or agricultural landscape as seen from multiple vantage points.</i>	0-1: lowest degree 2-3: moderate degree 4-5: highest degree	_____ x	1.5 =	_____ PTS
Comments:				
7. What percentage of arterial or collector road frontage is occupied by the lots for the proposed residential development? <i>Determined by total parcel frontage linear footage divided by the proposed gross residential linear footage.</i>	0: 50% 1: 40% to 49% 2: 30% to 39% 3: 20% to 29% 4: 10% to 19% 5: 0% to 9%	_____ x	1.5 =	_____ PTS
Comments:				
8. What percentage of the perimeter of the lots for residential development that will be viewed from public rights-of-way will be screened by topography, natural/screening vegetation OR are limited by public view due aspects of surrounding roads (speeds, intersections, etc.)? <i>A score of 0-1 is determined to have no screening, 2-3 is moderate screening, and 4-5 is full screening. Score can change if a landscape/grading plan is known/proposed upfront.</i>	5: 50% 4: 40% to 49% 3: 30% to 39% 2: 20% to 29% 1: 10% to 19% 0: 0% to 9%	_____ x	1.5 =	_____ PTS
Comments:				
9. Do the lots for residential development access off of an existing or proposed State Trunk Highway, County Highway, or Town Road?	0-1: State Highway 2-3: County Highway 4-5: Town Road	_____ x	1.0 =	_____ PTS
Comments:				

**Total Points:** \_\_\_\_\_ PTS

Density<sup>1</sup>:                      up to 1 DU / 35 AC                      0 to 50 PTS  
    up to 1 DU / 10 AC                      51 to 64 PTS  
    up to 1 DU / 5 AC                      65+ PTS

<sup>1</sup> Density equates to the number of potential lots permitted per gross acreage of land. Density does not equate to the size of the potential lots.

**TABLE 1: Kenosha / Racine County Soil Survey**

<b><u>Soil Symbol</u></b>	<b><u>Soil Name</u></b>	<b><u>Suitability of Soils for Development</u></b>
Ac	Adrian muck	Unsuitable
Am	Alluvial land	Unsuitable
AtA	Ashkum silty clay loam, 0 to 3% slopes	Unsuitable
AuA	Aztalan sandy loam, 1 to 3% slopes	Marginal
AzA	Aztalan loam, 0 to 2% slopes	Marginal
AzB	Aztalan loam, 2 to 6% slopes	Marginal
BcA	Beecher silt loam, 1 to 3% slopes	Marginal
BIA	Blount silt loam, 1 to 3% slopes	Marginal
BmB	Boyer loamy sand, 1 to 6% slopes	Suitable
BmC2	Boyer loamy sand, 6 to 12% slopes	Suitable
BnB	Boyer sandy loam, 2 to 6% slopes	Suitable
CcB	Casco sandy loam, 2 to 6% slopes	Suitable
CcC2	Casco sandy loam, 6 to 12% slopes	Suitable
CeB	Casco loam, 2 to 6% slopes	Suitable
CeB2	Casco loam, 2 to 6 % slopes, eroded	Suitable
CeC2	Casco loam, 6 to 12% slopes, eroded	Suitable
CeD2	Casco loam, 12 to 20% slopes, eroded	Suitable
CoC	Casco-Miami loams, 6 to 12% slopes	Suitable
CoD	Casco-Miami loams, 12 to 20% slopes	Suitable
CrC	Casco-Rodman complex, 6 to 12% slopes	Suitable
CrD2	Casco-Rodman complex, 12 to 20% slopes, eroded	Suitable
CrE	Casco-Rodman complex, 20 to 35% slopes	Suitable
Cv	Clayey land	Unsuitable
Cw	Colwood silt loam	Unsuitable
CyA	Conover silt loam, 1 to 3% slopes	Unsuitable
DaA	Darroch fine sandy loam, neutral variant, 0 to 3% slopes	Unsuitable
Dh	Dorchester silt loam	Suitable
DrA	Dresden loam, 1 to 3% slopes	Suitable
Dt	Drummer silt loam, gravelly substratum	Unsuitable
EtA	Elliot silty clay loam, 0 to 2% slopes	Marginal
EtB	Elliott silty clay loam, 2 to 6% slopes	Suitable
FaA	Fabius loam, 1 to 3% slopes	Unsuitable
FmB	Fox sandy loam, 1 to 6% slopes	Suitable
FmC2	Fox sandy loam, 6 to 12% slopes, eroded	Suitable
FoA	Fox loam, 0 to 2% slopes	Suitable
FoB	Fox loam, 2 to 6% slopes	Suitable
FoC2	Fox loam, 6 to 12% slopes, eroded	Suitable
FrA	Fox loam, clayey substratum, 0 to 2% slopes	Suitable
FrB	Fox loam, clayey substratum, 2 to 6% slopes	Suitable
FsA	Fox silt loam, 0 to 2% slopes	Suitable
FsB	Fox silt loam, 2 to 6% slopes	Suitable
Gf	Granby fine sandy loam	Suitable
Gm	Granby fine sandy loam, loamy substratum	Suitable
GnA	Granby fine sandy loam, brown subsoil variant, 0 to 3% slopes	Suitable
GsB	Griswold loam, 2 to 6% slopes	Suitable
GsC2	Griswold loam, 6 to 12% slopes, eroded	Suitable
HbB	Hebron sandy loam, 2 to 6% slopes	Suitable
HeA	Hebron loam, 0 to 2% slopes	Suitable
HeB2	Hebron loam, 2 to 6% slopes eroded	Suitable
HeC2	Hebron loam, 6 to 12% slopes, eroded	Suitable
HmB	Hochheim loam, 2 to 6% slopes	Suitable
HmC2	Hochheim loam, 6 to 12% slopes, eroded	Suitable
HmD2	Hochheim loam, 12 to 20% slopes, eroded	Suitable
Ht	Houton muck	Unsuitable
KaA	Kane loam, 1 to 3% slopes	Marginal
KhA	Kane silt loam, clayey substratum, 1 to 3% slopes	Marginal
KmB	Knowles silt loam, 2 to 6% slopes	Suitable
Lp	Lawson loam, calcareous variant	Unsuitable
Lu	Loamy land	Unsuitable
LyB	Lornezo loam, 2 to 6% slopes	Suitable
MeB	Markham silt loam, 2 to 6% slopes	Suitable
MeB2	Markham silt loam, 2 to 6% slopes, eroded	Suitable
MeC2	Markham silt loam, 6 to 12% slopes, eroded	Suitable
Mf	Marsh	Unsuitable
MgA	Martinton silt loam, 1 to 3% slopes	Unsuitable
MkA	Matherton loam, 1 to 3 percent	Marginal
MIA	Matherton loam, clayey substratum, 1 to 3% slopes	Marginal
MpB	McHenry silt loam, 2 to 6 slopes	Suitable
MpC2	McHenry silt loam, 6 to 12% slopes, eroded	Suitable
MwB	Miami loam, 2 to 6% slopes	Suitable



