

Part I: Administrative Legislation

IRON RIDGE CODE

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Definitions and Rules of Construction
[Adopted as § 1-1-2 of the 1986 Code]**§ 1-1. Principles of construction.**

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

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances. The words "Code," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of the Village of Iron Ridge unless the context of the section clearly indicates otherwise.
- C. Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.
- D. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- E. Gender. Where masculine or feminine pronouns or masculine suffixes are used in this Code, it is solely for the sake of brevity. Unless context requires otherwise, this Code shall be interpreted as gender neutral, and words in this Code and ordinances adopted by the Village referring to the masculine or feminine gender, as well as words using masculine suffixes, shall be construed to refer to all such persons, without regard to a specific individual's gender or gender identity. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- F. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- G. Joint authority. All words purporting to give a joint authority to three or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- H. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- I. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- J. Singular and plural. Every word in this Code referring to the singular number only shall also be construed to apply to several persons or things, and every word in this Code referred to a plural number shall also be construed to apply to one person or thing.
- K. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the

future tense where appropriate.

- L. Wisconsin statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- M. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- N. Village. The term "Village" shall mean the Village of Iron Ridge, Dodge County, Wisconsin.
- O. Clerk and Treasurer. References in the Code to the Village Clerk and/or the Village Treasurer shall be construed to mean the combined office of Village Clerk-Treasurer established by Charter Ordinance No. 89-1. See §§ 85-2 and 85-3. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE II

General Penalty**[Adopted as § 1-1-6 of the 1986 Code]****§ 1-2. General penalty. [Amended by Ord. No. 6-2010]**

Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- A. First offense penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25 nor more than \$5,000 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- B. Second offense penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$50 nor more than \$10,000 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.

§ 1-3. Continued violations.

Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

§ 1-4. Other remedies.

The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

ARTICLE III
Adoption of Code
[Adopted 1-8-2024 by Ord. No. 1-2024]

§ 1-5. Code adopted; existing ordinances continued.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Iron Ridge of a general and permanent nature adopted by the Village Board of the Village of Iron Ridge, as revised and codified and consisting of Chapters 1 through 365, are hereby approved, adopted, ordained and enacted as the Code of the Village of Iron Ridge, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1986 Code of Ordinances, as amended and supplemented.

§ 1-6. Code on file; additions and amendments.

- A. In accordance with § 66.0103, Wis. Stats., a copy of the Code has been filed in the office of the Village Clerk and made available for public inspection for not less than two weeks prior to adoption of this ordinance, and following adoption of this ordinance such copy shall be maintained and available for public inspection in the office of the Village Clerk.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Iron Ridge" shall be understood and intended to include such additions and amendments.

§ 1-7. Notice; publication.

The Clerk of the Village of Iron Ridge shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of the Village Clerk as provided in § 1-6 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. Severability.

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

§ 1-9. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Iron Ridge which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following have been excluded from the Code and are specifically repealed:

- (1) Title 2, Chapter 10, Public Assistance, of the 1986 Code.
- (2) Title 7, Chapter 3, Sec. 7-3-1, Pharmacists' Permits, of the 1986 Code.
- (3) Title 7, Chapter 3, Sec. 7-3-3, Soda Water Beverage License, of the 1986 Code.

§ 1-10. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-9 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 3, 2023.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, naming, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.

- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.

§ 1-11. Changes in previously adopted ordinances; new ordinances.

- A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances, and references to state statutes and regulations were updated to reflect the numbering and titles of the statutes and regulations as of the publication of this Code. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In accordance with § 66.0103, Wis. Stats., the Code of the Village of Iron Ridge, on file in the office of the Village Clerk, is adopted and incorporated by reference, including the revisions set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references in Schedule A are to the ordinances as they have been renumbered and appear in the Code.)¹
- C. Nomenclature changes.
- (1) References to the "Soil Conservation Service" or "SCS" are changed to "Natural Resources Conservation Service" or "NRCS," respectively.
 - (2) References to the "Department of Industry, Labor and Human Relations" are changed to the "Department of Safety and Professional Services."
 - (3) References to the "Department of Commerce" are changed to "Department of Safety and Professional Services."
 - (4) References to the "Department of Health and Family Services" or the "Department of Health and Social Services" are changed to "Department of Health Services."

§ 1-12. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Village of Iron Ridge to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty as provided in § 1-2 of the Code.

1. **Editor's Note: In accordance with § 1-11B, the chapters, articles and sections which were added, amended, adopted or repealed by this ordinance are indicated throughout the Code by a history referring to Chapter 1, General Provisions, Article III. During routine supplementation, histories indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, repealed) 1-8-2024 by Ord. No. 1-2024." Schedule A, which contains a complete description of all changes, is on file in the Village offices.**

§ 1-14. When effective.

This ordinance shall take effect upon final passage and publication or posting as provided by law.

