

TOWN OF LITTLE SUAMICO CODE OF ORDINANCES

(Current Code Reformatted)

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CHAPTER 1

GENERAL PROVISIONS

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1.01 TOWN OF LITTLE SUAMICO CODE.

(1) Title. This Code of Ordinances may be known and cited as the Town of Little Suamico Code. This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

(2) Amendments. Any additional ordinances and/or amendments to existing ordinances are incorporated in and made a part of this Code so that a reference to the Town of Little Suamico Code includes all such additions and amendments.

(3) Numbering of Sections. Each section number of this Code shall consist of two component parts separated by a period; the figure before the period refers to the chapter number and the figure after the period refers to the position of the section within the chapter.

(4) Numbering Additions. The decimal system shall be used for all additions or amendments to this Code. When a chapter or section is to be added, the new chapter or section shall be given a decimal character.

1.02 DEFINITIONS.

(1) General. Terms used in this Code, unless specifically defined in this Code, have the same meanings prescribed by the Wisconsin Statutes for the same terms; or, if not defined in this Code or the Statutes, then their usual and customary meanings.

(2) Specific. Terms used in this Code have the following meanings:

(a) "Act" includes the failure or omission to do something which should have been done, or which was required to be done, under the circumstances then existing.

(b) "Board" shall mean the Town Board of the Town of Little Suamico; and similarly, the title of any other official, board or commission shall refer to that of the Town of Little Suamico unless otherwise stated.

(c) "Code" shall mean the Town of Little Suamico Code of Ordinances (this Code).

(d) "County" shall refer to Oconto County.

(e) "Gender, Singular and Plural": Every word in this Code, and in any ordinance imparting the masculine gender, may extend and be imparted to females as well as males; and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of

construction shall not be applied to any position which contains express language excluding such construction

or when the subject matter or context of such provisions may be repugnant thereto.

(f) "Ordinance" shall refer to an ordinance of the Town of Little Suamico and all amendments thereto included in this Code; and any ordinance passed and published, but not yet included in this Code.

(g) "Persons" shall mean any natural individual, firm, partnership, trust, estate, club, association, or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; as applied to corporations, the word includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular person includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders, and vice versa.

(h) "State" shall refer to the State of Wisconsin.

(i) "Town" shall refer to the Town of Little Suamico, Oconto County, Wisconsin.

(j) "Wisconsin Statutes" shall refer to the latest publication thereof, and any and all amendments thereto as and when enacted.

1.03 REPEAL OF ORDINANCES.

(1) Certain Ordinances Repealed. All general ordinances or parts of ordinances heretofore adopted by the Town Board of the Town of Little Suamico, and not included in this Code, are repealed, except the following, which are hereby continued in full force and effect.

(a) Ordinances authorizing contracts and/or the issuance of municipal notes or bonds;

(b) Ordinances levying taxes and/or making special assessments;

(c) Ordinances appropriating funds and/or establishing salaries;

(d) Ordinances granting franchises and/or rights to corporations;

(e) Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening and/or vacating of streets, alleys, sidewalks, parks and/or public grounds;

(f) Ordinances respecting the conveyance or acceptance of real property and/or easements in real property;

(g) Ordinances authorizing and/or relating to particular public improvements; and

(h) Any other special ordinances not in conflict with the provisions of this Code.

(2) Included Ordinances Continuous. The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed, right accruing or acquired and liability, penalty, forfeiture, and punishment incurred prior hereto, shall not be affected but may be enjoyed, asserted, enforced, prosecuted and/or inflicted as fully and to the same extent as the above repeal had not been affected.

1.04 JURISDICTION. Unless otherwise provided in this Code, this Code applies to acts performed within the Town of Little Suamico, Oconto County, Wisconsin.

1.05 PENALTIES.

(1) Standard Penalty. Unless another penalty is expressly provided by the Code for any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted here by reference, shall, upon conviction, be subject to a forfeiture of not less than \$200.00 nor more than \$10,000.00 plus the cost of prosecution. In default of immediate payment of such forfeiture costs, such person shall be committed to the Oconto County jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding ninety (90) days.

(2) Each Day a Violation. Each act of violation, and every day upon which a violation occurs or continues, constitutes a separate offense.

(3) Applicability. The penalty provided by this section, and/or any section of this Code, applies to the amendment of any section of this Code and any code adopted herein by reference to which the penalty relates, whether or not such penalty is reenacted in the amendatory ordinances, unless otherwise provided in the amendment.

(4) Reference to Sections. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

(5) Failure of Officers to Perform Duties. The failure of any officer or employee of the Town to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code unless a penalty is specifically provided.

(6) Bond Schedule, Non-traffic Violations. The Bond Schedule for non-traffic violations shall be as set forth in the Town of Little Suamico Citation Ordinance.

(7) Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.

(a) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §938.343 and §938.344, Wis. Stats., in accordance with the provisions of those Statutes.

(b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those Statutes.

(c) This Section is enacted under the authority of §938.17(2)(cm), Wis. Stats.

1.06 RESPONSIBILITY FOR ACTS. Every person concerned in the commission of any act prohibited by this Code, whether he directly commits the act, or in any way directs, encourages, advises, aids or abets its commission, may be prosecuted; and on conviction thereof, is subject to punishment the same as if he had directly committed such act.

1.07 SEPARABILITY OF PROVISIONS. Each section, subsection, paragraph, sentence, phrase, clause and provision of this Code is separable; and, if any provision hereto is held to be unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof; and it shall be deemed and is hereby declared that all remaining parts of this Code would have been passed and published the same as if such illegal, invalid or unconstitutional section, subsection, paragraph, sentence, phrase, clause or provision had not been included herein.

1.08 EFFECTIVE DATE. This Code of Ordinances shall take effect upon passage and publication in book form under the authority of the Town Board, as provided by §66.0103 of the Wisconsin Statutes, and other provisions of law.

1.09 COPIES ON FILE. A copy of this Code shall be kept permanently on file, and open and available for public inspection at the office of the Town Clerk.

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

1.11 CITATION ENFORCEMENT

(1) Statutory Authority

Pursuant to Sec. 66.0113, Wis. Stats., the Town Board hereby elects to use the citation method to enforce the provisions of this Code.

(2) Form of Citation

(a) The Citation shall contain the following information:

1. The name and address of the alleged violator;
2. Date of birth of the alleged violator;
3. The factual allegations describing the alleged violation;
4. The time and place of the offense;
5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so;
6. The time at which the alleged violator may appear in court
7. A statement which in essence informs the alleged violator;
 - a. That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - d. That if no cash deposit is made and the alleged violator does not appear in court at the time the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest

	Town Board Member
	Town Board Member
	Town Board Member/Permit Issuer
	Town Board Member/ Building Inspector/ Permit Issuer
	Town Board Member/ Building Inspector
	Town Board Member/ Building Inspector
	Town Board Member/ Building Inspector
Resolutions Declaring Emergencies under applicable law	Town Board Member

(5) Procedure

Wis. Stats. Sec. 66.0113(3) relating to violator’s options and procedures on default is hereby adopted and incorporated by reference.

(6) Non-exclusivity

- (a) Other Provisions. This Chapter does not preclude the Town Board from providing for enforcement of any other law or ordinance relating to the same or some other matter.
- (b) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other part of this Code

CHAPTER 2

TOWN GOVERNMENT

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- 2.02 Town Board

- 2.03 Elected Officials
 - 2.04 Appointed Officials
 - 2.05 Committees
 - 2.06 Powers and Duties
 - 2.07 Meetings
 - 2.08 Fiscal Management
 - 2.09 Building Inspector
 - 2.10 Town Engineer
 - 2.11 Town Attorney
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- 2.01 FORM OF GOVERNMENT. The Town of Little Suamico is a body corporate and politic with the powers and authorities as made and provided under the provisions of Chapter 60 of the Wisconsin Statutes.
- 2.02 TOWN BOARD. The Town shall be governed by a Town Board consisting of five town supervisors, one of whom shall be designated as the Town Chairperson.
- 2.03 ELECTED OFFICIALS.
 - (1) General. The elected officials of the Town shall be a Town Chairperson and four (4) Town Supervisors, elected at large.
 - (2) Terms.
 - (a) Town Chairperson. A Town Chairperson shall be elected at the annual spring election in odd-numbered years.
 - (b) The terms of office of the elected officials shall expire at 11:59 p.m. on the date of the Annual Meeting in the year of the expiration of their term.
 - (c) Town Supervisors. For the Spring Election in April of an odd numbered year, there will be a chair and 2 supervisors elected for a two-year term and the Spring Election of the following even year there will be 2 supervisors elected for a two-year term.
 - (d) Town Supervisor Initial Election. Incumbent Town Supervisors shall serve two (2) year terms and the other two (2) Town Supervisors shall serve one (1) year terms. With each subsequent election to be for two (2) year terms so that elections occur in both odd numbered and even numbered years. IF there are no incumbent town supervisors, then the two (2) town supervisors receiving the highest number of votes in the next election serves two (2) year terms and the other two (2) town supervisors serve one-year terms.
- 2.04 APPOINTED OFFICIALS.
 - (1) General. The appointed officials of the Town shall be the following:
 - (a) Town Clerk. A Town Clerk, with those power, duties and authorities provided under the provisions of Sections 60.15 and 60.33, Wis. Stats., shall be appointed by majority vote of the Town Board at the April town meeting in odd numbered years.
 - (b) Town Treasurer. A Town Treasurer, with those power, duties and authorities provided

under the provisions of Section 60.34, Wis. Stats., shall be appointed by majority vote of the Town Board at the April town meeting in odd numbered years. 2 - 2

(c) Town Assessor. A Town Assessor, with those powers, duties and authorities provided under Sec. 60.307, Wis. Stats., shall be appointed by majority vote of the Town Board in odd numbered years.

(d) Building Inspector. A Town Building Inspector, who shall be certified by the Wisconsin of Safety and Buildings to inspect residential and commercial structures, with those powers, duties and authorities provided in Chapter 9 hereof shall be appointed by the Town Board in odd-number years.

(2) Terms. The terms of office for all appointed officials shall be two (2) years and shall commence on the second Tuesday in April of the odd numbered years.

2.05 BOARDS, COMMITTEES AND COMMISSIONS.

(1) General. The Town shall have the following Boards, Committees and Commissions the members of which shall be appointed by majority vote of the Town Board.

(a) Board of Review (BOR).

1. Composition. The Board of Review shall consist of the Town Chair and Town Supervisors.

2. Duties. The duties and functions of the Board of Review shall be as prescribed in Sec. 70.47, Wis. Stats.

3. Hearing Procedures.

a. Sworn Telephone or Sworn Written Testimony Requests:

i. In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied; and b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law. After the two requirements outlined above have been met, a request to testify by telephone or submit a sworn written statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be filed with the clerk of the BOR within the first 2 hours of the BOR's first scheduled meeting.

ii. Criteria to Be Considered: The board may consider any or all of the following factors when deciding whether to grant or deny the request:

1. The requester's stated reason(s) for the request as indicated on the PA-814
2. Fairness to the parties
3. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony

4. Ability to cross examine the person providing the testimony
5. The BOR's technical capacity to honor the request
6. Any other factors that the board deems pertinent to deciding the request

b. Waiver of Board of Review Hearing Requests:

i. In order for a taxpayer or assessor, or at its own discretion to waive the hearing of an objection the taxpayer must first complete and file with the Clerk of the BOR the following documents:

1. A timely Notice of Intent to appear at BOR; and
2. A timely Objection Form for Real Property Assessment (PA-115A);

ii. If the owner fails to file the aforementioned documents as required, no hearing will be scheduled on the objection.

iii. If the owner files the aforementioned documents as required and a request from a taxpayer or assessor, or at its own discretion is made to waive the hearing of an objection, the BOR shall use the following criteria when making its decision.

iv. Criteria to Be Considered:

1. The BOR, may consider any or all of the following factors when deciding whether to waive the hearing:
 - a. The benefits or detriments of the BOR process
 - b. The benefits or detriments of having a record for the Court review
 - c. Avoidance of unruly, lengthy, burdensome appeals
 - d. Ability to cross examine the person providing the testimony
 - e. Any other factors that the BOR deems pertinent to deciding whether to waive the hearing

4. Alternates.

a. The Town Board shall appoint alternates to serve on the Town Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason. The Town Board may provide for the appointment of the alternates at a properly noticed board meeting prior to the Board of Review.

5. Confidentiality of Assessor Income and Expense Information.

a. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor shall be held by the Assessor on a confidentiality 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.

(b) Park Commission. The Town Board shall appoint a Park Commission with the powers, duties and authorities made and provided under the provisions of Sec. 60.66, Wis. Stats.

1. Compensation; Expenses. The Town Board of the Town of Little Suamico shall determine the per diem allowance per meeting by resolution for citizen and Town Board members of the Park Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

(c) Local Plan Commission.

1. Jurisdiction. The Town of Little Suamico Plan Commission shall carry out the following duties under this ordinance:
 - a. Review all applications for conditional uses and amendments to this code section.
 - b. Hear and decide matters upon which it is required to pass under this code section.
2. Meetings.
 - a. All meetings of the Plan Commission shall be held at the call of the Chair of the Commission at such times as the Commission may determine.
3. Decisions.
 - a. All decisions of the Plan Commission shall require the vote of a majority of the members of the Commission.
 - b. All decisions of the Plan Commission shall be advisory and be in the form of a recommendation to the Town Board for final consideration.

4. Authority; Establishment (7-Member)

- a. The Town Board of the Town of Little Suamico, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under

secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

5. Membership (7-Member)

a. The Plan Commission may consists of One (1) town board official, or six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications. No more than four (4) members shall be town employees/officials.

6. Appointments

a. The Town Board Chairperson shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the month of April, to fill any expiring term. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

7. Terms of Office (With Citizen Member Terms Staggered)

a. The full term of office for one (1) Town Board Member shall be for a period of 2 years or expiration of their term on the Town Board, and the six (6) citizen members shall be for a period of 3 years, ending on April 30, or until a successor(s) is appointed and qualified.

b. (1) Initial Terms. (7-member) If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: one (1) person for a term that expires in one (1) year; one (1) person for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: one (1) person for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and one (1) persons for a term that expires three (3) years from the previous April 30.

c. Commission officers shall be elected by the Commission members for one-year terms, including vice chair and secretary.

8. Vacancies and Removals

a. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

b. The Town Chair shall appoint personnel to fill the vacancies, subject to approval of the Town Board.

c. The Plan Commission members shall be removable by a majority vote of the Town Board for cause upon written charges.

9. Compensation; Expenses

a. The Town Board of the Town of Little Suamico shall determine the per diem allowance per meeting by resolution for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

10. Experts & Staff

a. The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

11. Rules; Records

a. The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

b. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and shall also keep records of its hearings and other official actions.

12. Chairperson & Officers

a. Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- i. provide leadership to the Commission;
- ii. set Commission meeting and hearing dates;
- iii. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- iv. preside at Commission meetings and hearings; and

v. ensure that the laws are followed.

b. Vice Chairperson. The Plan Commission may elect, by open vote under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

c. Secretary. The Plan Commission shall elect, by open vote under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

13. Commission Members as Local Public Officials

a. All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

14. General & Miscellaneous Powers

a. The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

i. Necessary to enable it to perform its functions and promote Town planning.

ii. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

iii. To recommend to the Town Board programs for public improvements and the financing of such improvements.

iv. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

v. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

15. Town Comprehensive Planning: General Authority & Requirements

a. The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

b. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which specific Town actions must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

c. In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

16. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment the Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

a. Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

b. Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

i. the Town Board adopted written procedures to foster public participation and that such procedures allowed public

participation at each stage of preparing the comprehensive plan;

ii. the plan contains the nine (9) specified elements and meets the requirements of those elements;

iii. the (specified) maps and (specified) other descriptive materials relate to the plan;

iv. the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

v. the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

c. Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

i. Every governmental body that is located in whole or in part within the boundaries of the governmental unit.

ii. The clerk of every local governmental unit that is adjacent to the local governmental unit that is subject of the plan that is adopted or amended as described in par.

iii. After September 1, 2005, the Department of Administration.

iv. The regional planning commission in which the local governmental unit is located.

v. The public library that serves the area in which the local governmental unit is located.

17. Plan Implementation & Administration

a. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

i. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

ii. Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.

iii. Subdivisions. A proposed Town subdivision or other land

division ordinance under sec. 236.45, Wis. Stats.

iv. Other. Any other ordinance specified by the Town Board (Note: e.g. historic preservation, design review, site plan review).

b. Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

c. Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

d. Program administration. The Plan Commission shall, pursuant to County Zoning under Sec. 59.69, Wis. Stats. and the established Town and County review process, have the following powers.

i. Rezone Petitions. Petitions to rezone under County Zoning authority and the established Town and County review process shall be referred to the Town Plan Commission for review and recommendation to the Town Board.

ii. Conditional Use Permit Applications. Conditional Use permit applications pursued under County Zoning authority and the established Town and County review process shall be referred to the Town Plan Commission for review and recommendation to the Town Board.

iii. Land Division Review. Proposed plats and land divisions proposed under ch. 236, Wis. Stats. and Oconto County Land Division authority under sec. 236.45, Wis. Stats. and any other applicable Town or County ordinances shall be referred to the Town Plan Commission for review and recommendation to the Town Board.

e. Consistency. When the Plan Commission considers any action that is subject to consistency requirement in sec. 66.1001 (3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

18. Referrals to the Plan Commission

a. Required referrals under sec. 62.23(5), Wis. Stats. The following shall

be referred to the Plan Commission for report:

- i. The location and architectural design of any public building.
- ii. The location of any statue or other memorial.
- iii. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any 1. street, alley, or other public way; 2. park or playground; 3. airport; 4. area for parking vehicles; or 5. other memorial or public grounds.
- iv. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- v. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- vi. The location, character and extent or acquisition, leasing or sale of lands for 1. public or semi-public housing; 2. slum clearance; 3. relief of congestion; or 4. vacation camps for children.
- vii. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; and a Town official map; and Town zoning under village powers.

b. Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- i. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- ii. An application for initial licensure of a community based residential facility under sec. 50.03(4), Wis. Stats.
- iii. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
- iv. Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
- v. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- vi. Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
- vii. A proposed housing project under sec. 66.1211(3), Wis. Stats.
- viii. Matters relating to urban redevelopment and renewal in the

Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

ix. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

x. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

c. Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

i. Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

ii. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.

iii. A proposed driveway access ordinance or amendment.

iv. (d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

v. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.

vi. An application for a rezone or conditional use permit pursuant to County Zoning under Sec. 59.69, Wis. Stats. and the established Town and County review process. A proposed site plan.

vii. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

viii. A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

ix. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

x. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.

xi. Any proposed contract, for the provision of information, or the

preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant, or any other person or organization.

xii. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

xiii. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

xiv. A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

xv. A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

xvi. A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

xvii. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

d. Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

i. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

ii. A proposed county zoning ordinance or amendment.

iii. A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

iv. An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

v. A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.

vi. A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

vii. A proposed county plan, under sec. 236.46, Wis. Stats., or the

proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

viii. Any other matter deemed advisable for referral to the Plan Commission for report.

e. Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

2.06 POWERS AND DUTIES.

(1) Town Board. The Town Board shall have all powers and duties authorized, assigned, and established under the provisions of Sections 60.10, 60.22 and 60.23, Wis. Stats.

(2) Town Chairperson. The Town Chairperson shall have all powers and duties authorized, assigned, and established under the provisions of Section 60.24, Wis. Stats.

(3) Town Supervisor(s). The Town Supervisor(s) shall have powers and duties authorized, assigned, and established under the provisions of Section 60.23, Wis. Stats.

(4) Town Clerk. The Town Clerk shall have all powers and duties authorized, assigned, and established under the provisions of Sections 60.15 and 60.33, Wis. Stats. The Town Clerk shall also have the power to authorize the payment of certain claims as made and provided in Sec. 2.08(2) hereof.

(5) Town Treasurer. The Town Treasurer shall have all powers and duties authorized, assigned, and established under the provisions of Section 60.34, Wis. Stats.

2.07 MEETINGS.

(1) Call. All meetings shall be called by the presiding officer or official of the body holding the meeting.

(2) Notice. The date, time, place and agenda of all Town Board and Town Committee meetings shall be posted and published in the manner made and provided in Chapter 19 of the Wisconsin Statutes.

(1) Parliamentary Procedure and Rules of Order.

(a) Robert's Rules of Order. The rules of parliamentary practice comprised in "Robert's Rules of Order, Newly Revised" shall govern all Board and Committee proceedings in all cases in which they are applicable, except when they are inconsistent with State laws or rules contained in this chapter.

(b) Motions. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn without the consent of the person making the same.

(3) Annual Meeting. The Town Board shall schedule, post, and hold an annual meeting on the third Tuesday of April of each year in the manner provided in Sec. 60.11, Wis. Stats.

(a) The Town Board shall schedule, notice, and hold an annual meeting on the third Tuesday of April of each year in the manner provided in §60.11, Wis. Stats.

(b) The annual Town Meeting may set a date different than provided under (a) for the next annual Town Meeting if the date is within ten (10) days after the third Tuesday in April.

(4) Other Meetings. The Town Board may, from time to time, or on a regular basis, schedule, post and hold such other regular or special meetings of the Town Board as the Town Board or Town electors shall so designate in the manner provided in Sec. 60. 12, Wis. Stats.

(5) Powers. The Town Board shall have the powers and authorities provided in Sec. 66.10, Wis. Stats., to conduct such Town meetings in the manner provided in Sec. 60.14, Wis. Stats.

2.08 FISCAL MANAGEMENT.

(1) Fees For Services. Pursuant to the provisions of Sec. 60.44, Wis. Stats., the Town, its employees and agents are authorized to provide fees for services provided to property owners in the Town.

(2) Payment of Certain Claims.

(a) The payment of a claim against the Town may be made from the town treasury if the Town Clerk approves the payment of the claim in writing as a proper charge against the town treasury. A claim against the town treasury is a proper charge against the town treasury if the Town 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 valid.

(b) The Town Clerk may require submission of proof to determine compliance with the conditions under Subsection (a) hereinabove prior to approval.

(c) After determining that the conditions under Subsection (a) have been met, the Town Clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon such approval the Town Clerk shall prepare and sign a check and have it countersigned by the Town Treasurer and the Town Chair, pursuant to Sec. 66.0607, Wis. Stats. The Town Clerk shall then mail or deliver the completed check to the appropriate party.

(d) At least monthly, the Town Clerk shall file with the Town Board a written list of all claims approved pursuant to the provisions of this Section. The list shall include the date paid, the name of the claimant, the purpose and the amount authorized and paid.

2.09 BUILDING INSPECTOR

(1) Appointment. The Town Building Inspector shall be appointed by and serve at the pleasure of the Town Board. The Town Building Inspector may be an appointed Town employee, or the office may be served by one or more independent contractors or firms possessing the required credentials to perform building inspections. Any reference in this Code to the Building Inspector shall refer to that individual designated to serve the Town in that capacity, either directly or by the firm designated, retained, or employed by the Town as Building Inspector for the particular matter at issue.

(2) Powers and duties. The Building Inspector shall enforce and administer the provisions of this Code and perform such other duties and responsibilities as directed by the Town Board.

2.10 TOWN ENGINEER

The Town Board may designate, retain, or employ one or more engineers or engineering firms to provide engineering services on a temporary or continuing basis and to act as Town Engineer. Any reference in this Code to the Town Engineer shall refer to that individual designated to serve the Town, either directly or by the firm designated, retained, or employed by the Town, in the capacity of Town Engineer for the particular matter at issue.

2.11 TOWN ATTORNEY

The Town Board may designate, retain, or employ one or more attorneys on a temporary or continuing basis to counsel the Town on legal matters or represent the Town in legal proceedings. Any reference in this Code to the Town Attorney shall refer to that individual designated to serve the Town, either directly or by the firm designated, retained, or employed by the Town, in the capacity of Town Attorney for the particular matter at issue.