MwC2	Miami loam, 6 to 12% slopes, eroded	Suitable
MwD2	Miami loam, 12 to 20% slopes, eroded	Suitable
MxB	Miami loam, sandy loam substratum, 2 to 6% slopes	Suitable
MxC2	Miami loam, sandy loam substratum, 6 to 12% slopes, eroded	Suitable
MxD2	Miami loam, sandy loam substratum, 12 to 20% slopes, eroded	Suitable
MyB	Miami silt loam, 2 to 6% slopes	Suitable
MyC2	Miami silt loam, 6 to 12% slopes, eroded	Suitable
Mzc	Montgomery silty clay	Unsuitable
MzdB	Morley silt loam, 2 to 6 % slopes	Suitable
MzdB2	Morley silt loam, 2 to 6% slopes, eroded	Suitable
MzdC	Morley silt loam, 6 to 12% slopes	Suitable
MzdC2	Morley silt loam, 6 to 12% slopes, eroded	Suitable
MzdD	Morley silt loam, 12 to 20% slopes	Suitable
MzdD2	Morley silt loam, 12 to 20% slopes, eroded	Suitable
MzdE	Morley silt loam, 20 to 30% slopes	Marginal
MzeC3	Morley soils, 6 to 12% slopes, severely eroded	Suitable
MzeD3	Morley soils, 12 to 20% slopes, severely eroded	Suitable
MzfA	Mundelein silt loam, 1 to 3% slopes	Unsuitable
Mzg	Muskego muck	Unsuitable
Mzk	Mussey loam	Unsuitable
Na	Navan silt loam	Unsuitable
Oc	Ogden muck	Unsuitable
Pa	Palms muck	Unsuitable
Ph	Pella silt loam	Unsuitable
Pt	Plano silt loam, gravelly substratum	Suitable
RaA	Radford silt loam, 0 to 3% slopes	Marginal
RgB	Ringwood silt loam, 2 to 6% slopes	Suitable
RgC	Ringwood silt loam, 6 to 12% slopes	Suitable
Rt	Rollin muck	Unsuitable
Ry	Rough broken land	Unsuitable
SeA	St. Charles silt loam, gravelly substratum, 0 to 2 % slopes	Suitable
SeB	St. Charles silt loam, gravelly substratum, 2 to 6% slopes	Suitable
Sf	Sandy and gravelly land	Suitable
Sfb	Sandy lake beaches	Marginal
Sg	Sawmill silt loam, calcareous variant	Unsuitable
ShA	Saylesville silt loam, 0 to 2% slopes	Suitable
ShB	Saylesville silt loam, 2 to 6% slopes	Suitable
ShC2	Saylesville silt loam, 6 to 12 slopes	Suitable
SkA	Saylesville silt loam, dark surface variant, 0 to 2% slopes	Suitable
SkB	Saylesville silt loam, dark surface variant, 2 to 6% slopes	Suitable
Sm	Sebewa silt loam	Suitable
So	Sebewa silt loam, clayey substratum	Suitable
SrB	Sisson fine sandy loam, 1 to 6% slopes	Suitable
SsB	Sisson fine sandy loam, clayey substratum, 1 to 6% slopes	Suitable
SzA	Symerton loam, 0 to 2 % slopes	Marginal
SzB	Symerton loam, 2 to 6% slopes	Suitable
ThB	Theresa silt loam, 2 to 6% slopes	Suitable
VaB	Varna silt loam, 2 to 6% slopes	Suitable
VaB2	Varna silt loam, 2 to 6% slopes, eroded	Suitable
VaC2	Varna silt loam, 6 to 12% slopes, eroded	Suitable
Wa	Walkill silt loam	Unsuitable
WeA	Warsaw loam, 0 to 2% slopes	Suitable
WeB	Warsaw loam, 2 to 6% slopes	Suitable
WgA	Warsaw loam, clayey substratum, 0 to 2% slopes	Suitable
WgB	Warsaw loam, clayey substratum, 2 to 6% slopes	Suitable
WhA	Warsaw silt loam, 0 to 2% slopes	Suitable
WhB	Warsaw silt loam, 2 to 6% slopes	Suitable
WmA	Wasepi sandy loam, 1 to 3% slopes	Suitable
WnA	Wasepi sandy loam, clayey substratum, 1 to 3% slopes	Suitable
Ww	Wet alluvial land	Unsuitable
WyA	Worthen siit loam, 0 to 3% slopes	Suitable
YaA	Yahara fine sandy loam, 1 to 3% slopes	Marginal
ZuA	Zurich silt loam, 0 to 2% slopes	Marginal
ZuB	Zurich silt loam, 2 to 6% slopes	Marginal
ZuC2	Zurich silt loam, 6 to 12% slopes, eroded	Marginal

After the final density that could be sustained by the subject property is calculated under this Section, the subdivider shall simultaneously initiate the process of applying to create one or more new residential lots under this Chapter, applying to amend the property's zoning, and applying to change the property's comprehensive plan category, as required by this Chapter and as necessary to allow and reflect the desired density and desired land split(s). The land division process required by this Chapter, the rezoning process, and the comprehensive plan amendment process shall all be consistent with and dependent upon each other, such that if any of the processes is denied for any reason, the others shall be denied as well.

### **Sec. 13-23. Preliminary plat review within the town.**

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist. The preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall file an adequate number of copies, as required by the Town Clerk, of the plat for distribution in accordance with this Section; the completed application and checklist; and the preliminary plat review fee with the Town Clerk at least 60 days prior to the meeting of the Town at which action is desired. The Town Clerk may accept an electronic copy of the plat in lieu of some or all of the paper copies, at his or her discretion.

(a) The Town Clerk shall, within two normal working days after filing, transmit one or more copies, as necessary, of the preliminary plat to the County Planning Agency.