Chapter 8**ADMINISTRATIVE REVIEW**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 8, of the 1986 Code. Amendments noted where applicable.]

§ 8-1. Review of administrative determinations.

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 8-2. Determinations reviewable.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except an alcohol beverage license. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in § 8-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- E. The suspension or removal of a Village officer or employee except as provided in § 8-3B and G.

§ 8-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
- B. Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the Village pursuant to statutory procedures for the filing of such claims. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. The grant, denial, suspension or revocation of an alcohol beverage license under § 125.12(1), Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.

- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

§ 8-4. Definitions.

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

MUNICIPAL AUTHORITY — Includes the Village Board, or a board, commission, committee, agency, officer, employee or agent of the Village making a determination under § 8-1, and every person, committee or agency of the Village to make an independent review under § 8-8B. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 8-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. A department, board, commission, agency, officer or employe of the Village who or which is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the Village, but may respond or intervene in a review proceeding under this chapter initiated by another.

§ 8-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

§ 8-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 8-8. Review of determination.

- A. Initial determination. If a request for review is made under § 8-7, the determination to be reviewed shall be termed an initial determination.
- B. Who shall make review. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.

- C. When to make review. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. Right to present evidence and argument. The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- E. Decision on review. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

§ 8-9. Administrative appeal.

- A. From initial determination or decision on review.
 - (1) If the person aggrieved had a hearing substantially in compliance with § 8-10 when the initial determination was made, he may elect to follow §§ 8-6 through 8-8, but is not entitled to a further hearing under § 8-10 unless granted by the municipal authority. He may, however, seek judicial review under § 8-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with § 8-10 when the initial determination was made, he shall follow §§ 8-6 through 8-8 and may appeal under this section from the decision made under § 8-8.
- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 8-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

§ 8-10. Hearing on administrative appeal.

- A. Time of hearing. The Village shall provide the appellant a hearing on an appeal under § 8-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.
- B. Conduct of hearing. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the Village or the Village Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker.
- C. Record of hearing. The person conducting the hearing or a person employed for that purpose shall

take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.

- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 8-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 8-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- B. A determination following a hearing substantially meeting the requirements of § 8-10 or a decision on review under § 8-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 8-12.

§ 8-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 8-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under § 8-12.
- C. The Village Board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 8-10.

Chapter 15**ASSESSMENTS AND CHARGES**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 6, of the 1986 Code. Amendments noted where applicable.]

§ 15-1. Village Board may levy special assessments.

- A. The Village of Iron Ridge by resolution of its Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement, and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefor, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.

§ 15-2. Resolution and report required.

- A. Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under § 15-5 of this chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- B. The report required by Subsection A shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of:
 - (a) The assessment of benefits to be levied.
 - (b) The damages to be awarded for property taken or damaged.
 - (c) The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case the estimates required under Subsection B(3) shall be replaced by a schedule of the proposed assessments.
 - (5) A copy of the report when completed shall be filed with the Village Clerk for public inspection.
- C. When the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by § 66.0703(5), Wis. Stats, and Subsections A and B above shall contain a statement of the

final cost of the work, service or improvement in lieu of an estimate of the cost.

§ 15-3. Costs that may be paid by special assessment.

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

§ 15-4. Exemptions; deductions.

- A. If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Village.
- B. A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts, shall be entitled to such deduction or exemption as the Village Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance the assessment will not be less than the long way of such lot. The Village Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

§ 15-5. Notice of proposed or approved project. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

On the completion and filing of the report required in § 15-2B(5) of this chapter, the Village Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Village Board or committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be published as a Class 1 notice under Ch. 985, Wis. Stats, in the Village and a copy of the notice shall be mailed at least 10 days before the hearing or proceeding to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than 10 days and not more than 40 days after the publication or posting of said notice.

§ 15-6. Board actions after hearing.

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

for in accordance with the report finally approved.

- (2) If the work or improvement has been approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.

- D. The Village Clerk shall publish the final resolutions as required in § 15-5 of this chapter.
- E. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by § 66.0703(12), Wis. Stats., or any other applicable provision of law.

§ 15-7. Combined assessments.

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

§ 15-8. Board's power to amend, cancel or confirm special assessment.

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in § 15-5, to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Clerk as provided in § 15-6 of this chapter.

§ 15-9. Where cost of improvement is less than assessment.

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

§ 15-10. Appealed assessments payable when due.

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

§ 15-11. Special assessment a lien on property.

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

§ 15-12. Special charges permissible.

- A. In addition to all other methods provided by law, special charges for current services may be imposed

by the Village Board by allocating all or part of the cost of the service to the property served. Such service may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal, or any other service as defined in § 66.0627(1)(c), Wis. Stats. The Village Board may determine the manner of providing notice of a special charge. Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, the Village Board shall conduct a hearing on whether the service in question will be funded in whole or in part by a special charge. Notice of the hearing shall be given as provided in § 66.0627(3)(b), Wis. Stats. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

- B. Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in § 15-11 of this chapter.
- C. Section 15-2A of this chapter shall not be applicable to proceedings under this section.