CHAPTER 3

PUBLIC SAFETY

3.01 State Statutes Adopted

3.02 Disorderly Conduct Prohibited

- 3.03 Curfew; Loitering and Prowling
 - 3.04 Contributing to Delinquency of Minor
 - 3.05 Regulation of Weapons and Firearms
 - 3.06 Sexual Offender Ordinance
 - 3.07 Regulation of Fireworks (Also in Chapter 10 – Will Need to Move and Combine within that Chapter)
 - 3.08 Regulation of Noise
 - 3.09 Speed Limits
-

3.01 STATE STATUTES ADOPTED. The following provisions of the Wisconsin Statutes, including all future amendments, revisions and modifications thereto are hereby incorporated herein by reference and made of part of this Code of Ordinances and subject to the penalty provisions made and provided in Chapter 1.11 hereof:

- (1) Chapter 167, Wis. Stats. Safeguard of Persons and Property
- (2) Chapter 939, Wis. Stats. Crimes - General Provisions
- (3) Chapter 940, Wis. Stats. Crimes Against Life and Bodily Security
- (4) Chapter 941, Wis. Stats. Crimes Against Public Health and Safety
- (5) Chapter 942, Wis. Stats. Crimes Against Reputation and Civil Liberties
- (6) Chapter 943, Wis. Stats. Crimes Against Property
- (7) Chapter 944, Wis. Stats. Crimes Against Sexual Morality
- (8) Chapter 945, Wis. Stats. Gambling
- (9) Chapter 946, Wis. Stats. Crimes Against Government and Its Administration
- (10) Chapter 947, Wis. Stats. Crimes Against Public Peace, Order and Other Interests
- (11) Chapter 948, Wis. Stats. Crimes Against Children
- (12) Chapter 951, Wis. Stats. Crimes Against Animals
- (13) Chapter 968, Wis. Stats. Domestic Abuse
- (14) Chapter 938, Wis. Stats. Children's Code
- (15) Chapter 961, Wis. Stats. Uniformed Control Substances Act
- (16) State Traffic Laws Adopted. Except as otherwise specifically provided in this section, the statutory provisions in Wis. Stats. Ch. 23, § 30.50 to § 30.71, § 30.80, § 30.99, Ch. 167, Ch. 340 to Ch. 348 and § 941.01(1), describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act, required to be performed, or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of traffic on the highways, streets, roads and alleys of the State of Wisconsin. Sections of the Wisconsin statutes adopted herein shall have the same number in this code preceded by (4.) and may be so cited.

3.02 DISORDERLY CONDUCT PROHIBITED. No person shall within the Town in any public or private place, engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public peace or order,

including, but not limited to, causing, provoking or engaging in any fight, brawl, riot or other physical altercation.

3.03 CURFEW AND LOITERING.

(1) Definitions. The following definitions shall apply herein:

(a) "Curfew Hours" shall mean that time between 11:00 p.m. and 6:00 a.m. of the following day.

(b) "Emergency" shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(c) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(d) "Guardian" shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.

(e) "Loiter" shall mean remaining idle or linger in one general location or defined area.

(f) "Minor" means any person under the age of eighteen (18) years of age.

(g) "Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any Establishment with the Town. The term includes the members or partners of an association or partnership and the officer of a corporation or a limited liability company.

(h) "Parent" means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.

(i) "Premises" shall mean the real property on which Establishment or Public Place is located.

(j) "Public Place" means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(k) "Remain" means to linger or stay; or, the failure to leave a Premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the Premises.

(2) Curfew Violation. No minor shall remain in or on the Premises of an Establishment or a Public Place within the Town during Curfew Hours except as provided in Section 3.03(3) hereof.

(3) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Town during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

(4) Curfew Exceptions. The following exceptions shall apply to the curfew regulations set forth

herein:

- (a) The minor is accompanied by the minor's parent or guardian.
- (b) The minor is on an errand at the direction of the minor's parent or guardian and is in the process of carrying out that errand without detour or deviation.
- (c) The minor is engaged in an employment activity or going to or returning from an employment activity during the curfew hours.
- (d) The minor is involved in an emergency situation.
- (e) The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, village, town, civic organization or other similar entity that takes responsibility for the minor.

(5) **Daytime Curfew.** No minor who is subject to compulsory school attendance shall be present in any place within the Town, except in attendance at such minor's school or residence, during regular school attendance hours on days when such minor's school is in session unless such minor:

- (a) Is attending a school related function at a premises other than the minor's school of record.
- (b) Has a written excuse from school attendance from the minor's parent or guardian.
- (c) The minor is in the presence of the minor's parent or guardian.

(6) **Loitering Prohibited.** No person shall loiter on a public or private property that is specifically posted "No Loitering"; or upon any public street, alley, sidewalk, street crossing, bridge, or in any other public place within the Town in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.

(7) **Prowling Prohibited.** No person shall loiter, stalk 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/herself, or manifestly endeavors to conceal himself/herself or any object.

3.04 CONTRIBUTING TO DELINQUENCY OF CHILD. No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances.

3.05 WEAPONS AND FIREARMS REGULATIONS.

(1) Definitions. For purposes of this Section, the following definitions are hereby incorporated by reference and shall apply herein:

- (a) The definitions set forth in Section 175.60(1), Wis. Stats.
- (b) The definitions set forth in Section 939.22, Wis. Stats.
- (c) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
- (d) The definitions set forth in Section 943.13(1e), Wis. Stats.

(2) Carrying Weapons. The following restrictions shall apply to the carrying of weapons or firearms within the Town.

(a) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.

(b) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.

(c) In addition to the places identified in Sec. 175.60, Wis. Stats., where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Town municipal buildings while carrying a weapon or firearm:

1. Town Hall
2. Such other public facilities or structures as shall, from time to time, be determined by the Town Board

(d) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e) (h), Wis. Stats., being held upon any municipal grounds or property within the Town unless the carrying of weapons at such event is otherwise authorized and approved by the Town Board prior to such event.

(3) Discharge of Weapons. No person may discharge a weapon or firearm within the Town unless:

- (a) The person discharging the firearm is justified in so doing or would have been subject a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
- (b) The person is engaged in the act of hunting in an area designated for such activity at a time when such activity is authorized by law and the person is properly licensed and authorized to hunt at that time and location.

(4) Signage. Signs in compliance with the provisions of Sec. 943.13(2) (bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building identified in sub. (4)(c) above and at the entrances to all Special Events identified in sub.(4)(d) above.

(5) Penalties.

- (a) Persons violating the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00.

(b) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture of not more than \$25.00, as provided therein; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation.

3.06 SEXUAL OFFENDER ORDINANCE

(1) Recitals. The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The Town Board has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

(a) Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in thirty-three adult men experience an attempted or completed sexual assault; that approximately 67% of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12-24% of sex offenders will re-offend.

(b) U.S. Department of Justice, Bureau of Justice Statistics - Recidivism of Sex Offenders Release from Prison in 1994. This study found that compared to non-sex offenders release from state prisons, release sex offenders were four times more likely to be re-arrested for a sex crime.

(c) Correctional Service Canada - Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5% of sex offenders in the study sexually recidivated and 40.4% of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offense.

(d) California Research Bureau - The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A

Literature Review. This study found that at the time it was written twenty-two states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

(e) National Bureau of Economic Research - There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims' homes. It also found that period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the persons permanent residence.

(f) Sex offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.

(g). Sexually violent offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).

(h). Crime against children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault. Wis. Stat. § 940.225(3) third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment - Victim was Minor and Not Offender's Child

Wis. Stat. § 940.31 Kidnapping - Victim was Minor and Not Offender's Child Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)

Wis. **Stat.** § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another's Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

(2) Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.

(i) A public community center.

(3) Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

(a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

1. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
2. The person may not participate in any religious education programs that include individuals under the age of 18.

(b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:

1. The Sex Offender is eligible to vote.
2. The polling location is the designated polling location for the Sex Offender.
3. The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(1) Nature of the offense that resulted in designated offender status.

(2) Date of offense.

(3) Age at time of the offense.

(4) Recommendation of probation or parole officer.

- (5) Investigative Report of the Police Department.
- (6) Recommendation of any treating practitioner.
- (7) Counseling, treatment and rehabilitation status of the Sex Offender.
- (8) Remorse of Sex Offender.
- (9) Duration of time **since** Sex Offender's incarceration.
- (10) Support network of Sex Offender.
- (11) Relationship of offender and victim(s).
- (12) Presence or use of force in offense(s).
- (13) Adherence to terms of probation or parole.
- (14) Proposals for safety assurance of Sex Offender.
- (15) Conditions to be placed on the exemption.

(d) The Residence board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Police Department.

(4) Enforcement

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$500.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

3.07 REGULATION OF FIREWORKS

(1) Definitions. For purposes hereof, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuse-less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.

(2) Sale of Fireworks Regulated. No person may sell or possess with intent to sell fireworks, unless any of the following apply:

- (a) The person sells the fireworks, or possesses the fireworks with intent to sell them to a person holding a permit under sub. (3)(c) hereof.
- (b) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town.
- (c) The person sells the fireworks, or possesses the fireworks with the intent to sell them to a person who is not a resident of this state.
- (d) The person sells the fireworks, or possesses the fireworks with the intent to sell them for a purpose specified in sub. (3)(b) 2 through 6 hereof.

(3) Use of Fireworks Regulated. No person may possess or use fireworks within the Town without a user's permit issued by the Town except as is specifically authorized under the provisions of Sections. 167.10(3), Wis. Stats. The burden of proving compliance with and authorization under Section 167.10(3), Wis. Stats., shall be the individual or entity claiming authorization or permission.

(4) Penalty. Any individual or entity found in violation of this Section shall forfeit not more than \$1,000.00.

3.08 REGULATION OF NOISE.

(1) Definitions.

- (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" is hereby adopted and incorporated herein by reference.
- (b) Additional Definitions.
 1. "ANSI" shall mean the "American National Standards Institute".
 2. "Daytime Hours" shall mean the time between 7:00 A.M. and 10 P.M.
 3. "Light Motor Vehicle" shall mean any automobile, van, motorcycle, motor

driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.

4. "Nighttime Hours" shall mean the hours between 10:00 P.M. and 7:00 A.M.

5. "Person" shall mean any person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

6. "Real Property Boundary" shall mean an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(2) Limitations.

(a) General Limitation. No person shall allow, permit or cause a noise level, as measured from a real property boundary, to exceed the following: Octave Band Frequency Sound (Cycles per Second) _ (Decibels) 0 to 75 79 dBa 76 to 150 67 dBa 151 to 300 59 dBa 301 to 600 52 dBa 601 to 1200 46 dBa 1201 to 2400 40 dBa 2401 to 4800 34 dBa Above 4801 32 dBa

(b) Light Motor Vehicle Limitation. No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dBa within the Town as measured from at least fifteen (15) feet from the vehicle.

(c) Electrical Sound Amplification. During nighttime hours, no person may operate a radio, jukebox, or other electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the real property boundary of the property from which the sound is emanating.

(3) Measurement. When required pursuant to his ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.

(4) Exemptions. The following activities shall be exempt from the noise regulations, prohibitions and limitations under this Section provided that reasonable steps are taken to minimize the noise emitted:

(a) Construction Sites, Public Utility Projects, Public Works. The limitations, as set forth in Subsection (2) hereof, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise therefrom shall be minimized through proper equipment operations and maintenance; provided, however, that stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.

(c) Noises Required By Law. Any noise required specifically by law for the protection,

health, welfare, or safety of people or property.

(d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(e) Bells and Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.

(f) Warning Device. Any device being used to request assistance or warn against an unsafe condition.

(5) Variances.

(a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.

2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Town Clerk, at least 30 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Town. A special variance permit may be granted when the Town Board finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.

3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

(b) Conditional Variances.

1. General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this ordinance for technical or economic reasons.

2. Application. The Town Board, may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Town Clerk not less than 30 days prior to commencement of sound producing operations.

3. Hearing. The application shall be publicly heard before the Town Board. The applicant may be required to submit such additional information as the Committee reasonably requires.

4. Issuance. Conditional variances shall not be issued until the applicant has agreed, in writing, to the conditions therein.
5. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity.
6. Bonding. The Town Board may require the applicant to post a performance bond prior to issuing the variance.

3.09 SPEED LIMITS

(1) 45 Mile Per Hour Limit. The following roads shall have a speed limit of 45 miles per hour:

- (a) All Town Roads South of County "S"
- (b) – entire length
- (c) – entire length
- (d) Lower Road – entire length
- (e) – entire length

(2) 35 Mile Per Hour Limit. The following roads shall have a speed limit of 35 miles per hour:

- (a) Cross Rd – entire length,
- (b) – entire length
- (c) –
- (d) –
- (e) – entire length

(3) 25 Mile Per Hour Limit. The following roads shall have a speed limit of 25 miles per hour:

- (a) Hogan Wood Circle
- (b) – entire length
- (c) – entire length
- (d) – entire length
- (e) – entire length

CHAPTER 4

PUBLIC WELFARE

- 4.01 Public Nuisance
- 4.02 (RESERVED)
- 4.03 Alcohol Beverage Regulations
- 4.04 (RESERVED)
- 4.05 Animal Control Regulations

4.01 PUBLIC NUISANCE.

(1) Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Little Suamico.

(2) Definitions.

(a) "Public Nuisances" shall mean a thing, act, occupation, condition or use of property which shall continue for such length of times 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 or 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.

(b) "Public Nuisances Affecting Health". The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection "A" of this section.

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats, or other vermin breed.
4. All stagnant water in which mosquitoes, flies or other insects can multiply.
5. Garbage cans which are not fly-tight.
6. All noxious weeds and other rank growth of vegetation.
7. All animals running at large.
8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
9. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage or other substances.
10. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors or stench extremely repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
11. All abandoned wells not securely covered or secured from public use.
12. Any obstruction in or across any watercourse, drainage ditch or swale.

13. The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance.

(c) "Public Nuisances Offending Morals and Decency". The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section.

1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or restored to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
2. All gambling devices and slot machines.
3. All places where intoxicating liquor or fermented malt beverages are sold, brewed, bottled, manufactured or rectified without a permit or license as provided by the Town.
4. Any place or premises where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the Ordinances of the Town.

(d) "Public Nuisances Affecting Peace and Safety". The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section.

1. All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.
2. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
3. All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to materials and manner or construction of buildings and structures within said district.
4. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of the public highway or railway crossing.
5. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
6. All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than ten (10) feet over the surface of a public street.
7. All use or display of fireworks except as provided by the laws of the State of

Wisconsin and ordinances of the Town.

8. All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

9. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.

10. All loud, discordant and unnecessary noises or vibrations of any kind tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of the same cannot be prevented and is necessary for the protection and preservation of the health, safety, life or limb

of

some person.

a. No person occupying or having charge of any building or premises shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound making or reproducing device or machine which load, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

b. No person shall use or operate in any public street or place or in front of or outside of any building, place or premise or in or through any window, doorway or opening of any building adjacent to any public street or place any device, apparatus or instrument for the amplification of the human voice or sound or noise or other sound making or sound reproducing device. No person shall make for the purpose of advertising any immoderate or excessive use of the voice of any bell, gong, horn, instrument, article or device.

c. No person operating or having charge of or occupying any building or premises shall keep or allow to be kept any animal or bird which shall habitually, by any noise, disturb the peace and quiet of any person in the vicinity thereof.

d. No person shall park or leave standing for more than fifteen (15) minutes in any street in the Town a vehicle containing livestock, live fowl or other living animals.

e. Nothing in this section shall apply to the use of loud speaking or amplifying systems as follows:

1. By a school when used in connection with an educational, athletic, entertaining or recreational purpose.

2. By a church when used in connection with an educational, religious or recreational activity.

3. Within a public park of the Town subject to the rules and regulations of the Park Board.

4. The using of loud speaking or amplifying systems after registering with the Police Department as follows:

(a) An amplifying system may be used on the public streets of the Town between the hours of 9:00 a.m. and

9:00 p.m., provided such use does not interfere or annoy any religious, educational or recreational gathering and is not audible to the human ear for the distance of more than 300 feet. The use shall at all times be under the jurisdiction of the Police Department who are hereby given the authority to restrain the use if, in their opinion, the same is a public nuisance or a public annoyance.

(b) An amplifying system may be used in front of or outside a building between the hours of 9:00 a.m. and 9:00 p.m. provided that the same is not audible to the human ear at a distance of 100 feet. If the use becomes a public nuisance to disturb the peace and quiet of any persons, the use shall be discontinued.

11. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town

12. The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

13. Grass Clippings are not to be blown in the roadways whatsoever. Grass clippings in the roadway cause tires to lose traction, which can cause vehicles to have difficulty maintaining control and is extremely dangerous for motorcyclists. A fine of \$100 will be issued for grass-clippings blown in the road, and not immediately removed.

14. All noxious weeds, grass and vegetation shall be maintained and cut as follows:

a. Weeds, grass and vegetation on parcels in a platted subdivision or certified map shall be cut and maintained to a height of 12 inches or less in the following areas:

1. The right-of-way on all lots and five feet behind the right-of-way line.
2. In all vision corners.
3. At all intersections.
4. Within a ten-foot radius around all fire hydrants.

5. Fifteen feet along the perimeter of the property adjoining to or abutting against another property.

b. Weeds, grass and vegetation on residential or commercial parcels shall be cut and maintained to a height of six inches or less in all front and side yards and in the following areas or circumstances:

1. Up to 25 feet behind any or all structures on the lot.
2. Whenever longer weeds, grass or vegetation is deemed a nuisance to the adjoining property.
3. Wherever necessary to prevent the harboring of rodents or wild dangerous animals constituting a threat to public health and safety.
4. In all rights-of-way or easements where functional access is required.
5. Within a ten-foot radius of all fire hydrants.

c. When the Town receives a complaint on a vacant lot or residential or commercial property, a notice of violation shall be sent out granting the property owner three business days to correct such violation. If such violation is not corrected, the Town will authorize and conduct action to bring the property into compliance and bill the property owner for such efforts according to the fee schedule established. If the invoice is not paid, the cost of such removal shall be charged against such property as a special charge pursuant to § 66.0627, Wis. Stats.

d. The following fee schedule shall apply to all authorized Town action conducted to bring said property into compliance:

Time Spent by Town (minutes)	Minimum Rate
30	\$100
44	\$125
60	\$150
75	\$175
90	\$200
105	\$225
120	\$250
Each additional 15 minutes	Add \$25

e. Penalty. In addition to the provisions set forth in this section, any person who habitually violates the provisions of this section shall be subject to the following penalty:

1. Second violation: two times the amount invoiced to property owner.
2. Third violation: three times the amount invoiced to property owner, and citation issued.
3. Fourth violation: four times the amount invoiced to property owner, and citation issued.

15. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

16. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.

17. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

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

19. Any structure, material or condition which constitutes a fire hazard or will impair extinguishing of any fire.

20. Any and all excavations, including basements, which have been abandoned or for which a building permit has become null and void, or which permit has been revoked by the Zoning Administrator.

21. Any nuisance so defined by the Wisconsin Statutes.

(e) "Smoke".

1. Dense Smoke - The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited.

2. Stationary Engine – The owner, lessee or occupant of any building, or the fireman, engineer or any other person having charge or control of any furnace or stationary engine, who shall cause, permit or allow dense smoke to issue or to be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town, shall be guilty of creating a public nuisance and of violating the provisions of this section.

3. All Soot Prohibited – The emission of soot, cinders or coal dust from any chimney, stock, furnace or from any building within the Town, is hereby declared to be a public nuisance and is prohibited.

(f) "Storage of Junk". No person shall store junk or discarded property including old, unused junk and automobiles not in good, safe operating condition, and any other vehicles or personal property of any kind or automobile parts, trucks, tractors, machinery, machinery implements or machinery parts, refrigerators, furnaces, washing machines, stoves, wood, bricks, cement blocks or other unsightly debris which is no longer safely usable for the purpose for which it was manufactured, and/or which substantially depreciates property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town. A violation of this section is declared a public nuisance.

(3) Abatement of Public Nuisances.

(a) "Inspection of Premises". Whenever a complaint is made to the Town Board that a public nuisance exists, they shall designate an elected or appointed public officer who shall forthwith inspect or cause to be inspected the premises and shall make a written report of their findings to the Town Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(b) "Summary Abatement".

1. Notice to Owner – If the inspecting officer shall determine that a public nuisance exists on private property, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chair or other person designed by the Town Board may serve notice on the owner; or if the owner cannot be found, on the occupant or person causing, permitting or maintained such nuisances, and post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same.

2. Abatement by Town – If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the Town Board shall cause the abatement or removal of such nuisance.

(c) "Abatement by Court Action". If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court for Oconto County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.

(4) Cost of Abatement. In addition to any other penalty imposed by this code 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 special taxes.

(5) Penalties. The owner, occupant or person causing, permitting or maintaining a public nuisance within the Town shall be subject to the following penalties, in addition to any and all other sanctions made and provided under this Code for such nuisance:

(1) "Forfeiture and Costs". The penalty for violation of any provision of this Ordinance shall be a forfeiture of not less than \$5.00 nor more than \$500.00, together with the actual costs of prosecution, including attorney fees. Each day of continuing violation shall constitute a separate offense.

(2) "Injunctive Relief". In addition to the foregoing the Town shall be entitled to pursue injunctive relief to secure the abatement of any public nuisance within the Town.

4.02 RESERVED

4.03 ALCOHOL BEVERAGE REGULATIONS.

(1) Incorporation of State Statutes. The provisions of Chapter 125 and §48.344 and §778.25 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, are hereby adopted by reference and made a part of the Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.

(2) License Required.

(a) License Required. No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.06, 125.25, 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

(b) License Application. Applications for intoxicating liquor or fermented malt beverage licenses under this Chapter shall be obtained from the Office of the Town Clerk.

(c) Fees.

1. Application Fees. Applicants for a license under this Chapter shall also pay all actual publication and notice expenses and such administrative and processing charges as the Town may, from time to time, establish by resolution.

2. License Issuance Fees. The fees for the issuance of intoxicating liquor or fermented malt beverage licenses under this Chapter shall be set by the Town Board by resolution.

(3) Approval And Issuance of Licenses.

(a) License Approval. The approval of any license authorized under this Chapter shall be subject to the conditions and requirements of the applicable State Statutes and to approval by majority vote of the Town Board.

(b) Issuance of Licenses. The issuance of any license authorized under this Chapter shall be subject to the provisions of Sec.

4.03(3)(a) of this Chapter and to the following:

1. Delinquent Taxes, Fees or Assessments. No license shall be granted for operation hereunder on any premises for which any taxes or assessments or other financial claims of the Town are delinquent and unpaid.

2. Code Compliance. No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and County Health Regulations applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all Town ordinances. Each applicant's proposed licensed premises shall be subject to an inspection prior to issuance of the license by the designees of the Town Board.

(4) Posting Licenses; Defacement.

a) Licensed To Be Posted. All licenses issued under this Chapter shall be posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

(b) License Defacement Prohibited. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(5) Conditions of License. All licensees hereunder do virtue of their acceptance of the issuance of a license under this Chapter consent to the following:

(a) Consent to Entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in

violation of Town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.

(b) No Employment of Minors. With the exceptions of hotel and restaurant operations, no retail Class "B" or Class "C" licensee shall employ any person under eighteen (18) years of age. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.

(c) Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(d) Licensed Operator On Premises. There shall be upon premises operated under a Class "B" or Class "C" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner serving, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter for, or in any other manner serve, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he or she possesses an operator's license, who is at the time of such service upon said premises.

(e) Compliance with Health and Sanitation Regulations. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses and Class "C" licenses issued under this chapter. No Class "B" or Class "C" license shall be issued unless the premises to be licensed conform to such rules and regulations.

(6) Hours of Operation.

(a) Class "A" Premises. Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12:00 midnight and 6:00 a.m.

(b) "Class A" Premises. No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

(7) Transfer of License; Lapse of License.

(a) Transfer of License. Subject to and in accordance with the provisions of Sec. 125.04(12), Wis. Stats., a premises license issued hereunder shall be transferable from one premises to another if such transfer is first approved by the Town Board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the Town Clerk shall forthwith notify the State Treasurer of such transfer.

(b) Transfer of Corporate Agent. Whenever the agent of a corporate holder of a license is, for any reason, replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefore and the new name of the agent. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue, which notice shall be served on the licensee. The corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the Town and the Wisconsin Department of Revenue.

(c) Lapse. Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six (6) consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Town Board.

(8) Special Class "B" Fermented Malt Beverage Picnic or Special Event License Restrictions. The grant of a special Class "B" fermented malt beverage license or a special event license hereunder to groups or organizations shall be subject to the following conditions of license:

(a) Licensed Operator on Premises. There shall be at least one person properly licensed as an operator under the provisions of this Chapter on the premises at all times to supervise the service of beverages.

(b) Code Compliance. Holders of the license hereunder shall fully comply with all provisions of this Code and the state statutes.

(c) Indoor Event Conditions. For indoor events, the structure

used must have suitable exits and open spaces to accommodate anticipated attendance. The venue shall contain adequate sanitary facilities to accommodate the size of the group.

(9) Operators Licenses.

(a) Operator's License Required. The licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers shall be on the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine license, at all times. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses or Class "C" wine license unless he shall possess an Operator's License issued by the Town hereunder or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service. State Law Reference: §125.17, Wis. Stats.

(b) Application Procedure. The Town Board may issue an Operator's License to qualified individuals eighteen (18) years of age or older, on application forms to be obtained from the Town Clerk. An Operator's Licenses issued hereunder shall be operative only within the boundaries of the Town.

(c) Term of License. The term of an Operator's License issued under the provisions of this Chapter shall be for a period of no more than two (2) years from the date of issuance and shall expire on the 30th day of June of the next subsequent calendar year after the year of issuance.

(d) License Fee. The fee for an Operator's License shall be \$25.00, which fee shall be prepaid at time of the filing of the application and shall be nonrefundable.

(e) Issuance of License. Upon approval of the Operator's License Application by the Town Board the License shall be issued by the Town Clerk. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

(f) Display of License. Operator's Licenses issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses alcoholic beverages.