(b) The Town Clerk shall also transmit, within two normal working days after filing, copies of the preliminary plat to the Town Plan Commission Chair, the Town Engineer (if necessary), the Town Planner, and the Town Fire Chief for review and recommendations concerning matters within their jurisdiction. The recommendations of Town officials shall be transmitted to the Plan Commission within 20 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Chapter, and all other Town ordinances, rules, regulations, and the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 and components thereof.

(c) The Town Clerk shall also transmit, within two normal working days after filing, copies of the preliminary plat to affected public and private utility companies, and to the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. The recommendations of these entities (if any) shall be transmitted to the Plan Commission within 20 days from the date the plat is received.

(d) Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

### **13-24. Approval of a preliminary plat within the town.**

(a) The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and

shall return that copy to the Wisconsin Department of Administration. The Department of Administration shall promptly notify the Town Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(b) The Town Plan Commission shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Chapter and all applicable laws, ordinances, and the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 and components thereof. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.

(c) The Town Board shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

(d) Failure of the Town Board to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by mutual consent.

(e) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes.

### **Sec. 13-25. Final plat review within the town.**

A final plat shall be prepared in accordance with this Chapter and the subdivider shall file an adequate number of copies and/or an electronic copy, as determined by the Town Clerk, of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk at least 25 days prior to the meeting of the Town Plan Commission at which action is desired. In addition:

- A. The Town Clerk shall, within two normal working days after filing, transmit the requisite number of copies of the final plat to the County Planning Agency, to the Town Plan Commission, and to each of the affected public or private utilities and school district(s).
- B. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.
- C. The Town Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Chapter and all ordinances, rules, regulations, the Kenosha County Multi-

Jurisdictional Comprehensive Plan: 2035 or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.

- D. Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

### **Sec. 13-26. Approval of a final plat within the town.**

The objecting agencies, shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration and the Department of Administration shall so certify on the face of the plat. The Department of Administration shall promptly notify the Town Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days from the date on which it receives the plat, it shall be deemed to have no objection to the plat.

- A. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town may refuse to approve the final plat.
- B. The Town Plan Commission shall, within 45 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.
- C. The Town Plan Commission shall, when it determines to recommend approval or rejection of a plat to the Town Board, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.
- D. The Town Board shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the review period is extended by written agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. 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. One copy each of the plat and letter shall be placed in the Town Clerk's permanent file. The Town shall not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that no objections have been filed within 20 days or, if filed, that they have been met.
- E. Failure of the Town to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.

- F. After the final plat has been approved by the Town and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.
- G. The subdivider shall file the required number of copies of the recorded final plat with the Town Clerk. The Clerk shall distribute copies of the plat to the Town Engineer, Building Inspector, Assessor, Town Planner, and other affected Town and County departments for their files.

### **Sec. 13-27. Minor land divisions (Certified Survey Maps).**

(a) When it is proposed to divide land into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a five-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of blocks within the subdivision plat, and the division does not result in a subdivision, the subdivider may effect the division by use of a CSM. The subdivider shall prepare the CSM in accordance with this Chapter and shall file sufficient copies of the CSM and the completed application with the Town Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk may accept an electronic copy of the CSM in lieu of some or all of the paper copies, at his or her discretion. The Plan Commission may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval CSMs that consist of a single parcel. Notwithstanding the above, land located in commercial, industrial or mixed-use zoning districts may be divided into a maximum of 6 parcels by CSM under this Chapter.

(b) A pre-application consultation similar to the consultation required by this Chapter with respect to plats is required.

(c) The subdivider shall submit the CSM to the Wisconsin Department of Administration for review if the provisions of Section 236.34(1m)(em) apply, and to the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply. Copies of the transmittal letters or emails to the Departments shall be provided to the Town at the time the CSM is filed with the Town Clerk.

(d) The Town Clerk shall, within two normal working days after filing, transmit the copies of the CSM and letter of application to the Town Plan Commission.

(e) The Town Plan Commission shall transmit a copy of the CSM to all affected Town boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the County Planning Agency for review and

comment. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the CSM is received. The CSM shall be reviewed by the Plan Commission for conformance to this Chapter, and all other ordinances, rules, regulations, and the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 and components thereof as may be applicable.

(f) The Town Plan Commission shall, within 60 days from the date of filing of the CSM, recommend approval, conditional approval, or rejection of the CSM, and shall transmit the CSM along with its recommendations to the Town Board.

(g) The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected CSM, or reject such CSM within 90 days from the date of filing of the CSM unless the time is extended by mutual agreement with the subdivider. If the CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the CSM is approved, the Town shall cause the Town Clerk to so certify on the face of the original CSM.

(h). Failure of the Town Board to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the CSM and, upon demand, a certificate to that effect shall be made on the face of the CSM by the Town Clerk.

(i) After the CSM has been approved by the Town Board, the Town Clerk shall cause the certification inscribed upon the CSM attesting to such approval to be duly executed and the CSM returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the CSM unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.

(j) The subdivider shall file the required number of copies of the recorded CSM with the Town Clerk. The Clerk shall distribute copies of the recorded CSM to the Town Engineer, Town Planner, Building Inspector, Assessor, and other affected Town and County officials for their files.

## **Sec. 13-28. Replats.**

(a) When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in this Chapter.

(b) The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

### **Sec. 13-29. Condominium plats.**

A condominium plat prepared by a professional land surveyor is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in this Chapter. Such condominium plat shall comply with the design standards, improvements, and all other requirements of this Chapter that would otherwise apply to subdivision plats, including, but not limited to, those set forth in this Chapter.

## **ARTICLE V PRELIMINARY PLAT SPECIFICATIONS**

### **Sec. 13-30. General requirements.**

A preliminary plat shall be required for all subdivisions and condominiums and shall be based upon a survey by a professional land surveyor and the plat prepared on tracing cloth or reproducible paper of good quality at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:

- A. The preliminary plat shall be clearly noted and labeled on its face "Preliminary Plat."
- B. The preliminary plat shall include the title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- C. Location of proposed subdivision by quarter section, township, range, county, and state.
- D. Date, graphic scale, and north arrow.
- E. Names and addresses of the owner, subdivider, and land surveyor preparing the plat.
- F. The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

### **Sec. 13-31. Site analysis information.**

In the absence of an adopted neighborhood unit development plan, the following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

- A. Topographic Features, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
- B. Hydrologic Characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Wisconsin Department of Natural Resources or the Southeastern Wisconsin Regional Planning Commission. The boundaries of the one percent annual probability (100-year recurrence interval) floodplain, as determined by the Federal Emergency Management Agency, shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the Town Engineer.
- C. Delineations of Natural Resource Areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.
- D. Soil Types, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- E. Existing Vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- F. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- G. Scenic Vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- H. The Location and Classification of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.
- I. Existing Land Uses within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- J. Public Parks and Open Space Areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- K. Existing and Proposed Zoning on and adjacent to the proposed subdivision.