§ 15-13. Miscellaneous provisions.

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

Chapter 22**BOARDS, COMMISSIONS AND COMMITTEES**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 4, of the 1986 Code. Amendments noted where applicable.]

§ 22-1. Board of Review.

- A. Composition. The Board of Review shall consist of the Village President and the Trustees of the Village Board. **[Amended March 2005]**
- B. Duties.
 - (1) Duties. The duties and functions of the Board of Review shall be as prescribed in §§ 70.46 and 70.47, Wis. Stats.
 - (2) Compensation. Compensation for the members of the Board of Review, shall be as is established by the Board of Trustees, at the organizational meeting in April. Compensation shall include per diem, and may include a mileage quotation, if necessary.
- C. Meetings. The Board of Review shall meet annually at any time during the forty-five-day period beginning on the fourth Monday of April, but no sooner than seven days after the last day on which the assessment roll is open for examination under § 70.45, Wis. Stats., and notice of such meeting shall be published pursuant to the state statutes. The Board, through the Clerk, shall establish its meeting hours pursuant to § 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time until such time as its business is completed, providing that adequate notice of each adjournment is so given. **[Amended August 2000; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 22-2. Board of Health.

- A. Composition. The Board of Health shall consist of not more than nine members. At least three of these members shall be persons who are not elected officials or employees of the governing body that establishes the local Health Department and who have demonstrated interest or competence in the field of public health or community health. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Power of appointment. The Board of Health may appoint persons to aid them.
- C. Responsibilities.
 - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Department of Health Services and the ordinances of the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) Powers. The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village. All orders and regulations of the Board shall be published in the official newspaper and after

publication, shall have the force and effect of ordinances, including penalty for violation.

§ 22-3. Zoning Board of Appeals.

- A. Establishment. A Zoning Board of Appeals shall be appointed as specified in § 62.23(7)(e), Wis. Stats. The Zoning Board of Appeals shall consist of five members appointed by the Village President subject to confirmation by the Village Board. The members shall serve without compensation and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members Chairman. The Village President shall appoint, for staggered terms of three years, two alternate members of such Board, in addition to the five members provided for above, in accordance with § 62.23(7)(e)2, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Powers. The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of Chapter 163, Building Construction, Chapter 342, Floodplain Zoning, and Chapter 365, Zoning, of the Village Code.
 - (2) To hear and decide special exceptions to the terms of Chapter 342, Floodplain Zoning, and Chapter 365, Zoning, upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of Chapter 365, Zoning, as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of Chapter 365 shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of Chapter 365, Zoning, for such public utility purposes which are reasonably necessary for public convenience and welfare. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (5) The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its opinion ought to be made. If a quorum is present, the Board of Appeals may take action under this subsection by a majority vote of the members present to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of Chapter 365, Zoning. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Meeting and rules. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the

Clerk and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this section or with the applicable Wisconsin Statutes.

- D. Offices. The Village Board shall provide suitable offices for holding for hearings and the preservation of records, documents, and accounts. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. Appropriations. The Village Board shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

§ 22-4. Plan Commission.

- A. Composition. The Village Plan Commission shall consist of the Village President, four Trustees and six citizens.
- B. Appointment.
 - (1) Trustee members. The four Trustee members shall be annually appointed at the organizational meeting of the Village Board during the month of April of each year.
 - (2) Citizen members. The six regular citizen members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen members shall be appointed upon creation of the commission and shall hold office for a period of one and two years, respectively, from the succeeding first day of May, and thereafter annually during the month of April such member shall be appointed for a term of two years.
- C. Record. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- D. Duties.
 - (1) The Master Plan.
 - (a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the Master Plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The Master Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 - (b) The Commission may adopt the Master Plan as a whole by a single resolution or, as the

work of making the whole Master Plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the Plan, and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the Plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Master Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) Matters referred to Plan Commission. The Village Board or officer of the Village having final authority thereon shall refer to the Plan Commission for its consideration and report before final action is taken by the Board, public body or officer on the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board or other public body or officer may take final action without it.
- (3) Miscellaneous powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board.

§ 22-5. General provisions regarding meetings and public notice.

- A. Regular meetings; public notice. Every Board, Committee and Commission created by or existing under the ordinances of the Village of Iron Ridge shall:
 - (1) Fix a regular date, time and place for its meetings;
 - (2) Publish notice in the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof; and
 - (3) Post on the front door of the Village Hall an agenda of the matters to be taken up at such meeting.

- B. Special meetings. Nothing in Subsection A shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of §§ 19.81 to 19.89, Wis. Stats.
- C. Minutes. The secretary of each board, committee and commission shall file a copy of the meeting minutes of such board or commission with the Village Clerk.