(10) Suspension, Revocation and Non-Renewal.

(a) Notice and Hearing. No license issued hereunder shall be suspended, revoked or not renewed without first affording the

license holder an opportunity for a public evidentiary hearing.

(b) Hearing Forum. Any hearing for suspension, revocation or non-renewal of a license under this Chapter shall be held and conducted by and before the Town Board.

(c) Complaint. Any resident of the Town may file a sworn written complaint with the Clerk alleging that a person holding a license issued under this Chapter has violated the provisions of this Chapter or the regulations adopted under §125.10, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; has sold or given away alcohol beverages to known habitual drunkards; or, does not possess the qualifications required under this Chapter to hold the license.

(d) Summons. Upon the filing of Complaint under Section 4.03(10)(c) the Town Board shall, within thirty (30) days of the receipt thereof set a hearing date and issue a summons, signed by the Clerk. The summons shall command the licensee complained of to appear before the Town Board on a day and place named in the summons, not less than three (3) days and nor more than ten (10) days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for service in civil actions in circuit court.

(e) Hearing Process.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body finds the allegations sufficient, the license shall be revoked.

The Clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.

3. The provisions of Sec. 125.12, Wis. Stats., shall govern the conduct of the hearing hereunder.

(f) Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the Clerk and no other license issued under this Chapter may be granted within

twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(g) Non- Renewal. The Town Board may refuse to renew a license under this Chapter for the causes provided in Sec. 4.03(10)(c) hereof. Prior to the time for the renewal of the license, the Board shall notify the licensee, in writing, of the Board's intention not to renew the license and provide the licensee with an opportunity for a hearing. The hearing shall be conducted as provided in 4.03(10)(e).

4.04 RESERVED

4.05 ANIMAL CONTROL REGULATIONS.

The purpose of this chapter is to provide a regulatory means for the keeping of animals in the Town of Little Suamico, subject to reasonable restrictions, which will preserve the public health, safety, and welfare.

(1) Definitions.

(a) "Exotic Animal" shall mean any of those species of animal that are not domesticated by humans. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Town Board.

(b) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(c) "Possess" shall mean to own, possess, keep, harbor, bring into the city, act as a custodian, or have custody or control of an animal.

(d) "Adequate Care"

Care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, and exercise consistent with the normal requirements and feeding habits of the animal's size, species and breed.

(e) "Animal Control Authority"

The person or persons designated by the Town of Little Suamico to enforce this chapter.

(f) "At Large"

An animal shall be deemed to be at large when off the property of the owner and not under restraint or control.

(g) "At-Risk Animal"

An animal that:

1. Is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person;
2. Causes physical injury to any domestic animal while at large; or
3. Repeatedly runs at large.

(h) "Cruelty"

An overt act committed with the intent to harm or needlessly kill an animal, or committed out of depraved indifference for the animal's well-being, including but not limited to, torture, maiming, beating or otherwise committing violence that causes injury or death.

(i) "Dangerous (Vicious) Animal"

Any animal that:

1. Without justification attacks a person or domestic animal causing physical injury or death; or
2. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals; or
3. Is used for dog fighting or other illegal activity; or
4. Escalates behavior that caused it to be adjudicated as an at-risk animal.

(j) "Dog" Any canine, regardless of age or sex.

(k) "Domestic Animal. Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter, including, but not limited to, dogs, cats, birds, rabbits, hamsters, turtles, and the like.

(l) "Enclosure" A fence or structure suitable to prevent the escape of the animal or the entry of young children.

(m) "Exotic Animal. An animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.

(n) "Kennel" A facility serving as temporary or permanent housing for dogs and maintained for the purpose of breeding, selling, training or boarding dogs. A kennel can be maintained within a household premises or may occupy a different property and may be operated as a hobby or business.

(o) "Menacing Fashion" Demonstrating an intent or desire to cause injury by one or more of the following actions:

1. An attempt to bite or claw a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack; or
2. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal; or
3. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.

(p) "Neglect" An overt act involving failure to provide for an animal's health or safety, including but not limited to failure to provide adequate food, water, shelter, exercise or necessary veterinary care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age and condition.

(q) "Owner" A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned or controlled by that person.

(r) "Person" Any owner, person, firm, partnership, association, corporation, company, or organization of any kind.

(s) "Possess" To own, keep, harbor, bring into the Town, act as a custodian, or have custody or control of an animal.

(t) "Provoked" Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:

1. The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or
2. The animal was protecting a person, itself, its young or another animal from an attack by a human being or another animal; or
3. The person who was attacked or injured was committing a crime on the property of the animal's owner or caretaker.

(u) "Restraint" An animal shall be considered under restraint if it is confined within the real property limits of its owner, is secured by a leash or lead or is otherwise under the control of a responsible person, or is confined within a vehicle in a manner that prevents escape.

(v) "Vaccination" The inoculation of an animal against rabies in accordance with state law and the "Compendium of Animal Rabies Prevention and Control" published by the National Association of State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

(w) "Wild Animal" Any animal, including birds, reptiles, and amphibians of a wild nature, that is normally found in the wild and which is not a domestic animal.

(2) Confinement of Dogs

(a) Dogs must be securely confined, restrained, leashed or under control of an owner.

(3) Nuisance dogs.

(a) Owners shall prevent dogs from causing a nuisance by barking, howling or yelping in a habitual, consistent or persistent manner that disturbs the peace of the neighborhood.

(b) Nuisances include but are not limited to frequent running at large, chasing cars, excessive noise or yelping, soiling of public property or of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the dog's resident property.

(c) Owners must remove feces deposited by their dogs on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent pets from spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

(d) The animal control authority shall investigate each complaint and issue a warning letter to the dog owner on the first offense. A citation may be issued on subsequent offenses.

(4) Restrictions on keeping dogs. It shall be unlawful for any person in the Town of Little Suamico to own, harbor or keep any dog which:

- (a) Is deemed dangerous or vicious; or
- (b) Habitually pursues any vehicle upon any public street, alley, or highway of the Town; or
- (c) Assaults or attacks any person or animal; or
- (d) Is at large; or
- (e) Habitually barks or howls to the annoyance of any person or persons; or
- (f) Kills, wounds, or acts in menacing fashion toward any animals; or
- (g) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(5) Duty of owners in cases of dog bite.

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

(6) Prohibited Animal List. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as "Exotic Animals" pursuant to Sec. 4.05(1)(a) above. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) Class Mammalia.

1. Order Chiroptera. (Any bat species)
2. Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama. (Deer Farms?)
3. Order Carnivora.
 - a. Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.
 - b. Family Canidae. (Wolves, coyotes, foxes, jackals) Excluding domestic dogs.
 - c. Family Ursidae. (All bears)
 - d. Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.
 - e. Family Procyonidae. (Raccoons, coatis)
 - f. Family Hyaenidae. (Hyenas)
 - g. Family Viverridae. (Civets, genets, mongooses)
4. Order Edentata. (Anteaters, armadillos, sloths)
5. Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)
6. Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, donkeys and mules).
7. Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
8. Order Proboscidea. (Elephants)

9. Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs)
Excluding guinea pigs, mice, gerbils, and hamsters.

(b) Class Reptilia.

1. Order Squamata.

- a. Family Helodermatidae. (Gila Monsters and Mexican breaded lizards)
- b. Family Varanidae. (Any monitor which will normally grow over two feet in length)
- c. Family Iguanidae. (Only green iguanas and rock iguanas)
- d. Family Boidae. (All species whose adult length may exceed eight feet)
- e. Family Colubridae. (Boomsnakes and African twig snakes)
- f. Family Elapidae. (Coral snakes, cobras, mambas)
- g. Family Nactricidae. Only keelback snakes
- h. Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)

2. Order Crocodylia. (Crocodiles, alligators, caimans, gavials)

(c) Class Aves.

- 1. Order Falconiformes. (Eagles, hawks, vultures)
- 2. Order Rheiformes. (Rheas)
- 3. Order Strigiformes. (Owls)

(d) Class Arachnida.

1. Order Scorpiones.

- a. Family Buthidae.
- b. Arabian fat-tailed scorpion - *Androctonus crassicauda*
- c. Arizona centruroides scorpion - *Centruroides exilicauda*
- d. Death stalker - *Leiurus quinquestriatus*
- e. Egyptian yellow scorpion - *Androctonus amoreuxi*
- f. Israeli black scorpion - *hottentotta judaicus*
- g. S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*
- h. Sinai desert scorpion - *Androctonus bicolor*
- i. Yellow desert scorpion - *Androctonus Australia*

2. Order Araneae, Family Therididae.

- a. Argentina red widow spider - *Latrodectus coralinus*
- b. Brown widow spider - *Latrodectus geometricus*
- c. Red-black widow - *Latrodectus hasselti*
- d. Red widow spider - *Latrodectus bishop*
- e. Southern black widow spider - *Latrodectus mactans*
- f. Western widow - *Latrodectus Hesperus*

3. Order Araneae, Family Loxoscelidae, Brown recluse spider - *Loxosceles recluse*.

(e) Class Chilopoda.

1. Order Scolopendromorpha, Family Scolopendridae.
 - a. Amazon giant banded centipede - Scolopendra gigantea
 - b. Arizona Tiger Centipede - Scolopendra viridis
 - c. Florida Keys centipede - Scolopendra alternans
- (f) Other. Any Federal or State endangered or threatened species.

(3) Keeping Exotic Animals Prohibited. No person may keep, possess, or maintain within the Town any animal or fowl identified as an "exotic animal" under this Section unless an exception is specifically granted by the Town Board after receipt of an application therefore and a public hearing thereon.

(4) Animals to be Confined. No person, owner, or custodian shall permit any animal (including fowl) to be at large within the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.

(5) Mistreatment of Animals Prohibited. No person, owner, or custodian of an animal shall permit any animal (including fowl) to be left unattended within the Town or shall otherwise mistreat or abuse any animal. Unattended animals shall include those animals which are crated, penned or leashed, or contained within an area secured by a fence appropriate for the size of the animal and left without adequate food, water or shelter. The provisions of Chapter 173, Wis. Stats., are incorporated herein and enforceable hereunder.

CHAPTER 5

LICENSES, PERMITS AND FEES

- 5.01 Building Permits
- 5.02 Driveway Permits
- 5.03 Dog Licensing
- 5.04 Flammable Liquids Storage Tanks
- 5.05 Blasting Permit

5.01 BUILDING PERMITS. No person shall alter, in excess of \$500.00 value, in any twelve-month period, build, add onto or alter any building with the scope of this ordinance without first obtaining a building permit for such work from the Building Inspector. The Building Permit fees shall be as prescribed in Sec. 9.02.

5.02. DRIVEWAY PERMITS. No person may construct a new driveway; or, improve, modify or rework an existing driveway which changes the driveway grade or location without first obtaining a permit from therefore from the Building Inspector. The Driveway Permit Fee shall be as prescribed in Sec. 9.05.

5.03 DOG LICENSING

A. All dogs over the age of four months must be individually licensed unless they are:

- (1) Residents of the jurisdiction for less than 60 days;
- (2) Residents of a veterinary clinic, research facility, animal shelter or impoundment facility; or
- (3) Residents of a licensed kennel.

B. All dogs over the age of 4 months must be vaccinated against rabies. No license shall be issued unless a dog or dogs are vaccinated and sufficient proof of vaccination is presented with license application

C. The late fee may be collected from every owner of a dog or dogs 4 months of age or over, if the owner fails 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 fails to obtain a license on or before the date of the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

D. Dog license fees will be set by the governing jurisdiction in which the dog is kept.

5.04 FLAMMABLE LIQUIDS STORAGE TANKS.

(1) Permit Required. No person may install or remove an underground or above ground storage tank intended to hold flammable liquid without a permit under the provisions of Chapter 9 hereof.

(2) Permit Fees. The Permit Fees, to be collected by the Building Inspector, for the installation or removal of underground or above ground storage tanks shall be the following:

- (a) 0 to 1000 gal. = \$45.00
- (b) 1001 to 3000 gal. = \$60.00
- (c) 3001 to 5000 gal. = \$75.00
- (d) 5001 or more = \$90.00

CHAPTER 6

EXPLOSIVES AND BLASTING REGULATIONS

- 6.01 Purpose of Chapter
 - 6.02 Definitions
 - 6.03 Regulation of Explosive Materials and Blasting
 - 6.04 Temporary Permits
 - 6.05 Regulation of Blasting Resultants
 - 6.06 Monitoring
 - 6.07 Pre-blast Survey and Notification
 - 6.08 Enforcement and Penalties
-

6.01 PURPOSE OF CHAPTER. The purpose of this Chapter is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or a nuisance to persons or property within the Town.

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

- (1) "Airblast" shall mean an airborne shock wave resulting from the detonation of explosives.
- (2) "Approved" means approval granted by the Town of Little Suamico.
- (3) "Blaster" means any individual holding a valid blaster's license issued by the Wisconsin Department of Industry, Labor and Human Relations.
- (4) "Blasting Business" means any individual, corporation, company, association, firm, partnership, society or joint stock company engaged in a blasting operation.
- (5) "Blasting" means any method of loosening, moving or shattering masses of solid matter by use of an explosive.
- (6) "Blasting Operation" shall mean any operation, enterprise or activity involving the use of blasting.
- (7) "Blasting Resultants" means the physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.
- (8) "Community" means a built-up inhabited area.
- (9) "Permitted Explosives Use Area" means the area that surrounds a blasting site and:
 - (a) Is owned by the operator; or
 - (b) With respect to which, because of property ownership, employment relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.
- (10) "Detonator" means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps.

- (11) "Department" means the Wisconsin Department of Industry, Labor and Human Relations.
- (12) "Electric Blasting Cap" means a blasting cap designed for, and capable of, initiation by means of an electric current.
- (13) "Explosion" means the substantially instantaneous release of both gas and heat.
- (14) "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.
- (15) "Explosive Materials" means explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.
- (16) "Flyrock" means rock that is propelled through the air from a blast.
- (17) "Ground Vibration" means a shaking of the ground caused by the elastic wave emanating from a blast.
- (18) "Highway" means any public street, public alley or public road.
- (19) "Inhabited Building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- (20) "Nuisance" means an excessive, repeated noise, action or other disturbance that would cause an unreasonable annoyance.
- (21) "Particle Velocity" means any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- (22) "Person" means any individual, corporation, company, association, firm, partnership, society or joint stock company.
- (23) "Powder Factor" means any ratio between the amount of powder loaded and the amount rock broken.
- (24) "Primer" means a capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of detonator sensitive explosive.
- (25) "Stemming" means the inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.

6.03 REGULATION OF EXPLOSIVE MATERIALS AND BLASTING.

- (1) General. No person shall handle or use explosive materials in the Town of Little Suamico unless he/she:
- (a) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.
 - (b) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.
- (2) Permit. No person shall handle, use or cause explosives to be detonated within the Town of

Little Suamico without an explosives use permit issued by the Town of Little Suamico as hereafter set forth, to such person, his supervisor or employer.

(a) Applications. Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall be accompanied by a permit fee in an amount set from time to time by resolution of the Town Board. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. All explosives use permits applied for after January 1 shall be pro-rated from the date of the issuance of the permit through the end of the year. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Town of Little Suamico. In the discretion of the Board, the permit fee may be waived upon showing of acceptable hardship by the applicant. All applications for reissuance and renewal for an explosives use permit shall be filed by the permittee with the Town Clerk of the Town of Little Suamico within sixty (60) days before the expiration date of the previous permit along with the annual permit fee, which fee will be set by resolution of the Town Board.

b) Certificate of Insurance. Each application for an explosives use permit as herein stated, or renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability Policy. Said Policy of Insurance shall have limits of coverage of not less than One Million (\$1,000,000.00) Dollars in the aggregate and Five Hundred Thousand (\$500,000.00) Dollars per occurrence. The Town shall be named as an additional insured on applicant's Policy of Liability Insurance.

(c) Explosives Use Plan. Each application for an explosives use permit, or a renewal thereof, shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of not less than one (1) inches equals four hundred (400) feet and having an overlaying grid of fifty (50) feet by fifty (50) feet which accurately includes all areas and 7 - 4 inhabited buildings within one thousand (1000) feet of all proposed blasting areas.

(d) Blasting Notification. Before any blasting operation may be conducted within the Town of Little Suamico, the blaster shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operation. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. In addition, verbal or written notice of the blasting operation shall be given to the Town Clerk of the Town of Little Suamico at least 24 hours prior to commencement of blasting operations.

(e) Hours of Operation. Blasting shall only be conducted between 9:00 a.m. and 4:00 p.m. on Monday through Friday; provided, however, that in the event an emergency has delayed a blast beyond 4:00 p.m., loaded holes may be blasted within a reasonable time thereafter. Blasting shall not be conducted at other times or on Sundays or legal holidays without written permission from the Town Board, which shall only be granted upon a showing of extreme need.

(f) Blasting Log. An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Clerk within seven (7) working days of the initiation of the blast. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis if it is determined, after an opportunity to be heard, that this ordinance was violated by the permittee. Each blasting log shall include, but not be restricted to, the following information:

1. Name and license number of blaster in charge of blast;
2. Blast location with grid coordinate reference to the supplied aerial or a drawing of the explosives use area;
3. Date and time of blast;
4. Weather conditions at time of blast;
5. Diagram and cross-section of blast hole layout;
6. Number of blast holes;
7. Blast hole depth and diameter;
8. Spacing and burden of blast holes;
9. Maximum holes per delay;
10. Maximum pounds of explosives per delay;
11. Depth and type of stemming used;
12. Total pounds of explosives used, including primers and initiating cord;
13. Distance to nearest inhabited building not owned by permittee;
14. Type of initiation system used;
15. Seismographic and air blast information, which shall include:
 - a. Type of instrument and last calibration date;
 - b. Exact location of instrument and date, time and distance from the blast;
 - c. Name and company affiliation of person taking reading;
 - d. Name of the person and firm analyzing the seismographic and airblast data when required; and
 - e. Vibrations and airblast levels recorded.
 - f. Copy of the seismograph printout.

(3) No permittee shall be required to obtain more than one (1) permit annually for its operations within the Town of Little Suamico.

6.04 TEMPORARY PERMITS. The Town Clerk, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for duration of fourteen (14) consecutive working days. The temporary permit fee shall be Two Hundred Dollars (\$200.00) and shall be submitted with the completed temporary permit application form. Only one (1) temporary permit can be issued for any given site within the year of permit issuance. Temporary blasting for basements, sewer and water laterals for single family residential construction will not require a temporary permit under this section.

6.05 REGULATION OF BLASTING RESULTANTS.

(1) Purpose of Sections. It is the purpose of this Section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town of Little Suamico does not cause injury, damage or a nuisance to persons or property outside and beyond the permitted explosives use area.

(2) Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this Subsection shall meet the following minimum specifications:

- (a) Seismic frequency range: 2 to 200 Hz (\pm 3 Hz)
- (b) Acoustic frequency range: 2 to 200 Hz (\pm 1dB)
- (c) Velocity range: 0.02 to 4.0 inches per second
- (d) Sound range: 100 to 140 dB linear
- (e) Transducers: Three (3) mutually perpendicular axes
- (f) Recording: Provide time-history of wave form
- (g) Printout: Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three (3) directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three (3) directions
- (h) Calibration: At least once every twelve (12) months according to manufacturer's recommendations

(3) Control of Adverse Effects.

(a) General Requirements. Blasting shall be conducted so as to prevent injury or a nuisance to persons and damage to public or private property outside the permitted explosives use area.

(b) Airblast. 1. Limits – Air blast shall not exceed the following limits: Lower Frequency Limit of Measuring System in Hz Maximum Level in db 2 Hz or lower – Flat response 133 peak 6 Hz or lower – Flat response 129 peak at the location of the dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area.

(4) Ground Vibration – General.

(a) The maximum ground vibration at the location of any dwelling, public building, place employment, school, church, or community or institutional building outside the controlled blasting site area shall be established in accordance with either the maximum peak-particle-velocity limit (See Table 7.64-2), the scaled distance of par. G, the blasting-level charge of par. H.

(b) All structures in the vicinity of the blasting area, not listed in sub. (a), such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines shall be protected from damage by establishment by the operator of a maximum allowable limit on the ground vibration. The operator shall establish the limit after consulting with the owner of the structure.

(c) Maximum Peak Particle Velocity – An operator may use the maximum ground vibration limits listed in Table 7.64-2 7 - 7 *All spectral peaks within 6 dB (50 pct) amplitude of the predominant frequency must be analyzed.

(5) Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in 3 mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the 3 measurements and the vector sum of the 3 measurements.

(6) A seismographic record shall be provided for each blast.

(7) Scaled-distance equation:

(a) An operator may use the scaled-distance equation, $W = (D/D_s)^2$, to determine the allowable charge-weight of explosives to be detonated in any 8- millisecond period, without seismic monitoring; where W = the maximum weight per delay of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest structure listed in par. (D)(1) and (2); and D_s = the scaled-distance factor listed in Table 7.64-3.

(b) The development of a modified scaled-distance factor may be authorized by the Town on receipt of a written request by the operator, supported by seismographic records of blasting at the site. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of par. D(3) at a 95% confidence level. Table 7.64-2 – PEAK PARTICLE VELOCITY LIMITS Maximum allowable peak particle velocity for ground Type of Structure vibration, in/sec At frequencies At frequencies below 40 Hz* 40 Hz and greater

Modern homes and structures with drywall 0.75 2.0 interiors

Older homes and structures with plaster on wood lath 0.50 2.0 construction for interior walls 7 - 8 Table 7.64-3 SCALED-DISTANCE FACTOR LIMITS Distance (D) from the blasting Scaled-distance factor (D_s) to be applied without seismic monitoring 0-300..... 50 301 to 5,000..... 55 5,001 and beyond..... 65 Figure 7.64 BLASTING LEVEL CHART 7 - 9

(8) Blasting Level Chart.

(a) An operator may use the ground vibration limits found in Figure 7.64 to determine the maximum allowable ground vibration.

(b) If the Figure 7.64 limits are used, a seismographic record, including both particle-velocity and vibration frequency levels, shall be provided for each blast. The method of analysis shall be subject to reasonable discretionary review by the Town.

6.06 MONITORING.

(1) Monitoring.

(a) The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area; provided, however, that the permittee may monitor at another location approximately the same distance from the blast site if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board, or its designee, may, at its discretion, require the relocation of monitoring equipment to a

more suitable site and/or may conduct independent air-blast monitoring to spot check data supplied by the permittee. If independent monitoring by the Town is conducted, then in that event, the permittee shall pay the reasonable costs incurred by the Town of the independent monitoring.

(b) The measuring equipment used shall have an upper end flat frequency response of at least two hundred (200) Hz.

(c) All measuring equipment during monitoring shall be spiked to the ground or sandbagged.

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

(3) Seismic Monitoring. The Town Board, in its discretion, may conduct independent seismic blast monitoring or air blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring discloses after hearing that the ordinance was violated by the permittee, then, in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring.

6.07 PREBLAST SURVEY AND NOTIFICATION

(1) Pre-blasting Notification. Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within one thousand (1,000) feet of the boundaries of the blasting site, as described in the Explosives Use Plan.

(2) At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area (1,000 feet), who may request a pre-blast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a pre-blast survey to be conducted as to such dwelling or structures, and water quality testing for existing wells; provided, however, that the applicant shall not be required to conduct a pre-blast survey or well water quality testing more than once every six (6) years as to any dwelling, structure or well.

(3) The owner of a dwelling or structure that is within one thousand (1,000) feet of the blasting site, which, subsequent to the conducting of a pre-blast survey, has been substantially modified or improved by more than fifty percent (50%) of the property's fair market value, may request a pre-blast survey. If it is found that a pre-blast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners.

(4) The pre-blast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Town Board. The survey shall determine the condition of the dwelling or structure and shall document any pre-blasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this ordinance if the blasting survey and well water test meets the requirements outlined herein.

(5) The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town of Little Suamico, the owner or resident and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit, in writing, to the Town of Little Suamico any objections to the survey report, setting forth in detail such objections.

(6) The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Town of Little Suamico, the owner or resident and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit, in writing, to the Town of Little Suamico objections to the test, setting forth in detail such objections.

(7) Reasonable and reasonably related expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee.

6.08 ENFORCEMENT AND PENALTY PROVISIONS.

(1) Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension, or revocation of a blasting permit:

(a) Compliance with the blasting standards established by the Town of Little Suamico as noted herein by this ordinance.

(b) Development and submittal to the Town Board of the Town of Little Suamico of the explosives use plan and compliance with the explosives use plan.

(c) Development and submittal to the Town Board of the Town of Little Suamico the blasting log and compliance with the operation plan with the information called for by the blasting log.

(d) Maintaining the financial assurance requested by the Town Board of the Town of Little Suamico.

(e) Compliance with the operational hours for blasting as noted herein by this ordinance.

(f) Compliance with air blast and ground vibration standards established by the Town of Little Suamico as noted herein by this ordinance.

(g) Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this ordinance.

(h) Attempts made by the permittee or party in interest to comply with the provisions of this ordinance.