## **Sec. 13-32. Preliminary Plat Data.**

All preliminary plats shall show the following:

- A. Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. Topographic Features, including existing contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer.
- C. Boundaries of the One Percent Annual Probability (100-year recurrence interval) floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer.
- D. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.
- E. Lake and Stream Meander Lines proposed to be established.
- F. Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- G. The Location of Woodlands as mapped by the Southeastern Wisconsin Regional Planning Commission and existing vegetation to be retained within the proposed subdivision.
- H. Location, rightofway width, and names of all existing and proposed streets, highways, alleys, or other public ways, pedestrian and bicycle ways, utility rightsofway, active and abandoned railway rights-of-way, vision corner easements, and other easements within or adjacent to the plat.

- I. Type, Width, and Elevation of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to a vertical datum approved by the Town Engineer.
- J. Approximate Radii of all curved lines within the exterior boundaries of the plat.
- K. Location and Names of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- L. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 50 feet of the exterior boundaries of the plat, shall be shown.
- M. Locations of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
- N. Approximate Dimensions of all lots, the minimum lot area required by the zoning district in which the plat is located, and proposed lot and block numbers.
- O. Building or Setback Lines which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- P. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- Q. Location, Approximate Dimensions, and Area of any proposed common areas or facilities.
- R. Location, Approximate Dimensions, and Area of any sites which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- S. Location, Size, and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains which might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to a vertical datum approved by the Town Engineer.

- T. Any Proposed Lake and Stream Access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- U. Any Proposed Lake and Stream Improvement or relocation, and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.
- V. The Approximate Location of any existing private onsite wastewater treatment systems.
- W. Any Additional Information requested by the Town Plan Commission.

### **Sec. 13-33. Street plans and profiles.**

The Town Engineer or Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be referenced to a datum and the datum, plans, and profiles shall meet the approval of the Town Engineer.

### **Sec. 13-34. Soil borings and tests.**

(a) The Plan Commission, in conjunction and consultation with County staff, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

(b) Where a Subdivision is not to be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

### **Sec. 13-35. Soil and water conservation.**

The Plan Commission, in conjunction and consultation with County staff, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards promulgated by the County Land Conservation Committee, and shall be in accordance with the requirements set forth in all applicable erosion control and storm water management ordinances.

**Sec. 13-36. Covenants and condominium or homeowners association documents.**

(a) A Draft Copy of Any Proposed Protective Covenants whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the Town Attorney as to form.

(b) A Draft Copy of Any Proposed Condominium or Homeowners Association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information required as to homeowner or condominium associations by this Chapter. The proposed documents shall be subject to review and approval by the Town Attorney as to form.

(c) A Draft Copy of Any Proposed Land Stewardship Plan and/or documents for common open space in condominiums or subdivisions shall accompany the preliminary plat. The proposed stewardship plan and/or documents shall be subject to review and approval by the Town Attorney as to form.

**Sec. 13-37. Surveyor's Certificate.**

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Chapter and of Chapter 236 of the Wisconsin Statutes.

**ARTICLE VI  
FINAL PLAT SPECIFICATIONS**

**Sec. 13-38. General Requirements.**

A final plat prepared by a professional land surveyor shall be required for all subdivisions and condominiums. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

**Sec. 13-39. Final Plat Data.**

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. Street Width along the line of any obliquely intersecting street to the nearest 0.01 foot.

- C. Active and Abandoned Railway rightsofway within and abutting the exterior boundaries of the plat.
- D. Building or Setback Lines required by the Town Plan Commission or other approving or objecting agency which are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- E. Easements for any Public sanitary sewers, water supply mains, storm water management facilities, drainageways, or access ways.
- F. All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision or condominium, the information required by this Chapter as to homeowner or condominium associations shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Plan Commission.
- G. Boundaries of the one percent annual probability (100-year recurrence interval) floodplain and related regulatory stages as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer.
- H. Location and Right-of-Way of existing and proposed bicycle and pedestrian ways and utility rights-of-way.
- I. Notations or Any Restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.

#### **Sec. 13-40. Deed restrictions.**

The Town may require that deed restrictions be filed with the final plat. When required, such restrictions shall be recorded with the final plat.

#### **Sec. 13-41. Survey accuracy.**

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a professional land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper kind and location of monuments, and liability and completeness of the drawing. In addition:

- A. The maximum error of closure before adjustment of the survey of the exterior boundary of the subdivision shall not exceed, in horizontal distance or position, the

ratio of one part in 10,000; nor, in azimuth, of four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- B. All street, block, and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C. The Town shall receive the results of the Town Engineer's examination prior to approving the final plat. The Town Engineer may, however, in accordance with requirements of this Chapter as to improvements, waive the placing of monuments for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

### **Sec. 13-42. Surveying and monumenting.**

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

### **Sec. 13-43. Wisconsin Coordinate System.**

The plat shall be tied directly to two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer, and shall be adjusted to the control survey network. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the

nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

#### **Sec. 13-44. Certificates.**

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Chapter.

#### **Sec. 13-45. Filing and recording.**

- (a) The Final Plat shall be submitted for recording in accordance with this Chapter.
- (b) The County Register of Deeds shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.
- (c) The Subdivider shall file a copy of the final plat with the Town Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

### **ARTICLE VII CSM (MINOR LAND DIVISION) SPECIFICATIONS**

#### **Sec. 13-46. General requirements.**

- (a) A CSM prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in this Chapter.
- (b) A preliminary CSM or sketch map may be submitted by the subdivider to the Town Plan Commission or its staff for review and comment prior to the submission of a proposed CSM for review and approval.

#### **Sec. 13-47. Required information.**

The CSM shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. The Certified Survey Map shall be clearly noted and labeled on its face "Certified Survey Map."