§ 22-6. Library Board.

- A. Pursuant to § 43.52, Wis. Stats., there is hereby created a public library for the Village of Iron Ridge, Dodge County, Wisconsin, and a Library Board pursuant to § 43.54, Wis. Stats.
- B. Such Library Board shall consist of five members to be appointed as follows:
 - (1) One member shall be the Superintendent of the Horicon School District, or his representative.
 - (2) Four members shall be appointed by the Village President with the approval of the Village Board. Such members shall be residents of the Village of Iron Ridge.
 - (3) Not more than one member of the Library Board may be a member of the Village Board at any one time.
 - (4) Each appointment is for a term of three years, excepting the first appointments which shall be: two members shall serve two year terms, two members shall serve three year terms and one member shall serve a four-year term.
 - (5) As soon as practicable after the first appointment, at a date and place fixed by the Village President, and annually thereafter within 60 days after the beginning of terms, the Library Board shall organize by electing from among its members a President, Secretary and such other officers as they deem necessary. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (6) No compensation shall be paid to members of the Library Board. Members may be reimbursed for actual and necessary expenses incurred in performing duties outside the Village if so authorized by the Library Board.
 - (7) Members may receive per diem, mileage, and other necessary expenses incurred in performing their duties if so authorized by the Library Board and the Village Board.
- C. The powers and duties of the Library Board pursuant to § 43.58, Wis. Stats., are:
 - (1) The Library Board has exclusive control over the expenditures of all monies collected, donated or appropriated to the library fund.
 - (2) The Library Board has charge, control and custody of all property acquired or leased for library purposes.
 - (3) The Library Board must audit and approve all expenditures for the library and forward them to the Village Treasurer for payment by the Village Board.
 - (4) The Library Board must supervise administration of the library, appoint a librarian and approve appointments of library assistants made by the librarian.

- (5) The Library Board must make an annual report to the Village Board as required by state statutes.
 - (6) The Library Board shall, by October 1 of each year, present to the Village Board a proposed budget for the following year to aid the Village Board in determining the appropriation to the library fund from the budget.
- D. Annual appropriation of funds to the public library fund shall be as follows:
- (1) The Village of Iron Ridge shall pay an amount at least equal to the amount the Village would be required to pay toward the county tax levy if the Village were not exempted from such levy by the terms of § 43.64(2), Wis. Stats.
- E. In the event of the dissolution of the public library, all property held by the Library Board shall be the property of the Village of Iron Ridge.
- F. This section shall be in full force and effect on the first day of June after its passage.
- G. Any other ordinance or resolution or parts thereof inconsistent or conflicting with this ordinance, that had been previously enacted by the Village Board of the Village of Iron Ridge, is hereby repealed.
[Amended March 1990]

Chapter 29**CITATIONS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 1, Ch. 2, of the 1986 Code. Amendments noted where applicable.]

§ 29-1. Authorization for use of citation.

Pursuant to the authority granted by § 66.0113, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.

§ 29-2. Officials authorized to issue citation.

Citations authorized in § 29-1 above may be issued by law enforcement officers of the Village and by designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board.

§ 29-3. Form of citation.

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

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. The section of the ordinance violated;
- E. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- F. The time at which the alleged violator may appear in court, and a statement describing whether the appearance is mandatory; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- G. A statement which in essence informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) That if the alleged violator makes a cash deposit and does not appear in court, he or she will either be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the

plea of no contest; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (5) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

H. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection G and shall send the signed statement with the cash deposit;

I. Such other information as may be deemed necessary.

§ 29-4. Schedule of cash deposits. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk. In addition to the deposit amount listed, the deposit shall include the costs, fees and surcharges imposed under Ch. 814, Wis. Stats.

§ 29-5. Receipt of cash deposits.

Deposits shall be made in cash, money order or certified check to the Clerk of Court of Dodge County, Wisconsin. Receipts shall be given for all deposits received.

§ 29-6. Procedure.

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

§ 29-7. Nonexclusivity of chapter.

- A. Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- B. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Chapter 36**COURT, JOINT MUNICIPAL**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 11 of the 1986 Code; amended in its entirety 2-6-2023 by Ord. No. 2-2023 . Subsequent amendments noted where applicable.]

§ 36-1. Joint Municipal Court created.

Pursuant to Ch. 755, Wis. Stats., there is hereby created and established a Municipal Court designated "Joint Municipal Court for the City of Fox Lake, the Village of Brownsville, the Village of Lomira, and Village of Iron Ridge" (hereafter known as "Joint Municipal Court") presided over by a Municipal Judge. The Joint Municipal Court may also be referred to as the "Fox Lake Municipal Court."

§ 36-2. Municipal Court Committee created.

Each of the participating municipalities shall appoint one member and one alternate member to the Municipal Court Committee. The purpose of said committee shall be to facilitate the orderly administration and communication between the Municipal Judge and the participating members.