(i) Consideration of atmospheric, unknown conditions including geophysical conditions, and other matters beyond the control of the permittees or party in interest.

(2) Suspension/Revocation. Unless expressly provided herein or by other Town of Little Suamico Ordinance provisions, the explosive use permit may be suspended or revoked for cause for substantial noncompliance with the ordinance after the proper Town of Little Suamico hearing noted below, unless in an emergency condition determined by the Town Board of the Town of Little Suamico wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Little Suamico must, by the Town Clerk of the Town of Little Suamico, receive a verified complaint concerning the licensee, registrant, or permittee.

(a) Complaint. The following persons may file a verified complaint with the Town Board of the Town of Little Suamico:

1. Town Chair
2. Town Clerk
3. Town Supervisors
4. Planning Commission
5. Town Building Inspector
6. Any Town of Little Suamico resident
7. A Landowner within one thousand (1,000) feet of the blasting site

(b) Hearing.

1. The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance or otherwise of such a nature as to require a formal evidentiary hearing.
2. The person subject to charges for violation of any Town of Little Suamico Ordinance or any violation of a condition of the explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Little Suamico. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Little Suamico and the person subject to charges.
3. The person subject to charges for violation of any Town of Little Suamico Ordinance, or any violation of a condition of the explosive use permit shall be entitled to the following:
 - a. Representation by legal counsel
 - b. Right to present and cross-examine witnesses
 - c. Right to subpoena witnesses by the Town Chair of the Town of Little Suamico issuing subpoenas to compel attendance of witnesses.
4. The Town Board of the Town of Little Suamico may, after the hearing for any person previously issued an explosive use permit by the Town Board of the Town of Little Suamico, act as follows:
 - a. Revoke the permit as a final decision.
 - b. Suspend the permit for a date certain as a final decision.
 - c. Request additional information as an interim decision prior to taking future action.
 - d. Take no action on the permit as a final decision.

(c) Appeals. The final decision of the Town Board of the Town of Little Suamico to revoke or suspend the explosives use permit shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing of the Town Board's Decision to the permit holder.

(3) Penalty. In addition to the denial, suspension or revocation of a permit issued under this Chapter, any person who shall violate any provision of this chapter, or who shall fail to obtain a permit as required hereunder, shall, upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than twenty (\$20.00) dollars nor more than five hundred (\$500.00)

dollars, together with the costs of prosecution. Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties as provided by Section 66.115, 66.117, 66.119 and 66.12, Wis. Stats, as may be amended. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from taking any appropriate action to prevent or remove a violation of any provision of this Chapter.

CHAPTER 7

PARKS AND RECREATION

7.01 Park Rules and Regulations

7.02 Park Impact Fee Regulation

7.03 Designation and Regulation of ATV and UTV Routes

7.04 Town of Little Suamico ALL-TERRAIN VEHICLE ORDINANCE #01-2021

7.01 PARK RULES AND REGULATIONS.

(1) Purpose. The purpose of these regulations shall be to protect the parks and parkways and appurtenances thereto in the Town from fire, abuse and desecration; to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks and parkways.

(2) Hours of Operation. All public parks and public playgrounds in the Town shall be closed from 10:00 p.m. to 6:00 a.m., except as provided under rental agreements approved by the Town Board. No person shall be within the Town parks between these hours, except as provided under rental agreements approved by the Town Board.

(3) Disorderly Conduct Prohibited.

(a) No person shall use threatening, abusive, insulting, obscene, indecent language which constitutes a breach of the peace.

(b) No person violating any of the prohibitions enumerated in sub. (a) above shall be allowed to remain in any park or parkway.

(4) Waste Disposal.

(a) All trash, including garbage, plastic, cans, and paper, created by the person(s) using the park shall be removed from the premises by said person(s) or placed in the receptacles provided for that purpose.

(b) No person(s) shall deposit, dump, throw or place any earth, rubbish, dust, manure, paper, garbage or other refuse matter or any sand, stone, lumber or building material or any substance in the water, grounds or roadways of any park or parkway without permission of the Town Park Commission.

(c) Burning of garbage or other rubbish in barrels is prohibited.

(d) Glass beverage containers of any kind or measure whatsoever are prohibited.

(5) Excessive Noise Prohibited. Auto radios, portable radios, CD players, tape players, amplifying devices and television sets must be turned low at all times so as not be heard from a distance beyond fifty (50) feet from the instrument. Band and DJs are allowed to set up and perform in rental areas only.

(6) Permit Required for Advertising, Sales.

(a) No person shall sell, keep, or offer for sale any tangible or intangible article, service, or thing; nor solicit for any trade, occupation, business, or profession, or for alms, within any park or parkway, without the written permission of the Town Park Commission.

(b) No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except of the United States), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the written authorization of the Town Park Commission, Town Plan Commission, and final approval of the Town Board.

(7) Permit for Sale of Fermented Malt Beverages.

(a) "Special Event Permit Required" – No person or group shall sell, offer for sale or distribution any fermented malt beverages in a Town Park in conjunction with a picnic or other special event without first obtaining a permit therefore from the Town Clerk after approval of the Town Board.

(b) "Issuance; Conditions; Fee" – Such permits may be issued by the Town Clerk after approval of the Town Board and upon receipt of such information as they may require from the applicant, and upon the receipt of a permit fee of \$100.00. Permits shall be valid for that period of time to be specified by the Town Clerk.

(8) Interferences with Permittees Prohibited.

(a) No person shall, in any manner, disturb, harass, or interfere with any person or party holding a written permit as indicated previously, nor with any of their equipment or property. (b) Permits for the exclusive use of specific picnic or play areas for any specified date or time may be granted at the discretion of the Town Park Commission and no person shall, in any manner, disturb or interfere with any person or party occupying the ground under such permit, nor with any of their equipment or property.

(9) Fireworks, Weapons and Traps Prohibited. No person shall carry, fire, or discharge any gun, pistol, or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person hunt with bow and arrow within any park or parkway. The word "gun" shall include air gun.

(10) Throwing of Stones or Missiles, or the Hitting Golf Balls, Prohibited. No person shall throw stones or missiles, or hit golf balls, in or into any park or use metal-tipped lawn darts in any park, parkway or waterways.

(11) Making of Fires Restricted.

(a) No person shall make or kindle a fire for any purpose except in places provided therefore, and then subject to such regulations as may be prescribed.

b) The use of charcoal burners and grills in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such a manner as to prevent fire or damage to any park property.

(c) No booyah kettles or other similar cooking utensils are allowed with an open fire unless placed on a raised steel platform with a minimum of four (4) inches of air space between the ground surface and platform.

(12) Motor Vehicles and Animal Restrictions in Park.

(a) No person shall operate any motorized vehicle in any part of the property in a Town Park except upon facilities provided, therefore.

(b) Animals are not allowed in parks or parkways except in designated areas or by special permission of the Town Park Commission, Town Plan Commission, and final approval of the Town Board, unless it is a seeing eye dog.

(c) No person shall kill, injure, or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals within any of the parks or parkways. Nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.

(13) Injury to Vegetation, Structures and Equipment Prohibited.

(a) No person shall climb any tree, or pick any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure or deface, write upon, defile or ill use any tree shrub, flower, flowerbed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway.

(b) No person in any park or parkway shall remove any device for the protection of trees or shrubs.

(c) No hunting within the park

(14) Camping Regulated.

(a) No person shall sleep or camp or lodge in any park or parkway. An authorized person charged with guarding property overnight for a special event is exempted from the Town Park Commission.

(b) No person shall erect a tent or similar appurtenances except with special permission from the Town Park Commission.

7.02 PARK IMPACT FEE REGULATION.

(1) Authority. This Ordinance is authorized under §66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the power of the Town to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.

(2) Purpose. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community and to facilitate the adequate provision of parks, playgrounds and land for athletic facilities by imposing impact fees upon developers or property owners to pay for the capital costs of public facilities that are necessary to accommodate land development.

(3) Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

(a) "Capital Cost" shall mean the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital

costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs, which relate directly to the public improvement for which the impact fees were imposed, exceed 10% of capital costs. Capital cost does not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

(b) "Developer or Property Owner" shall mean a person that constructs or creates land development.

(c) "Impact Fees" shall mean cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer or property owner by the Town under this Ordinance.

(d) "Land Development" shall mean the construction or modification of improvements to real property that creates additional residential dwelling units, additional commercial square footage and additional industrial square footage within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.

(e) "Public Facilities" shall mean highway, as defined in §340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.

(4) Public Facilities Needs Assessment. New public facilities or improvements or expansions of existing public facilities as it relates to park and recreation, that are required because of land development for which impact fees will be imposed, are those which are identified in the park and recreation public facilities needs assessment report prepared prior to the adoption of this Ordinance and any amendments hereto. The park and recreation public facilities needs assessment report, that forms the basis of any impact fees imposed by the Town by this Ordinance, shall be kept on file in the office of the Town Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this Ordinance and any amendments. A Class 1 Notice is required prior to any public hearing. The park and recreation public facilities needs assessment report shall remain on file in the office of the Town Clerk for the entire period during which impact fees are collected.

(5) Imposition of Impact Fees. Impact fees are hereby imposed on all developments and land divisions within the Town of Little Suamico and shall be calculated pursuant to this Ordinance. For developments, impact fees shall be payable by the developer or property owner to the Town in full within fourteen (14) days of the issuance of a building permit. The building permit is issued on a conditional basis with the condition being payment of the impact fee within fourteen (14) days. If the impact fee is not paid in fourteen (14) days of issuance of the permit, the building permit is then null and void.

(6) Parks and Recreation Facilities Impact Fee.

(a) Any developer or property owner creating or constructing additional residential dwelling units within the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the park and recreational needs of land development, except as provided in Sec. 8.08.

(b) The amount of a fee per structure to be constructed or created by the proposed development, subject to adjustment pursuant to Sec. 8.09, shall be as follows:

1. For single-family or two-family residential development, the fee shall be \$650.00 per structure.
2. For multi-family residential development of three or more dwelling units, the fee shall be \$325.00 per dwelling unit within each multifamily residential structure.

(c) Such fees collected by the Town shall be placed in a separate segregated, interest-bearing account and shall be accounted for separately from other funds of the Town. The Town shall keep an account of all impact fees paid by date, tax parcel number and amount. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed.

(d) Such fees shall be expended by the Town for the aforesaid purpose within seven (7) years after they were collected or such fee amount paid shall be refunded by the Town to the current owner of the property with respect to which the impact fee was imposed, along with any interest that has accumulated. Under extenuating circumstances, the Town of Little Suamico may, and reserves the right to, extend this period to ten (10) years with the adoption of a resolution. The resolution shall specify the extenuating circumstances or hardship that led to the need for extending the period.

(7) Fee Reduction. Any impact fee imposed under this Ordinance shall be reduced to compensate for other capital costs imposed by the Town with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Chapter 236 of the Wisconsin Statutes or any other items of value. Impact fees imposed under this Ordinance shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fee was imposed.

(8) Exemption from Fees. The lawful new construction of a single-family dwelling structure razed or to be razed within one (1) year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this Ordinance. Any new construction of a single-family dwelling structure upon a single parcel of land involving the demolition of a pre-existing residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this Ordinance.

(9) Administration and Review. All fees collected and special accounts maintained under this Ordinance shall be subject to administration by the Town Treasurer. The Treasurer shall report annually to the Town Park Commission and Town Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Town Park Commission and Town Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Town Board may determine where there exists any reasonable need for refund of fees previously collected. The Town Board shall, as part of its annual budget process, review the impact fee imposed under this Ordinance, and after conferring with the Town Park Commission. The Town also reserves the right to apply a reasonable inflationary factor to estimated capital costs provided in the Public Facilities Needs Assessment.

(10) Appeal. Any developer or property owner upon whom an impact fee is imposed under this Ordinance shall have the right to contest the amount, collection or use of the impact fee to the Town Board, provided the developer or property owner files a written notice of appeal in the Town Clerk's office within fifteen (15) days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's or property owner's name, address, telephone number and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances, but within forty-five (45) days of receipt of written notice of appeal, and shall notify the developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

7.03 DESIGNATION AND REGULATION OF ATV AND UTV ROUTES

(1) Adoption of State ATV and UTV Laws and Definitions: State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated hereby reference, pursuant to Wisconsin State Statutes 23.33(11)(a).

(2) Routes:

(a) All town roads in the Town of Little Suamico as well as any road that is signed in the Town of Little Suamico in accordance with NR 64.12 and NR 64.12(7)(c), Wis. Adm. Code, may be used by ATV's and UTV's in accordance with such signage and as provided by the applicable portions of s. 23.33 Wis. Stats. and this ordinance.

(b) The following roads cannot be used by ATV's or UTV's:

1. All County Highways
2. All State Highways
3. All Federal Highways

(3) Local Regulation. The operator of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATV/UTV's and the following conditions:

(a) No person may operate an ATV or UTV on the roadway portion of any highway in the town unless it is a town road or a road that has been properly signed, in accordance with s. NR 64.12(7), Wis. Adm. Code, as an ATV and/or UTV route, by this ordinance.

(b) All ATV and UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe and given prevailing condition but shall not operate on the shoulders or in the ditch.

(c) All ATV/UTV operation on any portion of a designated route shall not exceed the posted speed limit

(d) All ATV/UTV operation on any portion of a designated route shall be single file in a line of ATV's and UTV's arranged one behind the other.

(e) No person under the age of sixteen (16) may operate an ATV on a route or roadway unless accompanied by a parent or legal guardian.

(f) All ATV's and UTV's operating on any portion of an established designed ATV or UTV route shall display lighted headlight(s) and taillights conforming to Wisconsin State Statue 23.33 equipment requirements at all times.

(g) No person shall operate ATV/UTV within the Town's right-of-way (ditches) nor shall the persons drive upon driveways without written permission of the driveway owner.

(4) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(5) Penalties.

(a) Any person who violates this section shall forfeit not more than \$250.00.

(b) Nothing in this ordinance is intended to foreclose the enforcement of the provision of state law with regard to ATV and UTV operation, specifically including Wis. Stat. 23.33 in a court of competent jurisdiction.

(6) The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to the person's circumstances shall not be deemed affected.

(7) The Town clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), to state traffic patrol, and to the Oconto County Sheriff's Department per Wisconsin State Statue 23.33(11)(b).

(8) This ordinance shall become effective upon its passage and posting according to law

7.04 Town of Little Suamico All-Terrain Vehicle Ordinance #01-2021

(1) Town of Little Suamico, Oconto County and for the purpose of establishing the designation of all town roads with exception to all County and State Highways/Roads within the Township for year-round usage.

(2) Intent

(a) The Town of Little Suamico adopts the following all-terrain vehicle (ATV) and Utility Vehicle (UTV) Ordinance/year-round route for the operation of DNR currently registered ATVs and UTVs upon the roadways listed in Section 4.

(b) Following due consideration of the recreational value to connect trail opportunities and weights against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

(3) Statutory Authority

(a) These routes/town roads is created pursuant to the Town of Little Suamico authority under as authorized by 23.33 (8) (b), Wis. Stats.

(b) The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

(4) Routes/Town Roads

(a) The following roads are designates as routes/town roads for year round usage:

1. All maintained roads within the Town of Little Suamico, Oconto County, which have been posted with appropriate signage, are acceptable travel for DNR currently registered ATVs and UTVs, with exception to all County and State roads within the township. Specifically West & East Brown Road, County Highway J, County Road S, U.S. State Highway 41, and U.S. State Highway 141. The Town Clerk of the Town of Little Suamico shall maintain a copy of the official ATV/UTV route map and will have map available to the public at request or online at www.townoflittlesuamico.com.

(5) Conditions

(a) ATV/UTV operation shall be subject to all provisions of Wis. Stats. §23.33, Wis. Stats. §340, and NR 64, which are adopted as part of this ordinance by reference. In addition:

1. No person may operate an ATV or UTV on town road unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operators by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
2. Persons 16 years of age or older must possess a valid driver's license to operate an ATV or UTV on a town road.
3. No one under 12 years of age is allowed to operate an ATV or UTV on a town road and all operators born after January 1, 1988, are required to have an ATV Safety Certificate.
4. No person under 16 years of age may operate an ATV or UTV on a town road unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.
5. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1) (a), Wis. Stats. Unless the person is a least 18 years of age.

6. All ATVs and UTVs shall display either a Wisconsin registration or a Nonresident Trail Pass while operating on town road. ATV/UTV operators shall not exceed 35 MPH or the posted speed limit, whichever is less, on any town road.
7. All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the road, unless otherwise marked for operation on the shoulder or in the right of way.
8. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on a town road.
9. No person shall operate an ATV/UTV with tire chains or studded tires on any town road in the town
10. Open intoxicants are prohibited for ATV/UTV operators or passenger(s) while operating on a town road.
11. Every ATV/UTV shall be equipped, maintained and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a town road unless such ATV/UTV is equipped with a muffler or other noise suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass or similar device on any ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.
All-terrain vehicles are prohibited from emitting noise that is louder than 96 decibels (dBA) when measured on the A scale.
12. A golf cart is not an ATV or UTV. Operation of golf carts on town roads is prohibited.

(6) Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the Town of Little Suamico, Oconto County, Wisconsin, and the State of Wisconsin.

(7) Penalties

Wisconsin state All-Terrain Vehicle (ATV/UTV) Penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

(8) Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected. This ordinance will be reviewed annually.

(9) Effective Date

This ordinance became effective upon the 8th day of March 2021.

Download Map ? ? ? ? ?

CHAPTER 8

BUILDING AND CONSTRUCTION

- 8.01 Construction Codes
- 8.02 Building Permits
- 8.03 Occupancy and Open Houses
- 8.04 Road Construction
- 8.05 Driveway Construction

8.01 CONSTRUCTION CODES

(1) Uniform Dwelling Code.

(a) Authority. These regulations are adopted under the authority granted by Section 101.65, Wisconsin Statutes.

(b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.

(c) Scope. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since August 1999. Notwithstanding Section ILHR 20.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the UNIFORM DWELLING CODE.

(d) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, and all amendments shall apply to all building within the scope of this ordinance.

(2) Public Structures.

(a) Authority. These regulations are adopted under the authority granted by Section 101.12, Wisconsin Statutes.

(b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.

(c) Scope. The scope of this ordinance includes the construction, renovation, repair or improvement, and the inspection of, all public buildings located within the Town. (d)

Adoption of Codes. The Wisconsin Commercial Building Code, Chapters SPS 360 – 366, Wis. Admin. Code and Buildings Constructed Prior to 1914 Code, Chapters, SPS 375 – 379, Wis. Admin. Code are adopted and shall apply within the scope of this ordinance.

8.02 BUILDING PERMITS.

(1) Building Permit Required. No person shall alter, in excess of \$500.00 value, in any twelve-month period, build, add onto or alter any building with the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempt from permit requirements. Residing, reroofing, finishing of interior surfaces and installations of cabinetry shall be exempted from permit requirements.

(2) Building Permit Fee. The building permit fee shall be determined by resolution.

(3) Sanitation Units and Dumpsters. Sanitation units and dumpsters are required at all new home and commercial building sites.

8.03 OCCUPANCY AND OPEN HOUSES. No dwelling may be occupied without permission of the Building Inspector. Open houses without final inspections are prohibited. The Town Board will adopt, by resolution, penalties for violation of this section.

8.04 ROAD CONSTRUCTION

(1) Purpose. The purpose of this Ordinance is to establish street and/or road right-of way standards, including, but not limited to, width, materials of construction, grades, drainage and names. The Town Board of the Town of Little Suamico, Oconto County, Wisconsin, being duly authorized under §60.20(27), Wis. Stats., does ordain as follows:

(2) Developer Agreement. All streets and roads hereafter constructed in the Town of Little Suamico shall be constructed in accordance with the terms and conditions of a Development Agreement and meet all of the requirements as provided in this Ordinance. Failure to do so shall prohibit the Town Board from accepting any portion of such road or street in the Town of Little Suamico and shall prohibit the Town of Little Suamico from expending any funds on said street or road for maintenance purposes.

(3) Construction Standards. Effective as October 14, 2002, all proposed roads and/or existing private roads that are to be donated or given (deeded) to the Town of Little Suamico, and all new street right-of-way's developed by the Town of Little Suamico, shall conform to the following:

(a) Right-of-Way Width:

1. The minimum width of a right-of-way in a residential area shall be 66 feet (4 rods). The minimum width of a right-of-way in areas zoned (or petitioned to be zoned) commercial or industrial shall be 80 feet.

2. No roads shall terminate without provisions for a cul-de-sac (turnaround) with a minimum radius of 75 feet paved, to the same standards as the road, even if temporary in nature; built to the same standard as the road.
3. All proposed roads shall extend to the boundary of the tract being divided.

(b) Specifications:

1. All trees, stumps, brush, boulders and buildings shall be removed from the entire width and length of the right-of-way. None of the same is to be buried in the right-of-way.
2. The side slopes in cut and in fill areas shall conform to those shown in Figure 1, Town of Little Suamico Typical Finished Section.
3. The centerline grade shall not exceed plus or minus 7%.
4. All side slopes shall be covered with topsoil and seeded with grass and/or clover capable of being within the right-of-way.
5. If sand lift is required, a minimum of 8 inches must be used.

(c) Roadway Width:

1. Residential: The driving width of residential roads shall be 11 feet with a shoulder of 2 feet per lane. The total driving width shall be 22 feet.
2. Commercial: The driving width of commercial roads shall be 13 feet with a shoulder of 2 feet per lane. The total driving width shall be 26 feet.

(d) Roadway Material Specifications:

1. The driving portion of the roadway shall be surfaced with 12 inches of crushed rock.
2. The gradation of the roadway gravel shall conform to Wisconsin Department of Transportation, Division of Highways, Specifications 304, Gradation 13.
3. After gradation, said roadway shall have a bituminous asphalt hot mix application 2-1/2" deep minimum, compacted in residential subdivisions, and 22 feet wide in confirmation with the Wisconsin Department of Transportation, Division of Highway requirements.
4. The developer shall include a bid, letter of credit, and an improvement list and cost estimate as established through execution of a Development Agreement between the Town and the developer. The Town may require additional asphalt or base material depending on road function and average daily traffic. Any modification to the asphalt surface or base requirement will be determined prior to execution of a Development Agreement.

(e) Roadway Drainage:

1. Water Accumulation: The highway shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water soaking uplands, or an unreasonable accumulation and discharge of surface waters flooding or water soaking uplands. (From §88.87, Wis. Stats.)
2. All roads intersecting other roads shall have a minimum of a 24- inch culvert. Larger culverts may be required by a decision of the Town Board. Culverts shall extend one (1) foot beyond the tow of the shoulder slope.

(f) Road Names: The name of a Town road shall be submitted to the Town Board and the Property Listing Office, Oconto County Courthouse.

(g) Road Signs: All stop signs, traffic control signs and road name signs shall be erected and maintained by the Town Board. Any of the above signs required for a recorded subdivision or similar development shall be paid for by the developer and not the Town.

(h) Right-of-Way Description:

1. All right-of-ways shall be a part of a recorded subdivision or recorded as Certified Surveys, with all survey irons in place.

2. All right-of-ways shall be deeded to the Town for Town road purposes regardless of whether or not said right-of-ways are included in a recorded subdivision or certified survey map.

(i) Abandonment of Cul-De-Sacs: At such time as a private party seeks to extend a Town road from a cul-de-sac on an existing Town Road, that party shall comply with all other provisions of this Ordinance; and in addition thereto, shall work with the Town to abandon the existing cul-de-sac. The private party shall pay all costs of abandonment including, but not limited to the following: surveying, site preparation, landscaping and legal costs. Legal title to any abandoned cul-de-sac shall revert to the adjoining landowners in accordance with Wisconsin law.

(j) Roads in Subdivisions:

1. The developer shall enter in a Development Agreement with the Town to assure Town road standards and specifications are met.

2. The Town Board shall not approve any subdivisions unless and until the subdivider shall post a security bond (cash or irrevocable letter of credit) meeting the approval of the Town Board as a guaranty that all road improvements will be made in accordance with the Development Agreement.

3. All sub-base improvements shall be completed within one (1) year after the effective date of the Development Agreement. Final surface application/paving shall occur within two (2) years of the effective date of the Development Agreement. If developer is unable, for reasons beyond its reasonable control, to complete the road improvements within the allotted time period, the Town, at its sole discretion, may allow developer an additional period of time to complete the improvements. At a minimum, such bond shall be in a amount of 120% of the estimated costs of said improvements.

8.05 DRIVEWAY ORDINANCE

(1) Purposes. The primary reasons for the Ordinance include but are not limited to the following:

(a) Provide safe vehicle access to public roadways (ingress/egress).

(b) Provide adequate access for emergency vehicles to service improved property and life.

(c) Protect public investment in town roads by preventing costly road maintenance.

(d) Prevent water drainage and siltation from private driveways onto public roadways.

(e) Protect graded ditches and roadsides, and prevent erosion into Town water ways.

(2) Definitions. In this Ordinance the term "driveway" is defined to mean private driveway, road, field road or other means of access where travel occurs from a public road (whether by

easement or ownership) not considered to be part of the public road for the purpose of gaining access through any part of a private parcel of land or which connects or will connect with any public roadway.