- B. Inset Map of the area concerned showing the location of the proposed CSM in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
- C. Date, graphic scale, and north point.
- D. Name and addresses of the owner, subdivider, and professional land surveyor preparing the plat.
- E. All Existing Structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed CMS and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed CSM, and within 50 feet of the exterior boundaries of the CSM, shall be shown.
- F. Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- G. Building or Setback Lines required by the Town Plan Commission, or other approving or objecting agency, which are more restrictive than the regulations of the zoning district in which the CSM is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- H. Location and Names of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- I. Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- J. Street Width along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- K. Active and Abandoned Railway rights-of-way within and abutting the exterior boundaries of the proposed CSM, and the location and right-of-way of existing and proposed bicycle and pedestrian ways.
- L. Notations or Any Restrictions required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed CSM; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed CSM.



- M. Easements for any Public sanitary sewers, water supply mains, storm water management facilities, drainageways, or access ways.
- N. Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- O. Boundaries of the One Percent Annual Probability (100-year recurrence interval) floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider, and the engineer's report providing the required data shall be submitted for review and approval by the Town Engineer.

#### **Sec. 13-48. Additional information.**

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- A. Topographic Features, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the Town Engineer. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. Soil Types as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- C. The Square Footage and elevation of the first floor of all buildings proposed to remain on the site or sites included in the CSM.
- D. The Town Plan Commission, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- E. Where the Site is Not to be Served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the CSM and the findings, with

respect to suitability for the use of POWTS, set forth in a separate report submitted with the proposed CSM.

- F. The Location of Woodlands, as mapped by the Southeastern Wisconsin Regional Planning Commission, within the proposed CSM.
- G. The Approximate Location of existing and proposed private onsite wastewater treatment systems.
- H. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- I. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed CSM and within 200 feet of the exterior boundaries of the CSM. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the Town Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.
- J. The Town Plan Commission may require that the entire area contiguous to the land encompassed within the proposed CSM and owned or controlled by the subdivider be included in the CSM even though only a portion of said area is proposed for immediate development. The Town Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations.

### **Sec. 13-49. Wisconsin Coordinate System.**

The CSM shall be tied directly to two adjacent section or quarter section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter section corners to which the CSM is tied shall be shown on the CSM. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the Town Engineer. Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the CSM.

### **Sec. 13-50. Certificates.**

All CSMs shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town shall certify its approval on the face of the CSM. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Chapter.

### **Sec. 13-51. Recording.**

After the CSM has been duly approved by the Town, the Town Clerk shall cause the certificate to be inscribed upon the CSM attesting to such approval and the CSM shall be recorded by the subdivider as provided for under this Chapter.

## **ARTICLE VIII DESIGN STANDARDS**

### **Sec. 13-52. Residential development standards.**

All residential land divisions shall be zoned as Agricultural Preservation Planned Unit Development District zoning and shall be designed consistent with the approved Agricultural Preservation Planned Unit Development District zoning petition and plan.

### **Sec. 13-53. Street arrangement.**

(a) General Requirements. In any new land division or condominium, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted County jurisdictional highway system plan, the adopted Town official map, or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or plan component. In areas for which such plans have not been completed, or are of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or condominium shall be designed so as to provide each lot with satisfactory frontage on a public street.

(b) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(c) Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the arterial streets to which they connect.

(d) Land Access Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(e) Proposed Streets shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent lands.

(f) Arterial Street Protection. Whenever an existing or planned arterial street is located adjacent to or within a proposed land division or condominium, adequate protection of residential lots, limitation of access to the arterial street, and separation of through and local traffic shall be provided through the use of alleys, frontage streets, or cul-de-sac or loop streets. A restricted non-access easement along any property line abutting an arterial street may be required. Permanent screening or landscape plantings may be required in any restricted non-access area.

(g) Development Control or Reserve Strips shall not be allowed on any plat or CSM to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.

(h) Access shall be provided in commercial and industrial districts for offstreet loading and service areas.

(i) Street Names shall be approved by the Town and shall not duplicate or be similar to existing street names elsewhere in the Town. Existing street names shall be continued into the land division or condominium wherever possible. Where an adopted Town or County street address system plan exists, the street names shall be assigned in accordance with the recommendations of such plan or plans.

#### **Sec. 13-54. Limited access highway and railroad right-of-way treatment.**

Whenever a proposed land division or condominium contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:

- A. Non-Access Easement and Planting Area: When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement and planting area at least 50 feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the applicable zoning ordinance shall be increased by 50 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or CSM: "This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."

- B. Plats Located in Commercial and Industrial Zoning Districts shall provide, on each side of a limited access highway or railroad right-of-way, streets approximately parallel to such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.
- C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway shall be located at a minimum distance of 250 feet from said street or railroad rightofway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.
- D. Land Access Streets immediately adjacent to arterial streets and railroad rights-of-way shall be avoided in residential areas.

### **Sec. 13-55. Street, bicycle, and pedestrian way design standards.**

(a) Minimum Width. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof, official map, or County jurisdictional highway system plan. If no width is specified therein, the minimum right-of-way and roadway widths for arterial, collector, and land access streets shall be as shown on Table 1 for streets having an urban cross-section. If the Plan Commission determines that a permanent rural cross-section may be used, the minimum right-of-way and roadway widths set forth in Table 2 shall apply.

(b) Cross-Sections for collector and land access streets having an urban cross-section shall be as shown on Table 1. If the Plan Commission determines that a permanent rural cross-section may be used, the cross-sections for collector and land access streets set forth in Table 2 shall apply. The cross-sections for arterial streets should be based on detailed engineering studies.

(c) CuldeSac Streets designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. Culdesac streets shall terminate in a circular turnabout having a minimum rightofway radius of 75 feet. Cul-de-sac turnabouts with an urban cross-section shall have a minimum outside face-of-curb radius of 61 feet. Cul-de-sac turnabouts with a rural cross-section shall have a minimum outside pavement radius of 53 feet. No center islands shall be allowed in cul-de-sacs.

(d) Temporary Termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the street right-of-way.

(e) Bicycle and Pedestrian Ways with a right-of-way width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and

constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

(f) Grades

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rates of grade for arterial streets, and one-half this minimum for all other streets.