§ 36-3. Position of Municipal Judge created; eligibility.

Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: to be eligible for the office of Municipal Judge, a person must be a qualified elector in the City of Fox Lake, the Village of Brownsville, the Village of Lomira, or Village of Iron Ridge.

§ 36-4. Election and term of Municipal Judge.

Pursuant to § 755.01(4), Wis. Stats., the Municipal Judge for the existing Municipal Court shall serve as Municipal Judge for the Joint Municipal Court until the end of the term which expires April 30, 2024. The Municipal Judge must run for election in the spring 2024 election at large for the term following that present term (which expires April 30, 2024) for a four-year term commencing on May 1 after his/her election. Electors from the City of Fox Lake, the Village of Brownsville, the Village of Lomira, and Village of Iron Ridge shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

§ 36-5. Position of Court Clerk created.

Pursuant to Ch. 755, Wis. Stats., the office of the Court Clerk of the Municipal Court is hereby created. Said Clerk shall take the position upon agreement of the Municipal Judge. Training and compensation of said Clerk shall be as determined by the Municipal Court Committee.

§ 36-6. Salary of Municipal Judge.

The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to § 755.18, Wis. Stats., the salary to be determined by the Municipal Court Committee, subject to § 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary shall be paid monthly. No salary shall be paid to the Municipal Judge anytime during his or her term for which he or she has not executed and filed the official bond and oath as required by § 36-7 of this chapter.

§ 36-7. Bond and oath of Municipal Judge.

The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats. Pursuant to § 755.03, Wis. Stats., with the Clerk of the Circuit Court for Dodge County and at the same time shall execute and file an official bond.

§ 36-8. Bond and oath of Municipal Court Clerk.

The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in § 19.01, Wis. Stats., with the City Clerk of the City of Fox Lake and at the same time shall execute and file an official bond. The City Clerk of the City of Fox Lake will provide file copies to the Village of Brownsville.

§ 36-9. Jurisdiction of Municipal Judge.

The Municipal Judge shall have jurisdiction as provided by the statutes and laws of the State of Wisconsin and pursuant to § 755.045, Wis. Stats.

§ 36-10. Procedures of Joint Municipal Court.

- A. The Joint Municipal Court shall be open as determined by the order of the Municipal Judge.
- B. The Joint Municipal Court shall be held in the Council Chambers which is located in the City of Fox Lake City Hall.
- C. The procedure in Joint Municipal Court shall be as provided by the statutes and laws of Wisconsin.
- D. The Municipal Judge and/or his designated Court Clerk shall make daily deposits of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits will be made to the designated bank account as determined by the Joint Municipal Court Committee.

§ 36-11. Contempt in Joint Municipal Court.

The Municipal Judge may impose a sanction as authorized under § 800.12(2), Wis. Stats., for contempt of court as defined in § 785.01(1), Wis. Stats., in accordance with the procedures under § 785.03, Wis. Stats.

Chapter 43**ELECTIONS AND GOVERNMENT**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 1, of the 1986 Code. Amendments noted where applicable.]

§ 43-1. Village government.

The Village of Iron Ridge is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

§ 43-2. Election poll hours. [Amended by Ord. No. 8-2009]

The voting polls in the Village of Iron Ridge, Dodge County, Wisconsin, shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

§ 43-3. Election Board.

- A. Number. The election officials shall consist of five inspectors. Members shall be appointed as provided in § 7.30, Wis. Stats., as amended.
- B. Work hours. Shifts may be split as determined by the Municipal Clerk.
- C. Appointments. The Village President shall appoint election officials with confirmation by the Village Board as pursuant to Chs. 7.30, 7.31 and 7.32, Wis. Stats. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by the statutes. **[Amended by Ord. No. 2-2010]**

§ 43-4. Official newspaper. [Amended by Ord. No. 2010]

The official newspaper of the Village of Iron Ridge shall be the Dodge County Pioneer.

§ 43-5. Village caucus.

- A. There shall be a Village caucus to nominate candidates for elective offices. The Village Board shall, between December 1 and January 1, decide the date of the caucus. The date of the caucus may be established between January 2 and January 21. When possible, preference should be given to having the caucus on January 21. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Whenever a caucus is held, the Village Clerk shall give notice of the date, time and place for the caucus by posting in his office and by one publication in a newspaper under Ch. 985, Wis. Stats., at least five days before the date of the caucus. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. The Village President together with the Village Clerk shall serve as caucus officials. If the President is a candidate, he shall call for the election of officials to conduct the caucus. The officials shall be elected by acclamation or ballot as the meeting directs. The electors attending the meeting shall select two tellers to canvass the vote for each office at the caucus.
- D. Names of candidates shall be placed in nomination either by motion made and seconded from the

floor or by writing the candidate's name on a slip of paper distributed by the tellers to those electors attending the caucus. Only persons placed in nomination shall be voted on.