(3) Scope. The following regulations apply to the construction or modification of private driveways on lands in the Town.

(4) Driveway Permit.

(a) Applicability. A Town Driveway Permit is required for:

1. Construction of a new driveway
2. Improvements, modifications and reworking of an existing driveway which changes the driveway grade or location. Existing driveway surface maintenance does not require a driveway permit.
3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing driveway.

(b) Applications. Driveway permit application forms and information can be obtained from the Building Inspector.

(5) General Conditions.

(a) Any new public or private driveway, or any driveway alleged to be existing, road, field road or other means of travel through any part of a private parcel of land, which connects or will connect with any public roadway, is subject to the terms of this Ordinance.

(b) No person shall improve, modify or rework a driveway, with the exception of routine maintenance, which changes the existing topography of the land without consulting the Town of Little Suamico Inspector to determine the applicability of obtaining a Driveway Permit from the Town Inspector. Application forms and information can be obtained from the Town Inspector if a permit is required.

(c) Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan presented to the Town Inspector prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner's intentions and timing to re-seed, mulch, ditch, place culverts and apron end walls, and carry out other erosion control practices which will be accomplished within ninety (90) days after beginning driveway construction or modification. If an engineer's plan (detailed site plan) of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer's plan.

(6) Existing Driveways and Field Roads.

(a) When washing/eroding or other conditions created by existing driveways or field roads become a potential hazard to a public road and emergency vehicle access to property, the Town Board or the Inspector will notify the property owner of the conditions. Any property owner failing to correct such condition within thirty (30) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard, as provided in §66.60(16), Wis. Stats.

(b) Existing driveways, determined to have a hazard as defined in this Section, shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town Inspector. Hazards as determined by the Town Inspector, to include, but not limited to, the following mandatory review criteria: Driveway width, height and width clearance, and ingress/egress angle.

(7) Application Procedures.

(a) The applicant must submit to the Building Inspector a completed driveway permit application.

(b) The applicant, who may be the owner, agent, contractor or designee, shall submit a location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials, and erosion control procedures. The plan must be legible and submitted on an 8.5" x 11", 8.5" x 14", or 11" x 17" sheet of paper.

(c) The application and location plan shall be reviewed by the Town Inspector for conformance with this Ordinance and all ordinances, rules, regulations and plans which affect it. The Town Inspector shall, within fifteen (15) days from the date of submission of the application and location construction plan, approve or deny the issuance of a driveway permit.

(d) With the approval of the Town Inspector, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

(e) The applicant shall notify the Town Inspector within seven (7) days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

(8) Minimum Requirements.

(a) Authorization for a driveway is subject to the approval of the Town of Little Suamico Inspector.

(b) For property with existing structures, if there is no clear evidence, as determined by the Town Inspector and the Oconto County Zoning Administrator, that the driveway has been paved during the last 12 months, the Town Inspector review process is required. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.

(c) The following specifications shall apply for Town roads:

1. Maximum number of units served by a driveway
2. Maximum driveway length 1,000 feet
3. Minimum driveway surface width 12 feet
4. Minimum width clearance 26 feet
5. Minimum height clearance free of trees, wires, etc. 18 feet
6. Maximum grade 30% (grades >20% will require an engineer's plan)
7. Minimum side yard setback 10 feet
8. Angle of entry 90 degrees
9. Culvert diameter minimum 15 inches, or equivalent if required
10. Apron End Walls Required
11. Culvert Length 26 feet

12. Site distance Consistent with Oconto County standards

13. Others See attached driveway details

14. Access to County or State Highways shall conform to County or State Standards.

(d) For a new driveway, at least one 26 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting and emergency vehicles. At the dead end of all new driveways, a turnaround radius (minimum) of 25 feet, or some other suitable method to allow vehicles to turn around, shall be provided as determined by the Town Inspector.

(e) The driveway within the area of the public right-of-way shall slope away for a minimum of 10 feet from the public road at a minimum of 1% and a maximum of 5%, or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road, or crowning of the driveway surface shall be completed to prevent debris from washing onto the public road.

(f) A new concrete driveway surface shall not extend within the area of public right-of-way.

(g) Construction of a new driveway in accordance to Section 9.05(4) of this Ordinance shall have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (3/4") gravel. Substitution for suitable material can be agreed upon by the Town Inspector. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.

(h) If culverts are required for a new driveway, all applicants at a minimum shall install and cover with gravel a Corrugated Metal Pipe (CMP) culvert, minimum 15-inch in diameter or the equivalent, 26 feet in length, with apron end walls, at the ditch-line unless determined unnecessary by the Town Inspector. Examples could be driveway location on the crest of a hill or shallow ditch depth. This condition may be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Oconto County Highway Department or district engineer of the Wisconsin Department of Transportation. Illegal culverts will be removed at landowners' expense.

(i) Construction access to building sites shall be through a single access to minimize ditch-line disturbance and control erosion. Pursuant to subsection (8)(h), a culvert and apron end walls must be in place prior to final inspection.

(j) No land with a grade of more than 30% shall be disturbed for the construction of a new driveway.

(k) An engineer's plan (detailed site plan) showing adequate erosion control and stabilization measures is required for any segment of the proposed new driveway which disturbs land with a grade of more than 20% and less than 30%.

(l) For a new driveway, the side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in a detailed site plan approved by the Town Inspector.

(m) Curves in a new driveway shall have an inside radius of no less than thirty-six feet (36').

(n) Pursuant to subsection (8)(i), banks, slopes and ditch-lines for a new driveway shall be seeded promptly to control erosion.

(o) Once the construction of the new driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts and apron end walls, crowing, mulching and matting shall be completed within ninety (90) days.

(p) All costs of construction of said driveway, including the cost of the culverts, apron end walls, and detailed site plan, if necessary, shall be paid by the property owner requesting the permit.

(q) An area 26 feet in width and 18 feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Inspector will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road not serving a structure is exempt from this requirement.

(r) It will also be the responsibility of the owner, agent or contractor to clean any mud or other debris deposited on the public town roads the same day it was deposited. If the applicant or agent fails to clean the roads in the required time period, the Town will have it cleaned and charge all costs to the applicant.

(s) When Town roads are being resurfaced or other work done, driveway culverts may be replaced at Town Board discretion.

(t) The Town will pay for driveway culverts being replaced during road construction.

(u) All culverts removed from a Town right-of-way during construction will become the property of the Town. Used culverts replaced at residents' expense will be their property.

(v) Used culverts will be inspected by the Town Board and sold at a cost determined by the Town.

(9) Requirements for an Engineering Plan (Detailed Site Plan)

(a) The Town may require an engineering plan (detailed site plan) prepared by a licensed engineer or person of relevant experience prior to any proposed driveway construction or modification. A detailed site plan is required:

1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 20% and less than 30%.
2. For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the Town Inspector.

(b) The detailed site plan shall include the following:

1. The precise location of the driveway or segment of driveway which requires a detailed site plan relative to the parcel.
2. Grade of the driveway showing no segment exceeding 30%.
3. Location and structure of any retaining walls.
4. Location and size of any culverts.
5. Cross-section of the driveway.
6. The required mulching, matting or other erosion control
7. Existing and proposed buildings.

(c) Construction of a driveway shall not commence until the detailed site plan, if required, is approved by the Town Inspector and a Town driveway permit is issued and, when applicable, any necessary approvals are obtained from Oconto County or the State of Wisconsin (See §86.07, Wis. Stats.)

(d) The preparation of a detailed site plan does not guarantee the approval of a driveway permit application.

(10) Permit Fee. A driveway permit application and inspection fee, as established by the Town of Little Suamico Board, shall be paid to the Town prior to the start of any construction. The applicant must receive a driveway permit prior to receiving a Town Building Permit in accordance with Section 9.05(4) of this Ordinance. No building permit will be issued until an approved driveway is in place. The cost of a driveway permit shall be \$70.00, or such other amount as is subsequently adopted by the Town Board.

(11) Noncompliance. Any landowner who installs a new driveway, or removes or alters any existing driveway in accordance with Section 9.05(4) without Town Inspector approval, shall be charged an inspection fee of \$150.00, together with any and all costs of repairs, corrections or restoration. An additional inspection fee of \$150.00 will be charged if a second inspection is required. Should the landowner fail to pay the inspection fee and/or repair/correction/restoration costs, said charges will be placed on the tax roll of said landowner.

CHAPTER 9

FIRE REGULATION & PREVENTION

9.01 General Authority

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- 9.07 Ashes
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 - 9.19 Effective Date.
 - 9.20 Flammable and Combustible Liquids Storage.
 - 9.21 Nuisance Smoke/Fires.
 - 9.22 Fees Charged for Emergency Calls.
 - 9.23 Tent Regulations.
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9.01 GENERAL AUTHORITY

(1) Fire Protection. The Town shall provide for fire protection for the Town in the manner provided under Sec. 60.55, Stats.

(2) Regulations. Pursuant to the provisions of Sec. 60.555, Stats., the Town may adopt regulations to prevent, detect and suppress fire and related fire hazards.

(3) Fire Protection Funding. In providing fire protection for the Town, the Town Board may:

(a) Appropriate money to pay for fire protection in the town.

(b) Charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the town board.

(c) Levy taxes on the entire town to pay for fire protection.

(d) Levy taxes on property served by a particular source of fire protection, to support the source of protection.

9.02 FIRE COST REIMBURSEMENT. The Town Board of Little Suamico may develop and maintain the proper funding for fire protection. The Town Board of Little Suamico may charge property owners for the cost of fire protection provided to their property according to the following written schedule established by the Town Board:

(1) The landowner receiving the service shall be charged and pay the actual cost of the fire run.

(2) In the event the fire call remains unpaid for 90 days following the bill, a notice to the landowners for the cost shall be put on the property tax bill as a special charge pursuant to Sec. 66.60, Wis. Stats.

9.03 FIRE INSPECTIONS

(1) Inspection Duties. The Town fire chief shall determine the frequency of fire safety inspections as indicated by the State of Wisconsin Department of Safety and Professional Services (SPS Chapter 314.) Town fire inspectors shall at least annually inspect all buildings, premises and thoroughfares within the fire limits for the purpose of noting and causing to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Town fire inspector shall also investigate the storage and handling the explosives and inflammable liquids within the Town.

(2) Written Record of Inspections. The Town fire inspector shall keep a written or electronic record of each property inspected. The data within the record shall comply with the requirements of the State of Wisconsin Department of Safety and Professional Services (SPS Chapter 314).

(3) Correction of Fire Hazards. When any inspection by the Town fire inspector reveals a fire hazard, the Town fire inspector may serve a notice in writing upon the owner of the property giving said 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 inspector may have the same removed by the town and the cost of such removal shall be recovered in an action by the town against the owner of the property and may also be entered on the tax roll as a special charge against the property.

(4) Entering on Premises. The Town fire inspector shall be granted free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Town fire inspector in the performance of official duties or refuse to observe any lawful direction given by the Town fire inspector. 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 Wis. Stats. §§ 66.0119 and 66.0119(3).

(5) Fire Inspection Fees.

(a) Annual fire prevention inspection fee. An annual fire prevention inspection fee shall be charged to the business owner for required inspections per each building, structure, and premises and leased premises in which the business operates.

(b) Inspection fee schedule. All property subject to the fire inspection fee shall be charged according to the Town Fee Schedule which may be amended by the Town Board.

(c) Additional conditions.

1. "Square footage" refers to total floor area of each building or structure, premises or leased premises inspected per Municipal Code § **4.09.5(1)**.
2. If the annual fire prevention inspection fee, or any part thereof, remains unpaid after November 1 of any year, the fee shall be placed on the annual tax roll for collection against the property owner under Wis. Stats. § 66.0627. All

rules and regulations relating to the collection of real estate taxes shall apply to the collection of the annual fire prevention inspection fee.

3. The inspection fee shall be invoiced on or before July 31 each year. Any fees remaining unpaid 30 days after invoicing shall receive an interest charge of 1% per month on the unpaid balance.

4. All buildings, structures and premises owned by the Town of Little Suamico shall be exempt from the annual fire prevention inspection fee.

9.04 FIRE PREVENTION CODE

(1) Purpose. This ordinance provides the Town with the rules and regulations consistent with NFPA, NFC, and IFC nationally-recognized good practices and/or codes to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises, and open areas; providing the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives. For the purposes of this section, shall not apply to one- and two-family dwellings unless specifically stated in the code.

(a) This section shall be known as the "Town Fire Prevention Code." This section adopts, but is not limited to, the State of Wisconsin Statutes, Department of Safety and Professional Services Chapters 301-399, the International Fire Code, and the National Fire Protection Association shall be adopted. The same, including any future modifications or amendments, are hereby adopted and incorporated as fully as if set out at length herein. Not less than one copy of the adopted issue of the International Fire Code and the adopted standards and codes of the NFPA shall be filed in the office of the Department, and the provisions thereof shall be controlling within the limits of the Town.

(b) Any facility whose design and construction occurred before the effective date of this code is governed by the codes in effect at the time of design and/or construction. The provisions in SPS 314 and National Fire Protection Association standards will apply to the use, operation and maintenance of all public buildings and places of employment that exist on or after the effective date of this ordinance.

(3) This act shall be deemed in exercise of the police powers of the Town for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Town Fire Prevention Code shall be liberally construed for that purpose.

9.05 LOCAL ADOPTION OF STATE AND NATIONAL CODES

The following are hereby adopted in their entirety.

(1) The Wis. Stats. § 101.14 is hereby adopted.

(2) The most current code, revision, and/or amendment of National Fire Protection Agency 101 Life Safety Code is hereby adopted.

(3) The most current code, revision, and/or amendment National Fire Protection Agency Standards/codes are hereby adopted.

(4) The most current code, revision, and/or amendment of the International Fire Code is hereby adopted.

9.06 CONTROLLED RECEPTACLES

Burning of wood and/or paper products in controlled receptacles will be allowed with a permit, provided such wood and/or paper products are placed within a barrel, trash can, or other enclosed burner, and that such barrel, trash can, or burner is covered and prevents burning material or embers from escaping. Standards for such burners may be specified by the Board and inspected by the Chief and/or Sherrif's Department or the Chief's designee. No fire shall be started in any wood and/or yard waste paper product burner unless the same is at least 25 feet from the nearest building or pile of combustible material and such fire shall remain under constant supervision and control until they are extinguished.

9.07 ASHES

No person shall place or store ashes in any wooden box or barrel, paper carton or other combustible container, upon any wooden floor or surface or against any wooden wall, partition, fence, post or in contact with any other woodwork or combustible material.

9.08 SMOKING

Any person who, by smoking, attempting to light or lighting cigarettes, cigars, pipes or tobacco in any manner in which lighters or matches are employed who shall in a careless, reckless or negligent manner set fire to any item of clothing, household furnishings, building, or any other property whatsoever so as to endanger life or property in any way shall be deemed guilty of violating this section and shall be subject to the penalties of this chapter.

9.09 NEGLIGENT HANDLING OF BURNING MATERIAL (Ref. Wis. Stats. § 941.10)

Whoever handles burning material in a highly negligent manner shall be subject to forfeiture as set forth.

9.10 INTERFERING WITH FIREFIGHTING (Ref. Wis. Stats. § 941.12)

(1) Whoever interferes with, tampers with or removes, without authorization, any fire extinguisher, fire hose or any other firefighting equipment; or

(2) Whoever interferes with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority shall be subject to forfeiture as set forth.

9.11 INTENTIONAL FALSE ALARMS (Ref. Wis. Stats. § 941.13).

Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, shall be subject to forfeiture as set forth

9.12 LOCK BOXES

The Chief shall have the authority to require a key box (Knox box) to be installed in an accessible location where access to, or within a structure or area is difficult because of security or where immediate access is necessary for life saving or a fire alarmed building/structure or where deemed necessary by the Chief for firefighting purposes. The key box shall be a type approved by the Chief and shall contain keys necessary to gain total access to all areas of the building, as required by the Chief. The operator of the premises shall immediately notify the Department and provide the new key(s), any time a lock is changed or re-keyed and a key(s) to that lock is contained in the key box. As of the effective date of this ordinance:

- (1) All new multi-family dwellings with common areas shall be required to have a lock box, approved by the Chief and/or his Designee, installed before issuing a Certificate of Occupancy.
- (2) All new commercial or industrial structures will be required to have a lock box approved by the jurisdiction installed before issuing a Certificate of Occupancy.

9.13 PORTABLE FIRE EXTINGUISHERS

- (1) All public buildings within the Town and/or wherever flammable and combustible materials including dusts, solids, liquids and gases are sold, manufactured, handled or processed, shall have a fire extinguisher in accordance to the applicable code with a minimum rating of 2A 10 BC. One fire extinguisher shall be required for each 3,000 square feet or fraction thereof and at least one per each floor.
- (2) No person shall sell or trade any form, type or kind of fire extinguisher which is not approved or which is not in proper working order, or the contents of which do not meet the requirements of Town and state fire and building codes.
- (3) Notwithstanding the foregoing, portable fire extinguishers shall not apply to the sale or trade of fire extinguishers to any person or firm engaged in the business of selling or handling of such extinguishers or the sale or exchange of obsolete or damaged equipment for junk.

9.14 REGULATION OF FIREWORKS

(1) General Requirements.

(a) Definitions and Applicable Law. The definitions and regulations set forth at Wis. Stats. § 167.10 (2006) are incorporated herein.

(b) No person, firm, partnership, or corporation shall offer for sale, expose for sale, sell or retail, keep with the intent to sell at retail or use or explode any fireworks (as defined in Wis. Stats. § 167.10(1)) with the following exceptions:

1. Fuel or a lubricant.

2. A firearm cartridge or shotgun shell.
3. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle.
4. A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.
5. A cap containing not more than 1/4 grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
6. A toy snake which contains no mercury.
7. A model rocket engine.
8. Tobacco and a tobacco product.
9. A sparkler on a wire or wood stock not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
10. A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
11. A fuse less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than 1/4 grain of explosive mixture.
12. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
13. A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
14. A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

Notwithstanding the foregoing, the Town may grant special use permits ("use permits") for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals through the application process as set forth at Section **4.18(2)** below.

(c) Nothing in this section shall be construed to prohibit the use of fireworks by railroads or their transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by the Fire Department.

(d) The Fire Chief and/or Designee in conjunction with Law Enforcement Officers shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this section.

(2) Application for Use Permits.

(a) The Town Chair or Designee shall consider all applications for use permits as described hereunder and shall approve or deny each application for use permit.

(b) Application for a use permit shall be made in writing 10 days in advance of the date of display on forms provided by the Town Clerk. A permit fee, as set from time to time by resolution of the Board shall be charged for each application.

(c) Such application shall require the following:

1. The name and address of the organization sponsoring the display together with the names of the group actually in charge of firing the display. For purposes of this section, a group is considered three or more persons all over the age of 18, all of whom own one or more residences within the Town. Permits for an individual or a group of two persons shall not be granted. Organizations are defined as entities which are incorporated or registered as an LLP or LLC within the United States of America.

2. Evidence of financial responsibility (if required).

3. The date fireworks may be purchased after.

4. The date and time of day at which the display is to be held.

5. The exact location planned for the display.

6. The number and kinds of fireworks to be discharged.

7. The manner and place of storage of such fireworks prior to the display.

(d) Upon receipt of the application, the Fire Chief may inspect the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display.

(e) All fireworks that fire a projectile shall be set up so that the projectile will go into the air as nearly as possible in a vertical direction, provided that where the fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.

(f) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour.

(g) All fireworks articles and items at places of display shall be stored in a manner and in a place secure from fire, accidental discharge, and theft and in a manner approved by the Fire Department.

(h) The Fire Chief or his designee and/or Sheriff's Department Officers shall have the right to revoke permits and/or stop activity for any violation of these regulations or where the holder's conduct or condition of sobriety is such as to imperil the public safety.

(i) Fire protection and extinguishing equipment shall be provided as required by the Fire Chief of the Fire Department.

(j) A nonrefundable permit application fee as set from time to time by resolution of the Board for each site shall accompany each application.

(k) Discharging or firing of the fireworks in the supervised display shall not be hazardous to property or endanger any person or persons. After the permit shall have been granted by the Village, sales, possession, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(l) Class B Use Permits.

Notwithstanding any other article herein to the contrary, when issuing a use permit for Class B fireworks as hereinafter defined, the following additional requirements must be met. For purposes of this paragraph, Class B use permits are necessary for the use of fireworks defined as "Class B" 1.3 grams within the Code of Federal Regulations and/or for use of fireworks in professional displays as defined by the Code of Federal Regulations or otherwise.

Additional Regulations. Applications for Class B permits shall require the following additional information:

1. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communications, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.
2. A representative demonstration of the pyrotechnic shall be provided if requested by the Fire Department.
3. All displays shall comply with the National Fire Protection Agency Standard(s).
4. The Fire Chief shall confer with the Direct Enforcement Officer (DEO) about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the Fire Chief and DEO shall together endorse the application stating that they approve the display as being in conformance with all parts of the law and with these regulations. Failure to approve the application by either the DEO or the Fire Chief shall be sufficient cause to deny the application.
5. The person, firm, or corporation making the application shall file a signature bond which shall be personally guaranteed by the permittee, its agents or principals, which said signature bond shall hold the Town harmless from any and all damages to property or personal injuries arising out of any act or omission on the part of the permittee or any agent or employee thereof. In lieu of said signature bond, a permittee may file a certificate of liability insurance in the

amount of not less than \$300,000 per accident and \$500,000 per occurrence to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the permittee or any agent or employee thereof.

6. Following endorsement by the Fire Chief and the DEO the application shall be sent to the Chair who shall then, upon receipt of the financial responsibility as required in section **4.18** (2) (d) above, issue a nontransferable permit authorizing the display. In no case shall such a display be within 500 feet of a school, theater, church, hospital, or similar institution.

7. For all displays of fireworks all spectators shall be restrained behind lines or barriers as designated by local authorities but in no case less than 200 feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

8. No permit shall be issued under the provisions of this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this Town until the person, firm, or corporation shall have appointed in writing a member of the bar of this state and residing therein to be the attorney for permittee upon whom all process in any action or proceeding against him may be served.

(3) Application for Seller(s) Permits.

(a) Seller's permits shall be required for any person(s) selling or retailing any/all fireworks not exempt by Section **4.18** (1) (b). No seller's permit shall be issued to minors.

(b) Applicants for a Fireworks Sale License shall make an application for each site in writing on forms provided by the Clerk. A Licensee may possess and sell the enumerated fireworks at more than one site within the Town. A nonrefundable license application fee as set from time to time by resolution of the Board for each site shall accompany each application.

(c) The application for license shall include, without limitation, the following information:

1. Name, address, and telephone number of the applicant.
2. Address(es) at which the applicant intends to sell the enumerated fireworks.
3. Name(s), address(es), and consent(s) of the owner(s) of the real estate upon which the enumerated fireworks will be sold.
4. Itemization of which enumerated fireworks the applicant intends to sell.
5. A statement that applicant shall not employ minors to sell or handle fireworks except under the immediate onsite supervision of an adult age 18 or older.

(d) The Chair or Designee shall consider the application for licenses hereunder and shall approve or deny each application. If denied, the applicant shall have the right to appeal the denial to the Board. The Clerk shall issue the license upon the approval of the Chair

or Designee or the Board. Once approved, the Fire Department shall receive a listing of all licenses and may inspect for occupancy and Town ordinance compliance.

(e) Licenses issued hereunder shall be for a term of one year, from May 1 through the following April 30. Application for annual licenses shall be filed not later than April 1 each year.

(f) The Town may condition the issuance of licenses hereunder as it sees fit to protect the public interest and safety.

(g) The Town shall have the right to suspend or revoke any licenses in accordance with Paragraph 6 of this section.

(h) Licenses issued hereunder may not be transferred or assigned without the consent of the Town; and, no licensee may use a site other than the site licensed pursuant to the application of the licensee.

(i) The Fire Chief, DEO, or their Designee may temporarily suspend and confiscate licenses if violations occur and order the site closed pending corrective action or appeal to the Board.

(4) Obnoxious Odor Devices and Products.

(a) No person may sell, possess, or use any device, product, or item that has its primary purpose the production of an obnoxious odor or smell.

(b) Without limitation, it shall be grounds for suspension or revocation of a person's seller or use permits if the licensee or permittee sells or possesses for sale any obnoxious odor devices, products, or items.

(5) Penalties. Any person who violates any provision of this Section **4.18**, shall be penalized, upon conviction thereof, as set forth in Section **4.99**.

(6) Revocation and Suspension of Seller's Permits; Non-Renewal.

(a) Procedure. Whenever the holder of any seller's permit issued by the Town violates any portion of the Town Code of Ordinances, proceedings for the revocation of such permit may be instituted in the manner and under the procedure established by this policy.

(b) Seller's Permit Revocation, Suspension, or Non-Renewal.