**Table 1**

**REQUIRED URBAN CROSS-SECTIONS  
FOR STREETS AND OTHER PUBLIC WAYS**

Type of Street or Public Way	Right-of-Way Width To be Dedicated	Roadway, Terrace, Sidewalk, and Related Widths
Arterial Streets	120 feet, or as required by the Town Official Map or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035	As determined by the Town Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none"> <li>• 48-foot pavement (face of curb to face of curb)</li> <li>• 10-foot terraces</li> <li>• 5-foot sidewalks</li> <li>• 1-foot sidewalk buffers</li> </ul>
Land Access Streets	60 feet	<ul style="list-style-type: none"> <li>• 32-foot pavement<sup>a</sup> (face of curb to face of curb)</li> <li>• 8-foot terraces</li> <li>• 5-foot sidewalks</li> <li>• 1-foot sidewalk buffers</li> </ul>
Minor Land Access Streets <sup>b</sup>	50 feet	<ul style="list-style-type: none"> <li>• 28-foot pavement (face of curb to face of curb)</li> <li>• 5-foot terraces</li> <li>• 5-foot sidewalks<sup>c</sup></li> <li>• 1-foot sidewalk buffers</li> </ul>
Alley	25 feet	<ul style="list-style-type: none"> <li>• 20-foot pavement</li> <li>• 2.5-foot buffers</li> </ul>

Cul-de-Sac	75-foot outside radius	<ul style="list-style-type: none"> <li>• 61-foot outside curb radius</li> <li>• 24-foot pavement (face of curb to face of curb)</li> <li>• 8-foot terrace</li> <li>• 5-foot sidewalk</li> <li>• 1-foot sidewalk buffer</li> </ul>
Pedestrian and Bicycle Ways	20 feet <sup>d</sup>	<ul style="list-style-type: none"> <li>• 10-foot pavement<sup>e</sup></li> <li>• 5-foot buffer</li> </ul>

<sup>a</sup>The 32-foot pavement width is suggested only for use with land access streets serving relatively low density, single-family residential areas. For land access streets serving higher density single- and multi-family residential, commercial, and industrial areas, a minimum width of 36 feet should be provided.

<sup>b</sup>A 50-foot right-of-way and 28-foot pavement width for land access streets would be applicable on relatively short loop and cul-de-sac streets in areas of single-family homes with attached garages and driveways, with adequate area available on each lot for off-street parking and snow storage, and where no bus or truck traffic other than occasional school buses and service or delivery trucks would be expected to operate over the street.

<sup>c</sup>Sidewalks may be eliminated on one side of minor land access streets.

<sup>d</sup>Recommended right-of-way width for combined bicycle and pedestrian ways separate from street rights-of-way.

<sup>e</sup>The pavement width of pedestrian and bicycle ways in areas of high use may be increased to 12 feet, and the buffers decreased to four feet each.

**Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.**

**Table 2**  
**REQUIRED RURAL CROSS-SECTIONS**  
**FOR STREETS AND OTHER PUBLIC WAYS**

Type of Street Or Public Way	Right-of-Way Width To be Dedicated	Roadway and Related Widths
Arterial Streets	120 feet, or as required by the Town Official Map or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035	As determined by the Town Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none"> <li>• 24-foot pavement</li> <li>• 6-foot shoulders<sup>a</sup></li> <li>• 22-foot terraces/drainage swales<sup>b</sup></li> </ul>

Land Access Streets	66 feet	<ul style="list-style-type: none"> <li>• 22-foot pavement</li> <li>• 4-foot shoulders<sup>a</sup></li> <li>• 18-foot terraces/drainage swales<sup>b</sup></li> </ul>
Cul-de-Sac	75-foot outside radius	<ul style="list-style-type: none"> <li>• 53-foot outside pavement radius</li> <li>• 18-foot traveled way</li> <li>• 22-foot terrace/drainage swale<sup>b</sup></li> </ul>
Pedestrian and Bicycle Ways	20 feet <sup>c</sup>	<ul style="list-style-type: none"> <li>• 10-foot pavement<sup>d</sup></li> <li>• 5-foot buffer</li> </ul>

<sup>a</sup>Shoulders may be paved or gravel.

<sup>b</sup>The Plan Commission may require sidewalks to be provided on one or both sides of any street, if the Commission determines that sidewalks will be needed to accommodate anticipated pedestrian traffic. Such sidewalks shall be located at the outside edge of the terrace/drainage swale, with a one-foot wide buffer between the sidewalk and outside edge of the street right-of-way, unless otherwise directed by the Plan Commission upon the recommendation of the Town Engineer.

<sup>c</sup>Recommended right-of-way width for combined bicycle and pedestrian ways separate from street rights-of-way.

<sup>d</sup>The pavement width of pedestrian and bicycle ways in areas of high use may be increased to 12 feet, and the buffers decreased to four feet each.

**Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.**

2. Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
  - a. Arterial streets: 6 percent.
  - b. Collector and land access streets, alleys, and frontage streets: 8 percent.
  - c. Bicycle ways: 5 percent; however, steeper grades are acceptable for distances up to 500 feet.
  - d. Pedestrian ways: 8 percent. Gradients over 5 percent shall provide a level resting area at least 5 feet by 5 feet every 30 feet.
3. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent for streets with an urban cross-section, and one percent for streets with a rural cross section.

(g) **Crowns.** Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Town Engineer. Alley pavements shall be "V"-shaped, with a centerline gutter for drainage.



(h) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- |    |                                |          |
|----|--------------------------------|----------|
| 1. | Arterial streets and highways: | 500 feet |
| 2. | Collector streets:             | 300 feet |
| 3. | Land access streets:           | 100 feet |

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(i) Elevations of Arterial Streets shall be set so that they will not be overtopped by a 50-year recurrence interval flood.

(j) Bridges and Culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a one percent annual probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by the Federal Emergency Management Agency. Flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been made with all affected units of government and property owners and local zoning ordinances affected by the increase in the flood stage are amended. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

(k) HalfStreets. Where an existing dedicated or platted halfstreet is adjacent to the proposed land division or condominium plat, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

## **Sec. 13-56. Street intersections.**

(a) Right Angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(b) The Maximum Number of streets converging at one intersection shall not exceed two.

(c) The Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.

(d) Continuation of Land Access and Collector Streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the centerlines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land access streets shall be so adjusted so that a single intersection is formed.

(e) Corner Curves. Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Town Engineer.

(f) Vision Clearance Easements shall be provided at street intersections as may be required by the applicable zoning ordinance and by any approving or objecting authority concerned.

(g) Curb Ramps or openings to accommodate persons with disabilities shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes on all streets where sidewalks or other pedestrian paths are required by the Plan Commission.