- E. Nominations shall be made for one office at a time. Candidates for the office of Village Trustee shall be considered one office for purposes of nomination and election.
- F. Before balloting the caucus Chairman shall announce the names of all candidates placed on nomination.
- G. The voting for each office shall be by ballot, but the caucus Chairman may dispense with voting by ballot when only one or two persons are nominated for the same office. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- H. Two candidates receiving the highest number of votes cast for each office shall be nominated and certified by the caucus Chairman and tellers to the Village Clerk.
- I. Village Trustees, excluding the office of Village President, shall be nominated together and at large. Candidates, equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.
- J. The Village Clerk shall notify in writing each candidate whose name is certified as a nominee under Subsection H of his or her nomination. **[Amended by Ord. No. 4-1987 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (1) Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by § 8.21, Wis. Stats., with the Municipal Clerk making the notification no later than 5:00 p.m. on the fifth day after the notification is mailed or personally delivered to the candidate by the Municipal Clerk, except as authorized in this subsection. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this subsection, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest time prescribed in this subsection. If the candidate has not filed a registration statement under § 11.0202(1)(a), Wis. Stats., at the time of the notification, the candidate shall file the statement with the declaration.
 - (2) If, under Subsection J(1), an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this subsection, the officer or body with whom the declaration of candidacy is required to be filed shall promptly provide public notice of that fact on the officer's or body's internet site or, if the officer or body does not maintain an internet site, by posting notices in at least three different locations within the jurisdiction that the officer or body serves.

Chapter 49**EMERGENCY MANAGEMENT**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 3, Ch. 5, of the 1986 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 49-1. Emergency Government.

The Chief of Police shall also hold the office of Director of Emergency Management for the Village of Iron Ridge, Wisconsin.

§ 49-2. Emergency Management Director.

The Emergency Management Director shall be the executive head of the Village Emergency Management Organization, and shall have direct responsibility for the organization, administration and operation of the Organization, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him from time to time by the Village Board, he shall have the authority and it shall be his duty to:

- A. Coordinate all activities for civil defense and emergency management within the Village.
- B. Maintain liaison and cooperate with emergency management agencies and organizations of the Village and present such plan to the Village Board for approval.
- C. Participate in county and state civil defense activities upon request.
- D. Prepare a comprehensive general plan for responding to emergencies in the Village and present such plan to the Village Board for approval.
- E. Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State Director of Emergency Management.
- F. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the civil defense plan.

§ 49-3. Utilization of existing services and facilities.

In preparing and executing the emergency management plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.

§ 49-4. Declaration of emergencies.

The Emergency Management Organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and issuance of official disaster warnings. Declarations of emergency shall be made by the Governor, the Village Board, the Village President, or, in his absence, by the Director. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

§ 49-5. Emergency regulations.

Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Village Board, the Village President and, in his absence, the Director of Emergency Management, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to ensure cooperation in emergency government activities. Such proclamations shall be posted in three public places and may be rescinded by resolution of the Village Board.

Chapter 55**ETHICS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 7, of the 1986 Code. Amendments noted where applicable.]

§ 55-1. Ethical standards of public officials.

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- B. The municipal officials and employees of the Village, whether elected or appointed, are public officials and employees within the meaning and intent of this chapter.

§ 55-2. Responsibilities of public office.

- A. Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- B. Public officials are bound to uphold the Constitution of the United States and the constitution of the state and to carry out impartially the law of the nation, state and municipality.

§ 55-3. Dedicated service.

Public officials and employees shall not exceed their authority or breach law or ask others to do so and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

§ 55-4. Use of public property; obligations of citizens.

- A. Use of public property. No public official or employee shall request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- B. Obligation of citizen. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

§ 55-5. Conflict of interest.

- A. No Trustee or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgement or action in the performance of his official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association.
- B. The provisions of this section shall not apply to the designation of public depositories for public

funds, nor to the publication of legal notices required to be published by the Village, or by any Village officer, at a rate not higher than that prescribed by law, nor to contracting for the sale of printed matter or any other commodity not exceeding \$100 in any one year.

§ 55-6. Specific conflicts of interest.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

- A. Incompatible employment. No Trustee or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Trustee, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Village Board for the records of that authority.
- B. Disclosure of confidential information. No Trustee, other public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall be use such information to advance the financial or other private interest of himself or others.
- C. Gifts and favors. No Trustee or other public official or employee shall accept any gift having a value greater than \$5, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Any Trustee or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting and, in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting.
- D. Representing private interests before Village agencies or courts. No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.
- E. Contracts with the Village. Any Trustee or other public official or employee who has substantial financial interest in any business entity entering into or proposing to enter into any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting. And in the case of a Trustee, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.
- F. Disclosure of interest in legislation.
 - (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualified himself from voting.
 - (2) Any other public official or employee who has a financial or other private interest and who

participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

§ 55-7. Outside employment.