1. Notice and Hearing. Whenever a person holding a permit to sell has failed to maintain the premises according to standards prescribed for sanitation, or when the permittee has not observed and obeyed any lawful order of the Board, Fire Department or Sherrif's Department of the Town, has violated Town Ordinances, or for any other good reason, the Board shall issue a summons to be signed by the Clerk commanding the permittee complained of to appear before the Board on a day and time and at a place named in the summons to show cause why the permit should not be revoked, suspended, or not renewed. In addition, any resident may file a sworn, written complaint with the Clerk. Such summons shall be served not less than three and not more than 30 days before

the time at which the permittee is commanded to appear and may be served personally upon the permittee or the agent of the permittee or upon the person in charge of the permitted premises.

The complaint shall be served with the summons and shall set forth the offenses allegedly committed, the date and place of said offense and the facts constituting the alleged offense. If such permittee does not appear as required by the summons, the complaint shall be taken as true, and if the Board deems its allegations sufficient, the Board shall recommend revocation, non- renewal, or suspension of the permit as provided herein.

2. Procedure on Hearing; Effect of Revocation.

a. The Chair shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stats. § 227.08 shall be followed. The complainant shall have the burden of proving the charges to a preponderance of the evidence. The permittee and the complainant may be represented by counsel, may call and examine witnesses and cross- examine witnesses of the other party. All proceedings and testimony shall be recorded on tape. If either party requests a stenographic recording and transcription, the Town shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Clerk shall serve as secretary to the Board and shall make and receive all exhibits admitted into the record. The Board, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true or not.

If the vote is to suspend the seller's permit, it shall be for a period of not less than 10 days or more than 90 days. Following the procedure above, the recommendation may be to revoke the seller's permit.

If the Board determines that the charges are not substantiated, the complaint shall be dismissed without cost to either party. The Board's action shall be recorded by the Clerk.

b. If the complaint is found to be true, the permittee shall pay the Town the actual cost of the proceedings. If the complaint is found by the Board to be malicious and without probable cause, the complainant shall pay the costs of the proceedings in the same amount.

c. When a permit is revoked, it shall be so entered of record by the Clerk and no other seller's permit shall be granted to such permittee for such premises for a period of 12 months from the date of the revocation, nor

shall any part of the money paid as application fee for any permit so revoked be refunded.

(c) Demerit Point System/Revocation and Suspension of Seller's Permit. In addition to the procedures set forth at Section 4.18 (6) (b) above, the Town may suspend or revoke a seller's permit without a hearing upon the following demerit system:

1. Point Schedule. Upon conviction by any Municipal Court, or other court of competent jurisdiction, a seller's permit shall be awarded demerit points as follows:

Type of Violation	Demerit Points
Failure to be permitted	100
False statement on application	100
Zoning Code violations	50
All other violations	50

2. Concurrent Violations. If two or more violations are committed concurrently, the highest point violation shall be assessed.

3. Upon conviction, demerit points shall be awarded retroactive to the date of the violation. If 150 demerit points are accumulated in a twelve-month period, the Board shall suspend the permit for a period of 10 days.

4. Upon conviction, demerit points shall be awarded retroactive to the date of violation. If 200 demerit points are accumulated in a twenty-four-month period, the Board shall suspend the permit for a period of 30 days.

5. Upon conviction, demerit points shall be awarded retroactive to the date of violation. If 250 demerit points are accumulated in a thirty-six-month period, the Board shall suspend the permit for a period of 90 days.

6. Demerit points are accumulated for each permit which results from conviction for a municipal code violation or a state law violation under the terms and conditions of this chapter. The actual demerit points are assessed upon entry of judgment and either expiration of the appeal period thereafter or the expiration of any appeal, and where the results of the appeal sustain the Town's conviction of the holder of the permit.

7. Each seller's permit shall stand revoked without further proceedings upon any conviction in Municipal Court or any other court of competent jurisdiction (and no reversal thereof upon appeal) of either the permitted holder or any employee, or agent or representative thereof, resulting in an accumulation of 300 demerit points within a forty-eight-month period. Any violation and subsequent conviction by the holder of the permit for violations of the Oconto

County Code of Ordinances shall be considered a violation and conviction under this policy and shall result in the accumulation of demerit points.

8. Other Provisions. Any permit issued pursuant to this section shall be subject to such further regulations and restrictions as may be imposed by the Board by amendment to this section or by the enactment of new ordinances. If any permittees fail or neglect to meet the requirements imposed by such new restrictions and regulations, his/her permit may be revoked in accordance with this section. In case of revocation of any permit or any violation of any provision in this policy or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the permit fee.

9. Effect of Revocation of Permit. Whenever any seller's permit has been revoked pursuant to this Section **4.18**, at least four months from the time of such revocation shall elapse before another permit shall be issued for the same premises and 12 months shall elapse before another permit shall be issued to the person whose permit was revoked.

10. Repossession of Permit. Whenever any seller's permit under this Section **4.18** shall be revoked or suspended by the Board or Chairman or action of any court or Par. (d), it shall be the duty of the Clerk to notify the permit holder of such suspension or revocation and to take physical possession of the permit wherever it may be found and file it in the Clerk's office.

(7) Violations by Agents and Employees. A violation of this policy by an authorized agent or employee of a permittee shall constitute a violation by the permittee.

(8) Applicability. This policy is applicable to fireworks seller's and user's permits issued by the Town. This policy is not intended to replace established procedures for licenses issued by the Town as adopted in the Code of Ordinances. This policy is in addition to any other penalties or forfeitures that may be assessed by the Municipal Court for the Town or any other Court having jurisdiction for convictions related and, further, is in addition to any other penalties or forfeitures that may be assessed in accordance with Section **4.99** of the Town Code.

9.15 OPEN BURNING

(1) General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

(a) Any open burning other than recreational fires, requires a Burning permit.

(2) Definitions: The following definitions shall apply to this section:

ACCELERANT:A flammable or combustible liquid that will increase the rate of burning of a material. Under no circumstances may any flammable or combustible liquid be used to start or promote an open fire to burn.

CHAMBER :For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gases are open.

FUEL :Fuel for any fires identified under this code section shall only consist of dry natural wood materials, leaves or charcoal. Materials for fires shall NOT include rubbish, garbage, trash, grass, any material made of or coated with rubber, plastic, leather, paint or petroleum-based materials and shall not contain any flammable or combustible liquids.

OPEN FIRE :The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires.

RECREATIONAL FIRE/FIRE PIT:A below ground pit with a minimum depth of 10 inches not to exceed three feet in diameter. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock.

SIZE: Unless specified in the definitions above, the maximum size of any open fire, bonfire, recreational fire or fire/barbecue pit may not exceed three feet in diameter and the fuel height may not exceed two feet in height. Burning permit will be required in addition to any Special permission granted by the DNR, Chief or their designee for larger burn piles.

(3) Burning permits shall be obtained from the Department of Natural Resources or Town Clerk. The permit shall be good for 10 days unless otherwise amended by this code.

(a) Fees for burning permits shall be as set from time to time by resolution of the Board.

(4) Safety Considerations: The following shall be adhered to for open burning:

(a) Atmospheric Conditions. Fires will be limited to the following atmospheric conditions: No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds eight miles per hour as measured at the Green Bay NOAA National Weather Service station or local circumstances make fires potentially hazardous. Open burning shall be prohibited when such atmospheric conditions exist that would cause the smoke from open burning to stagnate such as an inversion or extremely high humidity.

(b) Burning Times. Open fires other than bonfires or recreational fire/barbecue pits may only be conducted during daylight hours and must be extinguished at dusk.

(c) Prohibited Open Burning. Open burning that will be offensive or objectionable to occupants of the surrounding properties (creating a Public Nuisance as defined in Chapter 9 of the Town Code due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. A fire department officer is authorized to order the extinguishment by either the party in control of the fire or the Fire Department when open burning creates or adds to a hazardous or objectionable situation.

(5) Location. The location of open fires shall be as follows:

(a) Recreational Fires/Fire Pit. The location of open fires shall not be less than 30 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 30 feet of any structure.

(6) Attendance.

(a) All open fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with a minimum 4-A rating or other approved onsite fire extinguishing equipment, such as shovel, dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(b) Responsible Person. At least one responsible person of age 16 years or older must be in attendance of all fires.

(7) Portable Open-Flame Cooking Devices. Portable open-flame cooking devices, regardless of cooking fuel, shall not be operated within 10 feet of combustible construction.

(a) Exceptions: Where buildings and decks are protected by an automatic sprinkler system.

(b) Prohibited Locations. Portable open- flame cooking devices are prohibited on the balcony of any multi-family residential dwelling.

(8) Liability. In addition to any other penalty as set for at Section 4.99 herein, or within any other statute, code, or regulation, any person violating this article shall reimburse the Town for reasonable cost of fire protection services made necessary by the violation including, but not limited to, the costs of investigation of the violation and any response by the Town's Fire Department as a result of the violation. The prosecution for violations of this article or payment of the penalties provided shall not prohibit any person from seeking any other remedy against the person causing or permitting the burning.

(9) Exempt Fires. The following described fires shall be exempt from the open fire requirements described in this section.

(a) Approved Training for Fire Protection Purposes. The Town Fire Department shall be the authority to determine approval of all such fires.

(10) Emergency Powers of the Chief. When the Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may:

(a) Set, build, or maintain any open fire, bonfire, recreational fire, or fire/barbecue pit or any other type of fire.

(b) Throw, discard, or drop matches, ashes or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.

(c) Light or use any fireworks, as defined per Wisconsin Statutes, or caps, toy snakes, sparklers, some bombs, or cylindrical or cone fountains that emit sparks and smoke except in displays or use as authorized by the Fire Department where adequate fire prevention measures have been taken.

(d) Such a ban described above shall be lifted when the environmental conditions change so that serious threat is no longer present.

(11) Careless Smoking.

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment, combustible materials, or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodation of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.

(12) Posting of No Smoking Signs. The Chief shall post or cause to be posted no smoking signs in retail establishments where flammable or combustible materials are handled or sold and the act of smoking or striking a match or lighter device presents a fire hazard. Such signs shall be plainly visible on a contrasting background and shall be posted conspicuously in all areas where such hazards exist. Such sign shall bear the words "No Smoking" across the top in large letters.

9.16 FIRE INSPECTION REQUIRED BEFORE OCCUPANCY

(1) No person shall occupy or change the occupancy of a building or structure covered under Wis. The State of Wisconsin Department of Safety and Professional Services (SPS Chapter 361-366.) existing buildings; used by or for public assembly, industrial, institutional, multifamily (public spaces), office, or mercantile purposes until such building or structure has been inspected and approved by the Fire Inspection Department, the Building Inspection Department and a Certificate of Occupancy is issued by the Town.

(a) The owner shall post the capacity in all buildings and on every level as approved by the Fire Inspection Department and Building Inspection Department. Signs (notices) shall be prominently displayed stating the maximum number of persons on each floor for whom stairways and other exits have been provided. Such notices shall be placed in full view on each floor.

(b) The capacity limit sign shall have the following wording: "Limit (number inserted) Persons". The maximum number of persons shall be determined by the capacity as permitted in the building code in effect at the time of construction of the building and/or the Fire Inspection and Building Inspection Departments jointly. The lettering shall be white on a dark background. The letters shall not be less than 1 1/2 inches in height and the number shall not be less than three inches in height.

(2) Fees for Fire Inspections Prior to Occupancy. Fees shall be as adopted in the Town of Little Suamico Fee Schedule. Said schedule of fees shall be subject to review and approval by the Town Board, which shall adopt the same by resolution, and which may be amended from time to time in the same manner.

9.17 INSTALLATION PERMITS.

(1) The following installation permits shall be required in the Town jurisdiction for industrial and commercial buildings:

(a) Automatic fire Extinguishing Systems. A permit is required for any installation of or modification to an automatic fire extinguishing system.

(b) Fire Alarm and Detection System and Related Equipment. A permit is required for installation of or modification to fire alarm and detection systems and related equipment.

(c) Fire Pumps and Related Equipment. A permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators.

(d) Private Fire Hydrants. A permit is required for the installation or modification of private fire hydrants.

(e) Standpipe Systems. A permit is required for the installation, modification, or removal from service of a standpipe system.

(f) Spraying or Dipping. A permit is required to install or modify any spray room/area, dip tank, or booth.

(g) Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(2) Department Approval shall be Obtained. After an application is completed with three sets of plans for each type of system, upon examination, the plans shall be dated and stamped "Conditionally Approved" or "Not Approved," whichever applies. If upon examination the department determines that the application for permit substantially conforms, a permit(s) shall be issued by the Fire Department. The Fire Department will stamp all plans conditionally approved and return two sets of plans with the permit to the project proponent. A conditional approval issued by the department shall not be construed as an assumption of any responsibility for the design or construction. A letter shall be sent to the submitter with a statement relating to the examination of the plans and citing the conditions of approval or denial. One set of stamped plans should be present on the project site throughout the installation process.

(3) Revocation of Approval. The department may revoke any approval issued under the provisions of this chapter for any false statements or misrepresentation of facts upon which the approval was based. A stop work order may be issued until a permit is approved and/or said issues are rectified.

(4) All permitted installation projects are subject to inspection by the department before, during, and at the time of final inspection for issuance of the Certificate of Occupancy. Conditions of issuing Certificate of Occupancy are compliance with all applicable codes and provisions of the permit including certification documentation and inspections.

9.18 REFERENCE STANDARDS

- (1) Wherever in this subchapter or during code enforcement practices reference is made to nationally recognized good or safe practice, the intent is that the practice to be followed shall be reasonable and safe as determined by the Fire Chief.
- (2) The Fire Chief may refer, among other standard publications, to the National Fire Code as published by the National Fire Protection Association for determining what is reasonable and safe.
- (3) Any publications used to determine nationally recognized good practice by the department shall be broadly construed to determine intent, but no provisions contrary to the Wis. Adm. Code or any other ordinance of the Town shall be used as a reference.

9.19 EFFECTIVE DATE

The effective date of this fire code will be ?

9.20 FLAMMABLE AND COMBUSTIBLE LIQUIDS STORAGE

(1) Authority. The most current version of the Wis. Adm. Code, ATCP 93 and the applicable National Fire Protection Standards is hereby adopted, incorporated herein at length by reference and made part of the Town Fire Prevention Code.

The Department shall, as part of the authorized inspection authority related to storage tank inspections pursuant to the Professional Services Contract between the Department of Agriculture, Trade, and Consumer Protection (ATCP) and the Town, adopt ATCP 93 as it specifically relates to the storage tank program only. A Town permit must first be obtained by any parties installing any flammable and combustible liquid storage tanks in the Town.

(2) Inspection Requirements - Scope of Service. The department, as part of the Local Program Operator responsibilities, shall perform or contract to perform the following inspection duties related to the storage of flammable and combustible liquids in the Town:

- (a) Complete plan examinations for all tank installations of less than 5,000 gallons. Approve/disapprove plans which are submitted based upon criteria established in ATCP 93 or successor state law.
- (b) Recommend permit fees, for approval by the Board, for all work related to the installation and alterations of tanks less than 5,000 gallons and permit fees for all tank removals.
- (c) Perform installation inspections for tank systems reviewed at either the state or local level.
- (d) Authorize stop-work orders when violations of ATCP 93 have occurred.
- (e) Perform the annual inspection of federally regulated tank systems for compliance with leak detection, operation and maintenance and the closure requirements established in ATCP 93.
- (f) Perform inspections at the closure of tank systems.

(g) Perform any and all duties or authority as set forth in ATCP 93, the Town Code, or the contractual inspection agreement with the Department of Agriculture, Trade, and Consumer Protection (ATCP) as necessary and determined by the department.

(3) Inspection Requirements Notice. Notice inspection requirements shall be as follows:

(a) The department and its contracted agent shall be notified 10 days in advance of any underground storage tank removal.

(b) Twenty-four-hour minimum advance notice shall be required for any canceled installation, upgrade, or removal inspection appointment.

(4) Fees. Shall be as set from time to time by resolution of the Board.

9.21 NUISANCE SMOKE/FIRES

To ensure such fires do not compromise safety or annoy neighbors, at no time shall smoke created by burning be an annoyance or cause discomfort to the neighborhood or the traveling public. The fire shall be ordered extinguished upon any complaint to the fire department or sheriff department.

9.22 FEES CHARGED FOR EMERGENCY CALLS

(1) Definitions. For purposes of this section, the term "emergency call" is defined as the Town of Little Suamico Fire Department responding with Fire Department personnel and apparatus to a reported or suspected fire, vehicle accident, hazardous material incident, or other similar emergency situation.

(2) Schedule of Fees. Under the authority granted to Town's under sec. 61.34(1), Wis. Stats and sec. 66.60(16), Wis. Stats, the Town of Little Suamico Fire Department shall establish a schedule of fees which reflect the Fire Department's operating and maintenance costs for response by its personnel and apparatus to emergency calls. Said schedule of fees shall be subject to review and approval by the Town Board, which shall adopt the same by resolution, and which may be amended from time to time in the same manner.

(3) Applicability. In accordance with the schedule of fees established under subsection (2) above, the Town may charge the property owner, company, or responsible individual for the Fire departments cost to respond to an emergency call under any of the following circumstances:

(a) In the event that the emergency call is for an incident occurring on any highway that is part of the national system of Interstate highways, US highways, or any highway maintained by the Wisconsin Department of Transportation.

(b) In the event that the Fire Department determines that the emergency call was caused by the intentional or negligent act of any person or company. Such intentional or negligent acts may include, but are not limited to, fire setting, causing a false alarm, and failure to comply with burning regulations.

(c) For certain special rescue situations and hazardous material responses where the Fire Department determines that sufficient Town supplies and materials and/or manpower requires the recovery from the responsible party. All invoices for hazardous materials response will go through the local emergency planning committee (LEPC) per state guidelines.

(d) For auto accidents and rescue extrications where rescue assistance is supplied. This may include ambulance services, transport, and associated costs such as medications and mileage.

(e) For disposal of sorbent and hazardous materials residues.

(f) For disposal of records and other administrative costs.

9.23 TENT REGULATIONS

(1) Definitions:

(a) A tent is defined as a structure, enclosure, or shelter with partial or complete sidewalls or drops, constructed of fabric or pliable material supported by any manner except air.

(b) An open tent is defined as a tent that is open on all sides.

(c) Separation distances are measured from the anchorage point, not the limits of the tent.

(2) Criteria for Required Tent Permit:

(a) If you will be erecting a tent over 400 square feet.

(b) If you will be erecting smaller tents where the aggregate area of smaller tents erected within 12 feet of each other is greater than 400 square feet.

(c) If you will be erecting an open tent over 700 square feet.

(d) If you will be erecting smaller open tents where the aggregate area of smaller open tents erected within 12 feet of each other is greater than 700 square feet.

(e) If you will be utilizing electricity in the tent or for the event.

(3) Tent Permit Requirements:

(a) Tents will need to comply with the International Building Code IBC 3103.

(b) Tents shall comply with the current International Fire Code sections 2403 and 2404.

(c) Tents shall comply with the current National Electrical Code.

(d) Site plan of tent(s) (Size, Timeline, Location, ETC).

(e) Fire Retardant Certificate.

(f) If cooking, must be 20 feet from other tents.

(g) Tents need to be 20 feet (Measured from anchor point) from structures/building with exceptions (IFC 2403.8.2).

(h) No smoking signs.

(i) No open flame is allowed in or within 20 feet of the tent.

(j) Tents shall be adequately anchored.

- (k) Minimum of three feet required between fabric envelope and contents in tent.
- (l) If a generator is to be used. (If so, the generator must be 20 feet away from the tent and may require an electrical permit. The generator shall be isolated from contact with the public by fencing, enclosure, or other approved means (lock). The generator shall be grounded.
- (m) A fire extinguisher shall be required every 75 walking feet.
- (n) An unobstructed fire lane (20 feet) shall be provided and shall be within 150 feet of all portions of the facility.
- (o) Will the tent walls be down? (If so, exit lights needed at egress doors. If the exit serves an occupant load of 50 or more, the exit lights must be illuminated. Egress exits maximum travel distance is 100 feet.

Occupant Load	Minimum Number of Means of Egress	Minimum Width of Each Mean of Egress (inches)
10 to 199	2	72
200 to 499	3	72
500 to 999	4	96
1,000 to 1,999	5	120
2,000 to 2,999	6	120

(4) Fees. The tent permit fee and/or tent inspection fee shall be as listed in the Town of Little Suamico Fee Schedule as adopted by the Town Board and amended as deemed appropriate.

CHAPTER 10

RECYCLING

- 10.01 Purpose of Chapter
- 10.02 Statutory Authority
- 10.03 Abrogation and Greater Restrictions
- 10.04 Interpretation
- 10.05 Severability
- 10.06 Applicability
- 10.07 Administration

- 10.08 Effective Date
 - 10.09 Definitions
 - 10.10 Separation of Recyclable Materials
 - 10.11 Separation Requirements Exempted
 - 10.12 Care of Separated Recyclable Materials
 - 10.13 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
 - 10.14 Preparation and Collection of Recyclable Materials
 - 10.15 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings
 - 10.16 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties
 - 10.17 Prohibitions on Disposal of Recyclable Materials Separated for Recycling
 - 10.18 Enforcement
-

- 10.01 **PURPOSE OF CHAPTER.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- 10.02 **STATUTORY AUTHORITY.** This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.
- 10.03 **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 10.04 **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- 10.05 **SEVERABILITY.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 10.06 **APPLICABILITY.** The requirements of this ordinance apply to all persons within the Town of Little Suamico, Oconto County, Wisconsin.
- 10.07 **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Town of Little Suamico town board members.

10.08 EFFECTIVE DATE. The provisions of this ordinance shall take effect on September 1, 2024.

10.09 DEFINITIONS. For the purpose of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- (5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- (6) "LDPE" means low density polyethylene, labeled by the SPI code # 4.
- (7) "Magazines" means magazines and other materials printed on similar paper.
- (8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (10) "Newspaper" means a newspaper and other materials printed on newsprint.
- (11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- (12) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (13) "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
- (14) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (15) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
- (16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
- (18) "PP" means polypropylene, labeled by the SPI code # 5.

- (19) "PS" means polystyrene, labeled by the SPI code # 6.
- (20) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- (21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- (23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- (24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

10.10 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

10.11 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 11.10 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 11.10 from solid waste in as pure a form as is technically feasible.

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

(3) A recyclable material specified in s. 11.10(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

10.12 CARE OF SEPARATE RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 11.10 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

10.13 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall not be disposed of as solid waste nor be otherwise discarded. It is recommended that batteries be recycled within the market place at places such as garages and buy back locations. Where markets are not available batteries may be dropped off at the Town of Little Suamico recycling drop-off center.

(2) Major appliances shall be dropped off at the Town of Little Suamico recycling drop-off center. Appliances shall be free of any contaminants. Freon and other such materials need not to be removed from the appliance.

(3) Waste oil shall be dropped off at the Town of Little Suamico recycling drop-off center. Waste oil shall be free from any other material. Other liquids such as transmission fluid, paint, thinners, etc. are prohibited.

(4) Yard waste shall be dropped off at the Town of Little Suamico compost site or managed by residents on the property the materials originated on.

10.14 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town of Little Suamico drop-off center attendants or the Town of Little Suamico town board members, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 11.10(5) through (15):

(1) Aluminum containers shall be placed in the proper aluminum container bin at the Town of Little Suamico recycling drop-off center.

(2) Bi-metal containers shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(3) Corrugated paper or other container board shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(4) Foam polystyrene packaging shall be recycled where acceptable or disposed of in the proper solid waste container at the Town of Little Suamico recycling drop-off center.

(5) Glass containers shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(6) Magazines shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(7) Newspaper shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(8) Office paper shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(9) Rigid plastic containers labeled 1-7 shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(10) Steel containers shall be placed in the proper single stream recycling container located at the Town of Little Suamico recycling drop-off center.

(11) Waste tires shall be delivered to the Town of Little Suamico recycling drop-off center. Tipping fees will apply.

10.15 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 11.10(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

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

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

(2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.10(5) through (15) from solid waste in as pure a form as is technically feasible.

10.16 RESPONSIBILITIES OF OWNERS OF DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 11.10(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

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

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

(2) The requirements specified in 1) do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.10 (5) through (15) from solid waste in as pure a form as is technically feasible.

10.17 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 11.10 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

10.18 ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Little Suamico may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Little Suamico who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Little Suamico town board to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 11.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 11.17, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

CHAPTER 11

NONMETALLIC MINING

- 11.01 Purpose
 - 11.02 Definitions
 - 11.03 Applicability of Chapter
 - 11.04 Exempt Activities
 - 11.05 Applications for Permits
 - 11.06 Permit Approval and Appeal Process
 - 11.07 Minimum Reclamation Standards
 - 11.08 Standards Applied to All Permits
 - 11.09 Renewal of Permit
 - 11.10 Existing Nonmetallic Mining Operations
 - 11.11 Project Site Modification or Enlargement
 - 11.12 Fees
 - 11.13 Inspection
 - 11.14 Enforcement and Penalty Provisions
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11.01 PURPOSE. Nonmetallic mining is recognized as an important industry which contributes to the Town's economic and social well-being, but which risks damage to the long-term physical environment and the tax base of the Town. It is the purpose of this Chapter to establish regulations for nonmetallic mining and site reclamation that will protect the environment and the tax base both during and after the conduct of mining operations.