### **Sec. 13-57. Blocks.**

(a) General Requirements. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic safety; and the limitations and opportunities of topography.

(b) The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(c) The Width of Blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from arterial streets and railroad rights-of-way. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for offstreet parking and loading required by the contemplated use and the applicable zoning ordinance.

### **Sec. 13-58. Lots.**

(a) General Requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Plan Commission.

(c) Double Frontage Lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

(d) Public Street Frontage. Every lot shall front or abut for a distance of at least 30 feet on a public street.

(e) The Area and Dimensions of Lots shall conform to the requirements of the applicable zoning ordinance and this Chapter. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code.

(f) Re-division of Lots. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of this Chapter and the zoning ordinance.

(g) Depth. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources. The depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for offstreet parking and loading areas required by the contemplated use and the applicable zoning ordinance.

(h) The Width of Lots shall conform to the requirements of the applicable zoning, and in no case shall a lot be less than 150 feet in width at the building setback line, unless otherwise provided by the applicable zoning ordinance.

(i) Corner Lots, when located in a district that permits a lot width less than 100 feet, shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

(j) The Shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.

(k) Lands Lying Between the Meander Line and the Water's Edge and any otherwise unplattable lands which lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

(l) Restrictions Prohibiting Development. Whenever a lot appearing on a final plat, condominium plat, or CSM is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or CSM.

## **Sec. 13-59. Building and setback lines.**

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or CSM. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to

conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

### **Sec. 13-60. Easements.**

(a) Utility Easements. The Plan Commission may require utility easements of widths deemed adequate for the intended purpose. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, padmounted transformers, padmounted sectionalizing switches, abovegrade pedestalmounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. A landscape screening plan for such aboveground equipment shall be submitted by the subdivider to the affected utility and the Plan Commission for approval. All utility easements shall be noted on the final plat, condominium plat, or CSM followed by reference to the use or uses for which they are intended.

(b) Drainage Easements. Where a land division or condominium is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.

### **Sec. 13-61. Protection of natural resources.**

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Plan Commission may require that such areas be dedicated or that restriction be placed on the plat or CSM to protect such resources. The Plan Commission may further require that such areas be included in outlots designated on the plat or CSM and restricted from development.

### **Sec. 13-62. Park, open space, and other public sites.**

(a) In the design of a subdivision or condominium plat or a CSM, due consideration shall be given to the dedication or reservation of suitable sites of adequate size for future schools,

parks, playgrounds, public access to navigable waters, and other public purposes. Accordingly, each subdivider of land in the Town shall dedicate or reserve park and open space lands designated on the Town official map or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof, and, where no park or open space lands are directly involved or are reserved rather than dedicated, pay a public park site fee. Proposed school sites shall be reserved by the subdivider for future acquisition by the School Board. The Plan Commission shall, at the time a preliminary plat or CSM is reviewed, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat or CSM is presented for approval.

1. Option 1: Dedication of public parks and open space sites. Whenever a proposed public playground, park, parkway, trail corridor, public open space site, or other public lands designated on the Town's official map or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the public lands shall be made a part of the subdivision or condominium plat or CSM and shall be dedicated to the public by the subdivider. Should the value of the land to be dedicated be less than the value of the public site fee, the subdivider shall be required to pay the Town the difference between the value of the land dedicated and the public park site fee. Should the value of the land that would otherwise be dedicated exceed the public park site fee, the lands shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the Town at the price agreed upon and set forth in the Development Agreement, and the subdivider shall pay a public park site fee when submitting an application for final plat, condominium plat, or CSM review and approval at the rate and according to the procedures set forth in this Chapter. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with the provisions of this subsection.
2. Option 2: Reservation of public sites. Whenever a proposed public school, playground, park, parkway, or other open space site designated on the Town's official map or the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the proposed public site shall be made a part of the plat and reserved at the time of final plat or CSM approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition by the School Board or unit of government having jurisdiction at a price agreed upon and set forth in the Development Agreement. The subdivider shall also pay a public park site fee at the time of application for final plat or CSM approval at the rate and according to the procedures set forth in this Chapter.
3. Public park site fee option. If a proposed land division or condominium does not encompass a proposed public playground, park, parkway, or open space site or such lands are contained within the land division or condominium but are not dedicated to the public, the subdivider shall pay a public park site fee to be used for the acquisition or improvement of land for public park sites to serve the future inhabitants of the proposed subdivision, minor land division, or condominium at the time of application for final plat or CSM approval at the rate and in accordance with the procedures set forth in this Chapter. The improvement of land for public park

sites means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes, in accordance with Section 236.45(6)(ac) of the Wisconsin Statutes.

(b) The value of land to be dedicated for park or open space purposes shall be agreed upon by the Town and the subdivider on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the Town and the developer, an appraisal board consisting of one appraiser selected by the Town and retained at the Town's expense, one appraiser selected by the subdivider and retained at the subdivider's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally by the Town and the subdivider, shall determine the value of the land.

(c) Navigable streams or lakeshores shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Town, as required by Section 236.16(3) of the Wisconsin Statutes.

## **ARTICLE IX IMPROVEMENT STANDARDS**

### **Sec. 13-63. General Requirements.**

All improvements described in the Article that are required by the Plan Commission shall be constructed in accordance with plans and specifications approved by the Town Engineer. Not all improvements described in this Article may be required in all cases.

### **Sec. 13-64. Survey Monuments.**

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and this Chapter as may be required by the Town Engineer.

### **Sec. 13-65. Grading.**

(a) Following the installation of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the rightofway of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Engineer. The subdivider shall grade the roadbeds in the street rightsofway to subgrade.

(b) Streets and Lots shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.

### **Sec. 13-66. Street surfacing.**

Following the installation, inspection, and approval by the Town Engineer of utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Chapter, the Town official map, the Kenosha County Multi-Jurisdictional Comprehensive Plan: 2035 or component thereof, or neighborhood development plan. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer. The cost of surfacing in excess of 48 feet in width that is not required to serve the needs of the land division or condominium should be borne by the Town or other unit or agency of government having jurisdiction over the street.

### **Sec. 13-67. Curb and gutter.**

(a) Following the installation and the Town's inspection and approval of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town Engineer. This requirement may be waived where a permanent rural street section has been approved by the Plan Commission. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the Town or the unit or agency of government having jurisdiction.