No full-time officer or employee of the Village shall engage in any other remunerative employment within or without the Village, provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

§ 55-8. Advisory opinion.

Any questions as to the interpretation of any provisions of Chapter 55, Ethics, shall be referred to the Village Attorney for an advisory opinion and such opinion shall be given to the Village Attorney for its action, if any.

§ 55-9. Sanctions.

Violation of any provision of this section should raise conscientious questions for the Trustees or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

Chapter 62**FINANCE AND TAXATION**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 5, of the 1986 Code. Amendments noted where applicable.]

§ 62-1. Preparation of tax roll and tax receipts.

- A. Aggregate tax stated on roll. Pursuant to § 70.65(2), Wis. Stats., the Village Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.
- B. Rates stamped on receipts. Pursuant to § 74.19, Wis. Stats., the County Clerk, unless a different official is designated by the County Board, shall procure and furnish tax receipts, prescribed under § 70.09(3), Wis. Stats., to each taxation district treasurer in the county. The taxation district treasurer shall use the tax receipts so furnished. If requested under § 74.09(3)(g), Wis. Stats., the taxation district treasurer shall mail a copy of the tax receipt to the requester. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 62-2. Duplicate Treasurer's bond eliminated.

- A. Bond eliminated. The Village of Iron Ridge elects not to give the bond on the Village Treasurer provided for by § 70.67(1), Wis. Stats.
- B. Village liable for default of Treasurer. Pursuant to § 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Treasurer to the County Treasurer.

§ 62-3. Village budget.

- A. Departmental estimates. When requested by the Village President, Village Board or Clerk, each officer, department and committee shall annually file with the Clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Clerk and shall be designated as "departmental estimates," and shall be as nearly uniform as possible for the main division of all departments.
- B. Village President to prepare budget. It shall be the duty of the Village President, with the assistance of the Village Clerk, to have estimates prepared of the expenditures that will be incurred by the Village for the ensuing year. On or before October 20, each year, the Village President shall prepare a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year.
- C. Form of proposed budget. The proposed budget shall include the following information: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (1) The actual expenditures of each department and activity for the expired portion of the current

year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.

- (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
 - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
 - (5) Such other information as may be required by the Board and by state law.
- D. Copies of budget. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- E. Report and hearing.
- (1) The Village President shall make a report to the Village Board at the first November meeting which shall include the estimated cost of improvements as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. The Village President shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein.
 - (2) A summary of such budget and notice of the time and place where such budget in detail is available for public inspection and notice of the time and place for holding the public hearing thereon shall be published in a newspaper of general circulation in the Village at least 15 days prior to the time of such public hearing. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) Not less than 15 days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the Village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Village Board as other ordinances. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 62-4. Changes in budget. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget, except upon the recommendation of the Village President and upon a two-thirds vote of the entire membership of the Village Board. Notice of such changes

shall be given by either publication of a Class 1 notice of the changes, under Ch. 985, Wis. Stats., within 15 days after any change is made or by posting a notice of the changes on the Village's website within 15 days after any change is made.

§ 62-5. Village funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 62-4 of this chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation, but appropriations may be made by the Board to be paid out of the income of the current year in furtherance of improvements or other objects or works which will not be completed within such year and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 62-6. Fiscal year.

The calendar year shall be the fiscal year.

§ 62-7. Public depositories. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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

§ 62-8. Claims against Village.

- A. Claims to be certified. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
- (1) That funds are available therefor pursuant to the budget.
 - (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
 - (3) That the claim is accurate in amount and a proper charge against the treasury.
- B. Village Board to audit accounts.
- (1) No account or demand against the Village, except as provided in Subsection C of this section, shall be paid until it has been passed upon by the Village Board or that the item or service covered by such claim has been duly authorized by the proper official, department head or board or commission and an order drawn on the Village Treasurer therefore. Every such account shall be itemized and certified as provided in Subsection A.
 - (2) After auditing, the Village Board shall cause to be endorsed by the Clerk, on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. If the Village Board shall approve the same it shall direct the Treasurer to issue a Village order for the amount of the claim approved. All money paid out of the Village treasury shall be paid upon an order signed by the Village President and

countersigned by the Clerk, except that payments of regular wages or salaries shall be as provided in Subsection C below. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.

- C. Payment of regular wages or salaries. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk in time for payment on the regular payday.
- D. Method of incurring claims. All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

§ 62-9. Temporary investment of funds not immediately needed.

The Village Treasurer may invest any Village funds not immediately needed, pursuant to §§ 66.0603(1m) and 219.05, Wis. Stats.

§ 62-10. Facsimile signatures.

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

§ 62-11. Receiving money; receipt for same.

- A. The Village Treasurer or his deputies shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Village Board.
- B. Upon the payment of any money (except for taxes as herein provided), the Village Treasurer shall make out a receipt in duplicate for the money so received. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Village or to the Village or to the Treasurer shall be safeguarded in such manner as the Village Board shall direct.