11.02 DEFINITIONS. In this Chapter, terms shall mean the following:

(1) "Abandonment of Operations" means the cessation of nonmetallic mining operations for more than three hundred sixty (360) consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or by other written request deemed sufficient by the Town. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

(2) "Town" means the Town of Little Suamico.

(3) "Enlargement" means any horizontal or vertical increase beyond dimensions of the original application for the project site and shall be subject to the diminishing assets rule.

(4) "Environmental pollution" means the contaminating or rendering unclean or impure the air, land or waters of the state or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(5) "Modification" means any vertical or horizontal increase or decrease within the dimensions of the original application for the project site.

(6) "Nonmetallic Mining" or "Nonmetallic Mining Operation" means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to, manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready-mix concrete – such uses to be allowed by separate conditional use permit.

(7) "Nonmetallic Mining Refuse" means waste soil, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.

(8) "Nonmetallic Mining Site" or "Project Site" or "Site" means the location where a nonmetallic mining operation is proposed to be conducted or is conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas which nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.

(9) "Operator" means any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under a nonmetallic mining reclamation ordinance, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(10) "Parties in Interest" means the owner and operator of a proposed or existing nonmetallic mining site and all owners of property located within one thousand (1,000') feet of the boundaries of a proposed or existing nonmetallic mining site.

(11) "Permit" means any permit which may be required under this Section of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.

(12) "Reclamation" means the rehabilitation of a nonmetallic mining site, including, but not necessarily including, and not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

(13) "Replacement of Topsoil" means the replacement of the topsoil which was removed and disturbed by a nonmetallic mining operation or the provision and placement of soil which is at

least as adequate, in the opinion of the Town, as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

(14) "Riprap" means a quantity of durable stones or concrete pieces of varying size and shape, placed as a protective layer over soil in such a manner that the smaller pieces fill the spaces between the larger pieces. Concrete pieces are less desirable than stones for this use, and those with exposed reinforcing rods shall not be used.

(15) "Topsoil" means that material (normally the A and the upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regarded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

(16) "Town Quarry Advisory Committee", consisting of one (1) representative of the nonmetallic mining operations, one (1) representative for Blasting operators, one (1) resident, one (1) member of the Town Board and one (1) member of the Town Plan Commission, which will meet to discuss concerns and issues relating to nonmetallic mining operations and make advisory recommendations to the Town Board.

11.03 APPLICABILITY OF CHAPTER. This Chapter is applicable to all nonmetallic mining sites within the Town of Little Suamico. This Chapter applies to any portion of a nonmetallic mining site, including unreclaimed portions of a site, which was mined prior to the effective date of this Chapter.

11.04 EXEMPT ACTIVITIES. This Chapter does not apply to the following activities:

- (1) Excavations or grading by a person solely for domestic use at his or her residence.
- (2) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (3) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (4) Excavations for building construction purposes.
- (5) Any mining operation, the reclamation of which is required in a permit obtained under Section 293, Wis. Stats.
- (6) Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Section 289, Wis. Stats., or a hazardous waste disposal facility under Section 291, Wis. Stats.; provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (7) Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under Sections 30.19, 30.195 and 30.20, Wis. Stats.

11.05 APPLICATIONS FOR PERMITS.

(1) General Requirement. An operator shall obtain a nonmetallic mining permit prior to engaging in nonmetallic mining or the enlargement of a site. Such permit applications are subject to public hearing before the Town Board. Permits shall be denied if the Town Board finds that the project does not conform with the minimum standards set forth in this Chapter or if the applicant has failed or continues to fail to comply with this Section.

(2) Application. The application for a permit shall be submitted to the Town Clerk on forms provided by the Town. The application for a mining permit shall be signed by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:

(a) General Information – The name and address of the operator.

(b) Lease(s) – A signed copy of the lease(s) which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Section. The expiration date of the lease shall clearly be indicated thereon.

(c) Legal Description – A legal description and survey map of the tracts of land to be land affected by the proposed operation and the approximate total number of acres involved.

(d) General Map – Five (5) copies of a general map which shall be drawn at a scale of no less than one (1) inch equals four hundred (400 feet and shall include the following:

1. Property boundaries of the operator's owned and/or leased land consistent with the legal description for the premises.
2. Location and names of all known streams, roads, railroads, utility lines on or immediately adjacent to the site.
3. Location of all structures owned by parties in interest within one thousand (1,000') feet.
4. Names and addresses of parties in interest.
5. Boundaries for the site.
6. Location and description of mining site boundary stakes and permanent reference point.
7. Zoning of the site.
8. Existing and proposed drainage within and without the site of operations to a distance of five hundred (500') feet reflecting the handling of all waters, natural, pumped surface and identify wetlands thereon.
9. Locate and identify setbacks.

(e) Operation Plan – The Operation Plan shall include information about the site, a legal description of the proposed nonmetallic mining operation, methods and procedures to be used in mining the site including the following:

1. Type of mining, processing and transportation equipment to be used.
2. Type of materials to be extracted.
3. A description of the proposed horizontal and vertical limits of the proposed operation plan.
4. Primary travel routes to be used to transport material to processing plants or markets.
5. Measures to be taken to control noise, dust and vibrations from the operations and/or a written explanation of why such measures are not needed.

6. If explosives are to be used in the operation, a copy of the Blaster's Explosive Use Plan should be on file with the Town.

7. A statement that the applicant has complied with all Wisconsin State Statutes, Administrative Code provisions and Town/County Ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.

(f) Reclamation Plan – The permit shall be subject to the provisions and requirements of Section 295, Nonmetallic Mining Reclamation, Wis. Stats.

(g) Certificate of Insurance – Each application for a permit herein, or a renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability policy, and said policy of insurance shall have limits of coverage of not less than \$1,000,000 in the aggregate, and \$500,000 per occurrence, and the Town shall be named as an additional insured on applicant's policy of liability insurance.

(h) Other Information – The Town Board may require the submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area. The Town Board may waive portions of the specified information if it is satisfied that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application. In determining what information shall be waived, the Town Board shall take into account, among other things, the nature of the applicant's operation and whether the operation is a legally pre-existing operation. It shall be the obligation of the applicant to request any such waiver. Such request shall set forth the justification for such waiver.

11.06 PERMIT APPROVAL AND APPEAL PROCESS.

(1) Standards for Evaluation and Approval. The Town Board, in conjunction with the Town's consultants, shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, the proposed operating, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, quality of life of the neighborhood and Town, and any other pertinent requirements deemed necessary by the Town Board so as to eliminate, alleviate or control any unreasonable hazard, danger, harm, risk or nuisance that exists or could develop as a result of the operation and reclamation for which the application is made. In making such determinations, the Town Board shall consider whether or not the applicant is applying as to a legal pre-existing operation and use and the rights which may have accrued to such applicant as a result thereof.

(2) Public Hearing.

(a) Within thirty (30) days after receipt of a complete permit application and a recommendation from the Town Plan Commission, the Town Clerk shall schedule a public hearing on the application before the Town Board; the application shall be

submitted to the Plan Commission and the Town's consultants for its recommendation prior to Town Board action.

(b) Notice of the aforementioned public hearing shall be published as a Class 2 Notice in a newspaper of general circulation within the Town of Little Suamico. In addition, notice of said public hearing shall be mailed to the last-known address of all owners of property within five hundred (500') feet of the subject property. Failure to receive notice shall not invalidate any action taken by the Town Board.

(c) At the hearing on an application for a nonmetallic mining permit, the Town Board shall hear and receive any evidence or sworn testimony presented by the applicant or an authorized agent. At the conclusion of the applicant's presentation, the Town Board shall hear first any public comments from those in support of the application, then from those in opposition to the application, and finally the recommendation of the Planning Commission and the Town's consultants. The applicant shall be given an opportunity to respond to any adverse comments, evidence or recommendation.

(d) Approval or Denial. Within thirty (30) days after the hearing, The Town Board shall either grant, deny or grant with modification the application based upon specific findings and conclusions. The Town Board may grant an application conditions upon meeting certain operational and reclamation provisions and standards, which shall not be less stringent than the minimum standards hereinafter set forth. In deciding upon an application for a legally pre-existing operating, the Town Board shall take into account the preexisting nature and circumstances of the operation.

(e) Appeal. Appeals from the decision of the Town Board in granting or denying a license shall be to the Circuit Court.

(f) All stone quarries as nonmetallic mining operations legally existing at the effective date of this ordinance shall not be subject to the public hearing requirements except for enlargement.

11.07 MINIMUM RECLAMATION STANDARDS. The permit shall be subject to the provisions and requirements of Chapter 295, Nonmetallic Mining Reclamation, Wis. Stats.

11.08 STANDARDS APPLIED TO ALL PERMITS.

(1) Right of Access. The filing of an application shall grant the Town and its officers, consultants and agents the right of access onto the site and contiguous lands owned or leased by the applicant for the purpose of inspecting the site and adjacent lands for pre-permit issuance inspections, for compliance with the permit if issued and for any other purpose relative to this Section. Except in emergencies, access shall be granted during normal business hours with reasonable notice to the operator. Inspectors shall report to the person in charge of the site and comply with established safety rules and regulations.

(2) After the issuance of a permit, all nonmetallic mining operations, as a condition of their permit, shall comply with all Wisconsin State Statutes, Administrative Code provisions, and Town/County Ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.

- (3) Boundary Staking. All excavation and phase boundaries, if any, shall be staked or otherwise marked per the survey by the operator and inspected by the Town prior to commencing operations on a site. Stakes shall be made of steel consisting of, at a minimum, a two (2") inch pipe. Stakes shall be placed on all corners of the site and additional stakes shall be placed every three hundred (300') feet between corner stakes. Stakes shall be set so they are at least five (5') feet above ground level and painted so they are visible.
- (4) Plans on Site. A copy of the plans and specifications returned by the Town at the time of permit issuance shall be kept on the project site throughout the entire excavation and reclamation period.
- (5) Permit Period. Permits shall be granted for one (1) year period of time and shall expire on December 31st. Permits shall be on a calendar-year basis.
- (6) Limits of Operation. Projects shall be limited to approved dimensions.
- (7) Conflicts with Other Regulations. It is the responsibility of the operator to obtain any local, state or federal permits or approvals.
- (8) Compliance with Reclamation. The operator shall comply with progressive reclamation plans, if any, and final reclamation plans for the site.
- (9) Notification of Commencement and Cessation. The operator shall notify the Town, in writing, at least fifteen (15) days prior to initial nonmetallic mining operations and at least thirty (30) work days prior to final completion of project reclamation. All phases within a site shall also comply with the notification requirements above. When a phase is complete, the operator shall notify the Town Board for approval of the reclamation before entering the next phase.
- (10) Records of Operations. All records of the permittee regarding the conduct of the nonmetallic mining operation which are reasonably needed for the property monitoring and evaluation of the operation or the enforcement of this Chapter shall be subject to inspection by the Town officials at all reasonable times; provided, however, that Town personnel, to the extent provided by law, shall take reasonable steps to prevent disclosure of records which the operator advises in writing contain privileged trade secret information.
- (11) Complaints of Violations. In the event of a complaint of a violation of this Section, the plan of operation or the plan of reclamation, the permittee shall be notified thereof in writing by the Town and shall respond to the Town in writing within ten (10) working days of notification by the Town. In the event the permittee shall fail to respond or shall deny any violation without reasonable grounds, the permittee shall be liable for the reasonable costs of investigation of such complaint including the cost of any experts if, after hearing, it has been determined that there has been a violation of the ordinance.
- (12) Other Conditions. The Town may apply such other conditions or requirements as are necessary to ensure the proper operation and the progressive and final reclamation in a manner consistent with this Section and to limit any adverse environmental impacts. Standards contained in Wisconsin Administrative Code Transportation 207 or in State of Wisconsin Department of Transportation Standards Specifications for Road and Bridge Construction may be applied to any appropriate aspect of this Chapter.
- (a) Hours of Operation: 5:00 a.m. – 9:00 p.m., Monday – Friday, April 1 to September 30
5:00 a.m. – 11:00 p.m., Monday – Friday, October 1 to March 31
5:00 a.m. – 2:00 p.m., Saturday, all year These parameters only restrict the operations for blasting purposes.

Additional hours of operation will be subject to approval of the Town Board through the permit process.

(b) Setbacks. The nonmetallic mining operation shall be set back a minimum of one hundred (100') feet from the center of all highways, streets or roads and fifty (50') feet from all exterior property lines and a minimum of five (500') feet to the nearest residence. Existing setbacks for those stone quarries in existence as of the effective date of this ordinance shall not be subject to this provision and shall be located and identified on the General Map of the site. The setback requirements will be applicable for any site enlargement unless adjoining property owners give permission.

(c) Dust Control. Opacity limit for all fugitive emissions at the property line of the site shall comply with DNR requirements.

(d) Dumping Prohibited. The owner and/or operator of a non-metallic mining operation shall not haul junk, rubbish, stumps, trees, salvage materials of any kind, including, but not limited to, concrete, fill, autos, trucks, or parts thereof, into or outside of the non-metallic mining site property contiguous thereto except for clean fill or fill approved by the Department of Natural Resources.

(e) Blasting Notification. Before any blasting operation may be conducted within the Town of Little Suamico, the Company or operator shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operations. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. This notice requirement is in addition to any other notices required by law or regulation.

11.09 RENEWAL OF PERMIT.

(1) Applications for permit renewal must be submitted in writing to the Town Clerk at least sixty (60) days prior to the expiration date of the existing permit. Such applications shall comply with the provisions of this Section, but need not include any items previously submitted with a prior application for a permit for such site. Renewal applications may merely indicate no change in such items. Any previously submitted items, which have been changed from the prior applications, shall be resubmitted showing any such changes.

(2) No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.

(3) Permit renewals may be conditioned upon correction of any unanticipated environmental impacts occurring during the original or renewal permits.

(4) No public hearing shall be required to be held with respect to a renewal application unless the application provides for an enlargement of the previously approved site or otherwise provides for an alteration or change in the method of operations or reclamation previously approved which might adversely affect the use or enjoyment of nearby properties. Site enlargement shall be subject to all the provisions and procedures set forth in Section 12.06 of this Ordinance.

11.10 EXISTING NONMETALLIC MINING OPERATIONS. All nonmetallic mining operations existing at the effective date of this Chapter (March 14, 2000) shall, within thirty (30) days of said effective date of this Chapter, be provided with a copy of this Section via certified mail. Within ninety (90) days

of their receipt of this Section, operators of existing nonmetallic mining operations shall submit the necessary plans to bring said operation into conformity with this Chapter. Such period may be extended for an additional ninety (90) days upon review and approval by the Town Board of said written request for extension. Pending the receipt and review of a timely submitted application by the Town Board, the operation shall be permitted to continue the existing nonmetallic mining operation at the site for which an application was submitted. If a permit is denied, the applicant shall cease nonmetallic mining operations at such site; however, the applicant shall be given a reasonable period of time for the processing and removal of existing materials and/or stockpiles.

11.11 PROJECT SITE MODIFICATION OR ENLARGEMENT.

(1) Site Modification. An operation may apply for a modification or cancellation of a project permit or for a change in the reclamation plan for a project site. The application for the modification, cancellation or change shall be submitted in writing by the operator and shall identify the site to be removed or affected by a change in the operation and reclamation plans.

(2) Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit, but only if:

(a) Both operators are in compliance with the requirements and standards of this Chapter.

(b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document and provides financial assurance therefore.

(3) Site Enlargement. Any proposed enlargement shall be processed as a new application pursuant to this Chapter. All provisions of this Section shall apply to the proposal.

11.12 FEES. The application for an initial permit or renewal permit requiring a public hearing under this Ordinance shall be accompanied by a fee of One Thousand Twelve - 10 (\$1,000.00) Dollars. An application for a renewal permit under this Ordinance, for which no public hearing is required, shall be accompanied by a fee of One Hundred (\$100.00) Dollars. These fees may be changed from time to time by resolution of the Town Board.

11.13 INSPECTION. The Town Board or its designee may enter the premises of a nonmetallic mining site in the performance of its or their official duties, or pursuant to a special inspection warrant issued under §66.122, Wis. Stats., in order to inspect the premises to act on any application hereunder, to ascertain compliance with the nonmetallic mining reclamation ordinance and permit, or to investigate any alleged violation. It shall be a condition of a permit issued hereunder that, upon request, such person shall be granted access to the premises during hours of operation for purposes of any such inspection, provided that applicable safety laws, rules and regulations are adhered to.

11.14 ENFORCEMENT AND PENALTIES.

(1) Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension or revocation of a nonmetallic mining permit:

- (a) Compliance with the reclamation standards established by the State of Wisconsin.
- (b) Submittal to the Town Board of the Town of Little Suamico a nonmetallic mining operation plan and compliance with the operation plan.
- (c) Submittal to the Town Board of the Town of Little Suamico a nonmetallic mining reclamation plan and compliance with the operation plan as required by State law.
- (d) Maintaining the Certificate of Insurance required by the Town Board of the Town of Little Suamico.
- (e) Compliance with the operational hours for operation of the nonmetallic mining operation.
- (f) Installation, provision and maintenance of adequate and necessary physical structures, equipment and operational controls as determined by the Town Board to prevent public nuisances and to protect the public health and safety to persons residing near the nonmetallic mining operation or person entering the nonmetallic mining operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- (g) Attempts made by the permittee or party in interest to comply with the provisions of this Ordinance.
- (h) Consideration of extenuating circumstances and matters beyond the control of a permittee or party in interest.

(2) Suspension/Revocation. Unless expressly provided herein or by other Town of Little Suamico Ordinance provisions, the nonmetallic mining permit may be suspended or revoked for cause for substantial noncompliance with the Ordinance after the proper Town of Little Suamico hearing noted below, unless in an emergency condition determined by the Town Board of the Town of Little Suamico wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Little Suamico must, by the Town Clerk of the Town of Little Suamico, receive a verified complaint concerning the permittee. The following persons may file a verified complaint with the Town Board of the Town of Little Suamico:

- (a) The Town Chair
- (b) The Town Clerk
- (c) The Town Supervisors
- (d) The Town Zoning Administrator/Building Inspector
- (e) Any Town of Little Suamico Resident
- (f) A Landowner within one thousand (1,000') feet of the blasting site

(3) The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing. The person subject to charges for violation of any Town of Little Suamico Ordinance or any violation of a condition of the nonmetallic mining permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Little Suamico. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Little Suamico and the person subject to charges. The person subject to charges for violation of any Town of Little

Suamico Ordinance or any violation of a condition of the nonmetallic mining permit shall be entitled to the following:

- (a) Representation by legal counsel
- (b) Right to present and cross-examine witnesses
- (c) Right to subpoena witnesses by the Town Chair of the Town of Little Suamico issuing subpoenas to compel attendance of witnesses

(4) The Town Board of the Town of Little Suamico may, after the hearing for any person previously issued a nonmetallic mining permit by the Town Board of the Town of Little Suamico, act as follows:

- (a) Revoke the permit as a final decision
- (b) Suspend the permit for a date certain as a final decision
- (c) Request additional information as an interim decision prior to taking future action
- (d) Take no action on the permit as a final decision

(5) The final decision of the Town Board of the Town of Little Suamico to revoke or suspend the nonmetallic mining permit shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than forty-five (45) days from the mailing of the Town Board's Decision to the permit holder.

CHAPTER 12

MOBILE HOME REGULATION

12.01 Regulatory Authorities Adopted

12.02 Mobile Home Park Regulations

12.03 Mobile Home Regulations

12.01 **REGULATORY AUTHORITIES ADOPTED.** Except as otherwise provided in this ordinance, Sec. 66.0435, Stats., all provisions of Chapter 101.91 et. seq. of the Wisconsin Statutes, and all provisions of Comm 26 of the Wisconsin Administrative Code describing and defining regulations relative to Manufactured Homes or Mobile Homes that the Town may adopt as ordinances, and the provisions of Sec. 14.900 of the Oconto County Code of Ordinances are hereby adopted and by reference made part of this Chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of Manufactured Homes or Mobile Homes in the Town.

12.02 **MOBILE HOME PARK REGULATION**

(1) License Required. No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said owner a mobile home park within the Town without first securing a license therefore from the Town Board pursuant to this chapter. Such license shall expire on midnight, June 30 of the year of issue but may be renewed under the provisions of this chapter for additional maximum two-year periods.

(2) Location Restricted. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.

(3) Application. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the mobile home park and make the application, and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised mobile home park shall be accompanied by five copies of the park plan showing the following, either existing or as proposed:

(a) The area to be used for park purposes.

(b) Roadways and driveways.

(c) The location and designation of dependent and independent mobile home spaces.

(d) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the mobile home park.

(e) A complete layout of storm, sanitary, and water systems for the service building and spaces.

(f) The method and plan of garbage removal.

(g) A plan for electrical lighting of spaces.

(4) Issuance of License.

(a) Approval. The application for a mobile home park license shall be subject to review and consideration by the Town Board. The Town Board may approve the license application subject to such conditions and requirements, in addition to those made and provided in this Chapter as the Town Board shall determine necessary for purposes of public health, safety and welfare.

(b) Fee Required. After a license hereunder has been approved, but before that license is issued by the Town Clerk, the applicant shall pay an annual fee in accordance with Comm 26. Said license shall expire on June 30 annually. A penalty fee of \$25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.

(c) Annual Renewal. All mobile home park licenses issued under this Chapter shall be subject to annual renewal. Upon application by any licensee, after approval by the Town Board and upon payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.

(d) License Transfer. Upon application for a transfer of license the Town Clerk shall, after approval of the application by the Town Board, issue a transfer upon payment of the required \$10 fee.

(5) Revocation and Suspension. A license may be suspended or revoked after a hearing held pursuant to §66.0435 Wis. Stats. Any hearing for the suspension, revocation, or nonrenewal of a license shall be conducted before the Town Board. At the conclusion of the hearing, the Town Board shall determine whether the license be suspended, revoked, or nonrenewed if it finds that the licensee committed a violation. Appeal from a decision of the Town Board shall be to the Circuit Court for Oconto County.

(6) Monthly Permit Fee.

(a) Monthly Permit Fee Required. In addition to the annual license fee provided in sub. (4) above, the Town shall collect from each unit occupying space or lots in a community in the Town in the manner made and determined under sub. (6)(b) herein below, except for the following:

1. From recreational mobile homes.
2. From manufactured and mobile homes that constitute improvements to real property under s. 70.043 (1),
3. From recreational vehicles as defined in s. 340.01 (4&r), and
4. From camping trailers as defined in s. 340.01 (6m),

(b) Computation of Monthly Permit Fee. A monthly mobile home permit fee shall be computed as follows:

1. On January 1, the assessor shall determine the total fair market value of each unit in the taxation district subject to the monthly municipal permit fee.
2. The fair market value, determined under sub. (b) 1., minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district.
3. The value of each unit, determined under sub.(b) 2 shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
4. The total annual permit fee, computed under sub. (b)3 shall be divided by 12 and shall represent the monthly permit fee.

(c) Partial Year. The monthly permit fee is applicable to units moving into the tax district any time during the year. The community operator shall furnish information to the tax district clerk and the assessor on units added to the community within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the Town Assessor receives the notice of an addition of a unit to a community, the Assessor shall determine its fair market value and notify the Town Clerk of that determination. The Town Clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual permit fee thus determined by 12 and notify the unit owner of the monthly fee to be collected from the unit owner. Liability for payment of the monthly permit fee begins on the first day of the next succeeding month and continues for the months in which the unit remains in the tax district.

(d) Annual Recalculation. A new monthly permit fee and a new valuation shall be established each January and shall continue for that calendar year.

(e) Valuation Review. The valuation established is subject to review as are other values established under Chapter 70, Stats. If the Town Board of Review reduces a valuation on

which previous monthly payments have been made the tax district shall refund past excess fee payments.

(f) Payment of Fee. The monthly permit fee shall be paid by the unit owner to the local taxing authority on or before the 10th of the month following the month for which the monthly permit fee is due.

(g) Park Licensee Liability. The licensee of a community is liable for the monthly permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the Town has failed, in an action under Chapter 799, Stats., to collect the fee from the owner and occupant of the unit. The Town may by ordinance, may require the community operator or licensee to collect the monthly municipal permit fee from the unit owner.

(h) Credit. The credit under Sec. 79.10 (9) (bm), Stats., as it applies to the principal dwelling on a parcel of taxable property, applies to the estimated fair market value of a unit that is the principal dwelling of the owner. The owner of the unit shall file a claim for the credit with the Town Treasurer. To obtain the credit under s. 79.10 (9) (bm), Stats., the owner shall attest on the claim that the unit is the owner's principal dwelling. The Town Treasurer shall reduce the owner's monthly permit fee by the amount of any allowable credit. The Town Treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under Sec. 79.10 (1m), Stats.