(b) Curb ramps or openings shall be installed in accordance with the Americans with Disabilities Act and Section 66.0909 of the Wisconsin Statutes, and as approved by the Town Engineer.

### **Sec. 13-68. Rural street sections.**

When permanent rural street sections have been approved by the Plan Commission, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town Engineer.

### **Sec. 13-69. Sidewalks and bicycle/pedestrian paths.**

(a) The subdivider shall construct a concrete sidewalk or asphalt path on one side of all frontage streets and on one or both sides of all other streets within the land division or condominium. The construction of all sidewalks and paths shall be in accordance with plans and specifications approved by the Town Engineer. All such facilities shall be located within a dedicated public right-of-way or a public access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks and bicycle/pedestrian paths shall be in accordance with plans and specifications approved by the Town engineer and adopted pedestrian, bicycle, or park plans.

(b) Wider than standard sidewalks or asphalt paths may be required by the Town Engineer in the vicinity of schools, parks, commercial areas, and other places of public assembly. The Plan Commission may waive the requirement for sidewalks upon a finding that such walks are not required because of the provision of a separate network of pedestrian ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

### **Sec. 13-70. Sanitary sewage disposal.**

(a) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division or condominium. Where public sanitary sewer facilities are not available, the subdivider shall make provision for adequate private onsite wastewater treatment systems (POWTS) as specified by the Town, County, and State agencies concerned.

(b) The subdivider shall install sewer laterals to the street right-of-way line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Town Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.

(c) The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division or condominium development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division or condominium development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the Town, and the excess cost either borne by the Town or assessed against the total tributary drainage area.

### **Sec. 13-71. Storm water management facilities.**

(a) The subdivider shall construct storm water management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, and storage facilities as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town Engineer. Storm water management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all storm water management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer.

(b) The subdivider shall assume the costs entailed in constructing storm water conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing storm water flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Town or assessed against the tributary areas concerned.



### **Sec. 13-72. Water supply facilities.**

(a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division or condominium. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the Town, County, and State agencies concerned. The Town Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer.

(b) The subdivider shall assume the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the excess cost shall be borne by the Town.

### **Sec. 13-73. Other utilities.**

(a) The subdivider shall cause gas, electrical power, and telephone and other communication facilities to be installed in such a manner as to make adequate service available to each lot in the land division or condominium, in accordance with this Chapter.

(b) Plans indicating the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division or condominium shall be approved by the Town Engineer.

### **Sec. 13-74. Street lamps.**

(a) The subdivider shall install public street lamps along all streets proposed to be dedicated. The Plan Commission shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed.

(b) In lieu of or in addition to the installation of public street lamps, the Town Plan Commission may permit the installation of private post lamps on each lot of a land division and at appropriate locations within a condominium. The type and location of such post lamps shall be approved by the Town Engineer.

### **Sec. 13-75. Street and traffic control signs and signals.**

(a) 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.

(b) The subdivider shall install any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the Town Engineer or the government agency having jurisdiction over a street or intersection.

### **Sec. 13-76. Street trees.**

(a) The subdivider shall plant at least one tree of a species approved by the Plan Commission of at least two inches in diameter measured at six inches above the top of the root ball at an average spacing of 50 feet along the frontage of all streets proposed to be dedicated. The required trees shall be planted in the area between the sidewalk and curb in accordance with plans and specifications approved by the Town Engineer.

(b) The requirement for street trees may be waived by the Plan Commission if substantial alternative landscaping, including trees, is to be provided within the land division or condominium in accordance with a landscaping plan approved by the Town Plan Commission.

### **Sec. 13-77. Erosion and sedimentation control.**

(a) The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in the Town Erosion Control and Storm water Management Chapters.

(b) The subdivider shall plant those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.

(c) The subdivider shall install those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.

### **Sec. 13-78. Landscaping.**

(a) The subdivider shall install landscaping in accordance with a landscaping plan approved by the Town Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.

(b) Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under this Chapter.

### **Sec. 13-79. Improvements to extend to limit of parcel or lot.**

Any and all improvements or utility services required by this Chapter for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the Subdivider is exempted from meeting such requirement by the

Town after considering a recommendation from the Town Engineer. In the event the improvements are required to the end of the parcel or lot, the Subdivider shall be required to post bond or other financial sureties with the Town if improvements are not installed.

## **ARTICLE X CONSTRUCTION**

### **Sec. 13-80. Commencement.**

No construction or installation of improvements shall commence in a proposed land division or condominium development until a development agreement has been executed, the Town Engineer has given written authorization to proceed, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Town Engineer.

### **Sec. 13-81. Phasing.**

The Town may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

### **Sec. 13-82. Building and Other Permits.**

No building or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Chapter until all the requirements of this Chapter have been met.

### **Sec. 13-83. Plans.**

Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the Town Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Town Plan Commission.

(a) Street Plans and Profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements.

(b) Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.

(c) Plans for Storm water Management Facilities showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.

(d) Water Supply and Distribution Plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.

(e) Plans showing the location and size, where applicable, of all gas, electric power, telephone, cable television, broadband, and other utilities and services.

(f) Grading Plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.

(g) Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 8.15.

(h) Landscaping Plans showing and describing in detail the location, size, and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.

(i) Additional Special Plans or information required by the Town staff, Plan Commission, or Town.

#### **Sec. 13-84. Earth moving.**

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

#### **Sec. 13-85. Preservation of existing vegetation.**

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, private onsite wastewater treatment areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

#### **Sec. 13-86. Inspection.**

The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

#### **Sec. 13-87. Completion of improvements.**

All of the improvements required under this Chapter shall be completed prior to the final approval of a subdivision or condominium plat by the Town, except that in lieu of completion of construction,

a certified check, surety bond, or letter of credit approved by the Town Attorney may be furnished as provided in this Chapter.

**Sec. 13-88. As-built plans.**

Within 30 days following completion and acceptance by the Town Engineer of all improvements, the subdivider shall provide plans and profiles in a form (digital or paper) acceptable to the Town Engineer that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town Engineer.

**ARTICLE XI  
FEES AND COSTS**

**Sec. 13-89. General.**

The subdivider shall pay to the Town all fees pertaining to this Chapter, as are set periodically by resolution of the Town Board, and at the times specified before being entitled to record the Plat or CSM concerned. The subdivider shall also agree to reimburse the Town for all professional costs it incurs in conjunction with the subdivision, and shall execute a development agreement in a form acceptable to the Town.