(i) Financial Institution Exemption. No monthly permit fee may be imposed on a financial institution, as defined in s. 69.30 (1) (b), Stats., that relates to a vacant unit that has been repossessed by the financial institution.

(j) Distribution of Monthly Fees Collected. The monthly permit fees collected by the Town shall be subject to allocation in the manner made and provided under Sec. 66.0435(8), Stats.

12.03 Mobile Home Regulations

CHAPTER 13

ZONING AND LAND USE

13.01 Comprehensive Plan

13.02 Land Division

13.03 Mini Storage Licensing Ordinance

13.04 Illicit Discharge

13.01 COMPREHENSIVE PLAN.

(1) Comprehensive Plan. The Town of Little Suamico Comprehensive Plan, prepared and adopted pursuant to 66.1001, Wis. Stats., is hereby incorporated by reference and made a part hereof and all land use within the Town shall be consistent therewith.

(2) Amendment. The Town of Little Suamico Comprehensive Plan may only be modified or amended in the manner provided in §66.1001, Wis. Stats.

13.02 LAND DIVISION.

(1) Introduction.

(a) Authority. The Town Board of Little Suamico, County of Oconto, does ordain as follows, pursuant to the authority granted by §236.45, Town, and the Wisconsin Statutes. The Town has had a Zoning Committee for a number of years which has had involvement in land use planning issues, complying with said statutory section.

(b) Title. This ordinance shall be known as, referred to, or cited as the Land Division Ordinance.

(c) Purpose and Intent. The purpose of this ordinance is to regulate and control the division of land within the Town of Little Suamico, Oconto County, for the following purposes: to promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of subdivided land and conveying by accurate legal description, and to provide safe and orderly shoreland subdivision layouts. The Town Board, by passage of this ordinance, further has the goals of reducing future conflicts between neighbors, affording an opportunity for its local committee to review proposed development plans, consider if any change of zoning classification, conditional use or variance will occur or be more likely due to the land division, and any modifications that may make any change or special zoning permission less likely.

(d) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. The Oconto County Shoreland Ordinance is applicable only in shoreland areas.

(e) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held 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 or law.

(f) Severability. If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(g) Repeal. All other Town ordinances, or parts thereof, inconsistent or conflicting with this ordinance, are hereby repealed, to the extent of the inconsistency only.

(h) Effective Date. This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication, as provided by law.

(2) Rules and Definitions.

(a) Rules. In the construction of this ordinance, the rules and definitions contained in the section shall be observed and applied, except when the context clearly indicates otherwise.

1. Words used in the present tense shall include the future, and words in the singular number shall include the plural numbers, and the plural the singular.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive and relates to a discretionary decision or act.
4. The masculine gender includes the feminine and neuter.

(b) Definitions.

1. "Alley" shall mean a public or private right-of-way which provides secondary access to abutting properties.
2. "Building" shall mean any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind, which is permanently affixed to the land, including set upon a hard surface slab such as concrete.
3. "Building Setback Line" shall mean a line parallel to the street line or water line beyond which buildings may not be erected.
4. "Cul-de-Sac" shall mean a minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
5. "Extraterritorial Plat Approval Jurisdiction" shall mean the unincorporated area within 1-1/2 miles of a fourth-class city or village and within three miles of all other cities over which cities and villages may exercise plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance in accordance with §236.10. Wis. Stats.
6. "Final Plat" shall mean the map or plan of a subdivision, and any accompanying material, as described in Section 14.02(6) of this ordinance.
7. "Grade" shall mean the center line gradient of a road, street or other public way, specified in percent.
8. "Lot" shall mean a building parcel of land represented and identified in a subdivision as defined in Section 14.02(8)(b) of this ordinance.
9. "Certified Survey Map" shall mean a map of a division of land prepared in accordance with §236.34, Wis. Stats.
10. "Outlot" shall mean a remnant parcel of land not to be used for building purposes, so designated on the plat map.
11. "Preliminary Plat" shall mean a map showing the salient features for a proposed subdivision submitted to the Town Board for purposes of preliminary consideration, as described in Section 14.02(5) of this ordinance.
12. "Public Way" shall mean any public road, street, highway, walkway, drainage way or part thereof.

13. "Replat" shall mean the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, a lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

14. "Subdivider" shall mean any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, certified survey or replat.

15. "Subdivision" shall mean the division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates any new parcel(s) or building site(s).

16. "Town" shall mean the Town of Little Suamico, including the Town Board, Town Clerk or any other designated Town Committee or authorized officer.

(3) General Provisions.

(a) Jurisdiction. The jurisdiction of this ordinance shall include all lands within the Town.

However, in no instance shall the provision of this ordinance apply to:

1. Transfers of interests pursuant to court order. Also, transfers of interests in land by will or living trust distribution after death of the principal, if no new division results beyond fractional shares of ownership.
2. Leases for a term not to exceed ten 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 resultant lots are not reduced below the minimum sizes required by these regulations, Oconto County Shoreland Zoning Ordinance, or other applicable laws or ordinances.

(b) Compliance. No subdivider shall divide any land located within the jurisdiction limits of these regulations which results in a subdivision, certified survey or a replat as defined herein; no such subdivision, certified survey or replat shall be entitled to record; and, no improvements shall be made to land without compliant with all requirements of this ordinance, and the provisions of Chapter 236, Wis. Stats. 14 - 15

(c) Land Suitability. No land shall be subdivided which is held unsuitable for any proposed use by the Oconto County Zoning Department for reason of flooding, inadequate drainage, soil type features, rock formations with severe limitation for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. The Oconto County Zoning Department, in applying the provisions of this ordinance, shall, in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, a subdivider neighbor or affected person may appeal the decision of the Town Board. The Town Board may, by unanimous vote, affirm, modify or withdraw the

determination of unsuitability. As part of the approval process, conditions may be placed upon the project so that construction of buildings is limited to certain areas within the divided land or prohibited in certain areas within said parcel. Any decision to exclude an area shall be based upon the factors listed in this section, or setbacks required by county zoning.

(d) Improvements. The subdivider shall not install any streets or other improvements required by the Town until the preliminary plat has been approved by the Town Board.

(e) Variances. The Town Board can grant variances only on the following items:

1. The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for variation is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience or financial hardship.
4. The applicant for a variance has demonstrated no practical use of the land can be made under strict adherence to the ordinance provisions.
5. Any variance granted shall remain as close to the ordinance standards as can practically be followed by use of conditions placed on approval and recorded with the Register of Deeds.

(f) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a Town Building Permit authorizing the building on or improvement of any subdivision, certified survey or replat within the jurisdiction of this ordinance and not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes. The results of any Town review of a division shall be communicated by the Zoning Committee secretary or Town Clerk to the County Zoning Office after action of either body.

(g) Penalties. Any person, firm or corporation that fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof for a period not to exceed two (2) months. Each day a violation exists or continues shall constitute a separate offense.

1. Recordation improperly made has penalties provided in §236.30, Wis. Stats.
2. Conveyance of lots in unrecorded plats has penalties as provided for in §236.31, Wis. Stats.

3. Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.

4. Assessor's plat made under §70.27, Wis. Stats., may be ordered by the Town Board when a subdivision is created by successive divisions.

(h) Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in §236.13(5), Wis. Stats., following exhaustion of remedies at the Town level.

(4) Procedure.

(a) Pre-Application. Preliminary Consultation - prior to filing an application for approval of a preliminary plat, the subdivider shall consult with the Town Board or its designated representative to become informed of the purpose and objectives of these regulations, and to otherwise assist the subdivider in planning a development.

(b) Preliminary Plat Review. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with Section 14.02(5) of this ordinance. The subdivider shall file twelve copies of the preliminary plat as outlined in Sections 14.02(4)(c) and 14.02(5) and a letter of application with the Town Clerk at least twenty (20) days prior to the meeting of the Town Board at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision.

(c) Preliminary Plat Approval.

1. The Town Board shall review the plat for conformance with this ordinance.

2. The Town Board shall, within forty (40) days of the date of filing the preliminary plat, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. It is anticipated Board review will follow Plan Commission review and recommendation, when possible. 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 rejections shall accompany the plat. One copy of the plat and letter shall be placed in the Town Board's permanent file.

3. Failure of the Town Board to act within forty (40) days of the filing date shall constitute an approval as provided in §236.11(1)(a), Wis. Stats. However, in the event the Plan Commission raises issues with the developer that need further exploration, the developer may waive the 40-day period in writing and deliver it to the Town Clerk, specifying a later time frame by which the Town Board is expected to act.

4. Approval or conditional approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval, and conforms substantially to the preliminary plat layout as indicated in §236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout.

(d) Final Plat Review. The subdivider shall prepare a final plat in accordance with Section 14.02(6) of this ordinance and shall file twelve (12) copies of the final plat and a letter of application with the Town Board at least twenty (20) days prior to the meeting of the Town Board at which action is desired.

(e) Final Plat Approval.

1. The Town Clerk shall inform the applicant of the date, time and place of the Town Board meeting at which the plat will be reviewed.
2. The Town Board shall examine the final plat as to its conformance with the approval preliminary plat, any conditions or approvals of the preliminary plat and this ordinance.
3. The Town Board shall, within forty (40) days of the date of filing of the final plat approval, approve conditionally or reject the plat unless the time is extended by written agreement of the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement of the reasons forwarded to the subdivider. When applicable, the Town Board certifies on the face of the original final plat that no objections have been filed or if filed, have been satisfied.
4. Failure of the Town Board to act within forty (40) days, without an agreed extension and where no unsatisfied objections have been filed, shall be deemed plat approval as provide in §236.11(1)(a), Wis. Stats.

(f) Recordation. After the final plat has been approved by the Town Board and any other approving agencies, the subdivider shall record the plat with the Oconto County Register of Deeds in accordance with §236.25, Wis. Stats.

(g) Replat. When it is proposed to replat a recorded subdivision or plat thereof so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person desiring to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider or person desiring to replat shall then proceed as specified in Sections 14.02(4)(a) through (f) of this ordinance. All owners of land directly affected by said action shall express consent, opposition or request plan amendment for the Zoning Committee and Town Board to consider such matter.

(5) Preliminary Plat.

(a) General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

1. Title under which the proposed subdivision is to be recorded.
2. Legal description and general location of proposed subdivision and whether the land is within 1-1/2 miles of Village of Suamico.
3. Date, scale and north arrow.
4. Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(b) Plat Date. All preliminary plats shall show the following:

1. Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
2. Water elevations of adjoining lakes and streams at the date of the survey showing approximate high and low water elevation.
3. Location, right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto. All streets shall have a minimum width of 66 feet and be dedicated to the public upon recording of the Certified Survey Map or final plat.
4. Location and names of any adjacent subdivisions, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
5. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto.
6. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, zoned wetlands and other similar significant features within the tract being subdivided or immediately adjacent thereto.
7. Approximate dimensions of all lots together with proposed lot and block numbers.
8. Existing zoning and proposed use on and adjacent to the proposed subdivision.
9. Corporate limits lines.
10. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access. Pursuant to §236.16(3), Wis. Stats., said access shall be at least sixty (60) feet wide in a location where the terrain may be easily crossed by an adult having average physical skills.
11. Any proposed lake, stream and wetland improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for Division of Environmental Protection, Department of Natural Resources approval when applicable.

(c) Street Plans and Profiles. The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town Board or Chair who shall have the written recommendation that all elevations, plans and profiles meet the approval of a Town engineer, ordinance standards, or other party approved by the Town Board to conduct such review. All roads shall be constructed in compliance with the Town ordinance regulating highway standards.

(d) Covenants. The Town Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. Such covenants may include provisions relating to conditions for division approval placed upon the project by the Plan Commission or Town Board.

(e) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features; and that he has fully complied with the provisions of this ordinance.

(6) Final Plat.

(a) General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

(b) Additional Information. The final plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

1. Exact street width along the line of any obliquely intersecting street.
2. Setbacks of building lines shall be in conformance with the Oconto County Zoning Ordinance.
3. All lands reserved for future public acquisition to be dedicated to the Town upon recording of the final plat, or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat. On any commonly owned property as specified or shown on said plat, restrictive covenants recorded with the Register of Deeds office shall specify the procedure by which the contact person is selected for property tax billing, special assessments, and similar acceptance of legal process. The covenants may provide for designation or election or otherwise of the owners of such a person to receive such contacts.
4. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.

(c) Deed Restrictions. Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. However, if restrictions have previously been recorded, they may be referred to summarily in the final plat phase, such as by reference to prior volume and page of recording.

(d) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.

(e) State Plane Coordinate System. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall

be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System.

(f) Certificates. All final plats shall provide all the certificates required by §236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance and provide a certificate for Town Board approval.

(g) Fences. Any lot within the plat that is adjacent to land used for farming or grazing shall carry with it the duty of future fence maintenance under Chapter 90, Wis. Stats. Each lot owner shall continue the duty or lack of maintenance requirement that existed before the land division approval. This division shall be interpreted so that no farmer shall be required to change his or her fencing requirements due to land division by a neighbor. For efficient providing of services, the Town Board may insist on no cul-de-sacs being located in a subdivision plat where a connecting street could be used. The Board, in its review of street intersections with existing roads, shall consider line of sight as a traffic safety concern in determining whether to have one or more intersections with existing roads into the plat or divided area.

(7) Certified Survey Maps.

(a) Applicability. For any land division creating parcels less in size than the pre-existing parcel, a certified survey map or a subdivision plat shall be created.

(b) Requirements. A certified survey map shall be prepared in compliance with the requirements of §236.34, Wis. Stats., which is hereby adopted by reference and incorporated herein.

(c) Procedure. The subdivider shall file a copy of said survey map with the Town Clerk. Following review by the Plan Commission, the Town Board shall review and, within ninety (90) days, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. Any public road shown shall comply with the terms of this ordinance. No certified survey map shall alter the fence duty of a neighbor under Chapter 90 of the Wisconsin Statutes.

(d) Certificates.

1. The map shall include the certificate of the surveyor who surveyed and mapped the parcel, as required by §236.34, Wis. Stats., and shall be signed by the property owner.

2. The certificate of approval shall be typed, lettered or reproduced legibly and permanently on the face of the map.

(e) Map. The map shall be filed by the subdivider for recording with the Register of Deeds of Oconto County. Three additional copies of the final approved map shall be forwarded to the Town Clerk. The volume, page number(s) and map number of the recorded certified survey map shall be noted on the final approved map copies delivered to the Clerk.

(8) Design Standards.

(a) Street Arrangements. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall

recognize the functional classification of various street types and shall be developed and located in property relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangements in all proposed subdivisions:

1. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions; or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. No land division approved shall create any new parcel without access to a public street or highway as a result of the division. Sec. 80.13(5), Wis. Stats., is adopted by reference.
2. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.
3. Street names shall be established and not be in conflict with existing street names. A pattern to existing street names shall be projected or continued wherever possible. No name will be adopted that would cause problems or confusion in providing emergency services. It is expected that the subdivider will present street names for Town Board review and approval.

(b) Lots. The size, shape and orientation of lots shall be appropriate for the location of the subdivision 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 building contemplated.

(c) Building Setback Lines. Building setback lines shall conform to the requirements established in the Oconto County Zoning Ordinance.

(d) Easements. Where a subdivision is traversed by a watercourse, drainage way or stream, an adequate drainage way or easement may be required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved by the Town Board.

(e) Intersections. Each intersection within an existing public road shall provide at least 500 feet of unobstructed line of vision for drivers approaching from each direction. The Town may revise this provision if there are special terrain features or traffic conditions that would increase public safety and reduce the risk of collisions in the absence of a minimum amount of vision ordinarily required. In determining traffic safety at a particular intersection, the Town shall consider expected traffic volume into and from the divided land, whether the intersection is with a town, county or state highway, the

expected speed of vehicles on intersection highway, and any known traffic history of collisions.

(9) Required Improvements.

(a) Survey Monuments. The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.

(b) Street Signs. Installation of street signs, meeting the approval of the Town Board, at all intersections shall occur at subdivider expense.

(10) Construction.

(a) Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Town Board.

(b) Plans. The following plans and accompanying construction specifications may be required by the Town Board before authorization of construction or installation of improvements.

1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
2. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
3. Additional special plans or information as required.
4. The Town Board may require a bond or letter of credit as assurance of street improvement completion or may enter into an agreement with the subdivider as to construction progress tied to lot sales.

(c) Inspection. The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat.

(11) Projected Land Use. Each land division shall contain a representation from the subdivider to the Town as to the immediate intended land use of the parcel so divided. This intended use shall be compared with the zoning situation and development plan of the owner. The Town shall take the intended land use into account in the application of provisions of this ordinance.

13.03 Mini Storage Licensing Ordinance

(1) Purpose. The purpose of this chapter is to establish character, encourage thoughtful design, mitigate potential unwanted impacts, and uphold the values of the community. The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the Town of Little Suamico.

(2) Authority. The Town Board of the Town of Little Suamico has been authorized to exercise village powers pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority.

(3) Definitions

MINI-STORAGE FACILITIES. Mini-storage facility includes all storage facilities which are main or accessory use of the building and are available to the general public for short- or long-term storage of products, general merchandise or personal items and property.

(4) Mini – Storage Facility License Required. No mini-storage facility may be permitted in the Town of Little Suamico until a license is issued under this subsection and all other necessary permits have been secured.

(5) Application. Every application for a mini-storage facility license shall be made in writing and shall include the following information:

(a) Name and address of the applicant.

(b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

(c) A detailed plan and/or photo board of existing conditions on the property including vegetation, landform, structures, traffic patterns, and surrounding land uses.

(d) A site plan of the overall proposal including site design, buildings footprints, and floor plans.

(e) A landscape plan for all proposed landscape elements including plant material, hardscape, and streetscape elements.

(f) Schematic elevations and sections, including cross-sections of the site showing spatial relationships between all major elements (buildings, trees, berms, light standards, etc).

(g) Lighting plan for the entire site. Indicate their design and spatial relationship to other site amenities.

(h) A color palette or character board with samples or photos of surface material and site elements being used indicating color, texture, finish, pattern, and style.

(i) Such additional information as may be reasonably requested.

(j) Any of the information required by this section may be waived by the Town at its discretion.

(6) Mini-Storage Facility License Procedures.

(a) Mini-storage facility license shall be issued using the following procedures:

1. All applications for a mini-storage facility licenses shall be filed with the Town Clerk and include the information outlined in Section 5 above. Applications must be filed by the mini-storage facility owner. No license shall be issued unless the completed application is accompanied by the payment of the required application fee.
2. The Town Clerk will only issue a mini-storage facility license to an applicant following payment of the required fee, receipt of all information and documentation required by the application, or information and documentation requested by the Town Board, and Town Board approval of the application.
3. The Town Board may suspend or revoke a mini-storage facility license and order the mini-storage facility be removed from the Town following a due process hearing if the Board determines that any of the following have occurred:
 - a. The licensee has failed to comply with any of the requirements of this ordinance;
 - b. The mini-storage facility is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
 - c. The licensee has outstanding fees, taxes, or forfeitures owed to the Town in violation of Town ordinance.

(7) Mini- Storage Facility License Requirements

(a) Specific standards for mini-storage facilities shall be as follows:

1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at mini-storage facility is specifically prohibited.
2. Design criteria.
 - a. The architecture of the mini- storage facility, including, but not limited to, fences, walls, gates, buildings and landscaping, shall, to the maximum extent possible, be compatible with the community.
 - b. The design of a mini-storage facility shall include features such as topography, vegetation, and hydrology.

- c. The location of the mini-storage facility shall avoid creating nuisances such as glare, visual obtrusion, noise, and traffic.
- d. The maximum size of individual storage areas shall be four hundred (400) square feet.
- e. The perimeter of the mini-storage facility shall be completely fenced, walled, or enclosed and screened from public view.
- f. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six-foot (6') sound reduction wall is provided.
- g. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.
- h. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times
- i. All screen walls shall be constructed of masonry, concrete or other similar materials. No chain link fencing shall be permitted.
- j. All areas between required fences and the lot lines shall be fully landscaped with lawn, shrubbery, trees and/or flowers.

3) Access and circulation.

- a. Vehicular ingress and egress shall be limited to one point for each side of the subject property adjoining any street or highway, and shall conform to standards necessary for emergency personnel.
- b. At least forty feet of clear, unobstructed driveway depth be provided from the road, to the primary access gate or principal entry point of the facility.
- c. Interior driveway widths shall be not less than thirty-six feet. A driveway providing access to storage units on one side only of the facility shall be not less than twenty-six feet in width.

4) Outdoor Lighting.

- a. Outdoor lighting shall be shielded to direct light and glare only onto the self-service storage facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.
 - b. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility.
- 5) Parking and Loading Areas.
- a. One standard parking space for each two thousand square feet of gross floor area. Said parking spaces shall also be arranged on the subject property so as not to obstruct any driveways nor adversely affect vehicular ingress and egress to the facility.
 - b. Ground level, roll-up door storage areas shall have an exclusive use loading area in front of the unit. Such exclusive use loading areas shall not be counted as required parking.
 - c. In addition to the exclusive use loading areas, common loading areas shall be provided in an amount sufficient to serve the users of the interior storage units and shall be designed to ensure that driveways will not be obstructed.
- 6) Trash Enclosures.
- a. All such receptacles shall be placed within a masonry or concrete block enclosure of adequate height to preclude view of the receptacle. Said enclosure shall have a wooden, metal or other type of opaque, self-latching gate.
 - b. Two receptacles and surrounding enclosures shall be provided for each facility. An extra such trash receptacle as follows:
 - i. Over fifty thousand gross square feet (one receptacle).
 - ii. Each additional fifty thousand gross square feet (one receptacle).
- 7) Hours Of Operation: Unless otherwise approved or restricted, hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Facilities abutting residential uses shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
- 8) Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.
- 9) Outdoor Storage of boats, campers, recreational vehicles, travel trailers, etc., is prohibited.
- 10) No residential use by any manager or employee shall be permitted at a min-storage facility.

11) No use of rental units for human habitation.

(8) Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250 nor more than \$1,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town may seek equitable relief, including injunctions, abatement orders, and removal orders, in the event of a violation.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, removals, or costs whether existing under this ordinance or otherwise.

(9) Severability. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

13.04 Illicit Discharge

Prohibition of Illicit Discharges. No person shall throw, dump, spill, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, spill, drain, or otherwise discharge into town ditch-lines

CHAPTER 14

ELECTIONS

14.01 Number of Election Officials

14.02 Election Split Shifts

14.03 Destruction of Election Materials

14.04 (RESERVED)

14.01 NUMBER OF ELECTION OFFICIALS. The number of election officials shall consist of seven (7) inspectors at each polling place except in municipalities where voting machines are used, then it may be reduced to five (5) as provided by Section 7.30 of the Wis. Stats.

14.02. ELECTION SPLIT SHIFTS. The Town of Little Suamico Board provides for election officials to work full or split shifts, allowing for the selection of two or more sets of officials to work at different times on election day as determined by the Chief Election Inspector or Town Clerk.

14.03 DESTRUCTION OF ELECTION MATERIALS. All materials and supplies associated with an election shall be destroyed as provided by Section 7.23 of the Wis. Stats.

14.04

APPENDIX "A"

TOWN OF LITTLE SUAMICO SCHEDULE OF DEPOSITS

ORDINANCE TITLE AND CHAPTER	OFFENSE	DEPOSITS AND COSTS
	Violation	\$300 plus current court costs
	Violation	\$100 plus current court costs
Chapter 3.06 (8)	Violation	\$1000 plus current court costs
	Violation	\$50 plus current court costs
	Violation (Subsequent Offenses)	\$350 plus current court costs
	Violation	\$250 plus current court costs
	Violation	\$50 plus current court costs
	Violation (2 nd Violation)	\$100 plus current court costs
	Violation (3 rd and all other subsequent)	\$2,000 plus current court costs
	Violation	\$1,000 plus current court costs

	Violation (Moving)	Forfeiture consistent with Wis. Stat. § 814.63(1) and (2) or Wis. Stat. § 814.65(1) and Wis. Stat. § 346.655 when applicable
	Violation (Parking)	\$15 plus current court costs.
	Violation (size and load)	\$25 plus current court costs
	Violation	\$300 plus current court costs
	Violation	\$100 plus current court costs
	Violation (second in 12 months)	\$500 plus current court costs
	Violation	\$250 plus current court costs
	Violation	\$50 plus current court costs
	Violation (second in 12 months)	\$100 plus current court costs
	Violation (third or more in 12 months)	\$150 plus current court costs
	Violation	\$100 plus current court costs
	Violation	\$100 plus current court costs
	Violation	\$200 plus current court costs
	Violation	\$100 plus current court costs
	Violation	\$100 plus current court costs
	Violation	\$100 plus current court costs
	Violation	\$500 plus current court costs
	Violation	\$100 plus current court costs
Resolutions Declaring Emergencies under applicable law	Each Violation	\$250 plus current court costs

APPENDIX "B"

TOWN OF LITTLE SUAMICO FEE SCHEDULE

APPENDIX C

TOWN of LITTLE SUAMICO DEVELOPERS' AGREEMENT