§ 62-12. Statement of real property status. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The Village Clerk is authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric, and sewer bills, current water, electric and sewer bills, contemplated improvements, floodplain status, violations of Chapter 163, Building Construction, and Chapter 227, Health and Sanitation, and similar information. Any such information sought shall be provided to the person requesting it on said form. The Village Clerk shall collect a fee of \$50 for furnishing such information on said form.

Chapter 68**FIRE DEPARTMENT**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as §§ 3-2-1, 3-2-3, 3-2-5, 3-2-9 of the 1986 Code. Amendments noted where applicable.]

§ 68-1. Fire Department officially recognized.

- A. Recognition. The Iron Ridge Volunteer Department is hereby officially recognized and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization, insofar as they do not conflict with the provisions of this chapter.
- B. Bylaws. The Iron Ridge Volunteer Department is hereby authorized and directed to adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department.
- C. Contract. The Village Board will appropriate an amount of funds through a signed contract to help defray operational expenses. However, in return the Village Board expects the contracted Fire Dept. to maintain efficiency, annual financial responsibility, and properly protect life and property from fire. The Village Board or its appointed committee shall first try to negotiate a fire contract in good faith with the Iron Ridge Volunteer Fire Department for the fire protection of its residents. However, if the Village Board feels that a contract cannot be reached the Village Board may feel it necessary to take further action. **[Amended by December 1996]**
- D. Compensation. The officers and members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.

§ 68-2. Police power of Department; investigation of fires.

- A. Police authority at fires.
 - (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
 - (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
 - (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.
- B. Fire inspection duties. **[Amended 7-1-2019 by Ord. No. 3-2019]**
 - (1) Chief to be inspector. The Chief of the Fire Department shall hold the office of Fire Inspector, with power to appoint one or more Deputy Fire Inspectors, who shall perform duties and have the same powers as the Fire Inspector.

- (2) Fire prevention inspections. The Chief of the Fire Department shall be responsible for having all public buildings and places of employment inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.
- (3) Removal of hazards. Whenever or wherever in the Village any inspection by the Fire Chief or deputies reveals a fire hazard, the Chief or deputies shall 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 public nuisance. The Fire Chief or deputy may have the same removed by the Village and cost of such removal shall be recovered in an action by the Village against the owner of the property.
- (4) Records and reports. The Chief shall keep a written record of each property inspected which shall conform to the requirements of the Wisconsin Department of Safety and Professional Services.
- (5) Right to access. No person shall deny the Chief or deputies free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspectors in the performance of their duty or refuse to observe the lawful direction given by them.
- (6) Disclaimer on inspection. The purpose of inspections under this section is to comply with the fire inspections of the state codes.² The inspections and the reports, findings, and orders issued after such inspection are not intended as, nor are they construed as, a guarantee. The findings of the inspections are intended to report conditions of noncompliance with Code provisions that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. The Village makes no warranty or representation, expressed or implied, that its inspection of the property has discovered all fire code violations or all fire hazards or that the report contains a complete list of all fire code violations existing on the property inspected.

C. Penalty provisions. **[Amended 7-1-2019 by Ord. No. 3-2019]**

- (1) General penalty. Except as otherwise provided in this chapter, any person who shall violate any of the provisions of this chapter shall, on conviction of such violation, forfeit a sum of not less than \$100, together with the costs of prosecution. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (2) Continued violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.
- (3) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution on the order of any court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

2. Editor's Note: See also Ch. 208, Fire Prevention, Art. II, Adoption of Standards.

§ 68-3. Firefighters may enter adjacent property.

It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firemen in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

§ 68-4. Equipment of Department.

- A. The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- B. No apparatus shall be used for any purpose except for fire fighting within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Chief has given his recommendations on such use. With the approval of the Chief such apparatus may be used for emergency purposes other than firefighting within the Village. A written report of all such uses shall be made quarterly to the Village Board.

Chapter 75**GRIEVANCE POLICY**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 6, of the 1986 Code. Amendments noted where applicable.]

§ 75-1. Statement of purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The Village is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794). Section 504 states, in part, that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

§ 75-2. Complaint procedure.

- A. Complaints should be filed with the Village Clerk, who has been designated to coordinate Section 504 compliance.
- B. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- C. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
- D. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Clerk who should review ADA Standards for Accessible Design and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than 30 days after its filing.
- F. The Section 504 coordinator shall maintain the files and records of the Village relating to the complaints filed.

§ 75-3. Appeals.

- A. The complainant may appeal the decision of the Section 504 Coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven days to the Clerk.
- B. The grievance shall be heard by the Plan Commission within 10 working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Plan Commission. The Clerk shall give at least three days' written notice to the applicant by first-class mail of any such grievance hearing.
- C. Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-

examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may and, upon request of the applicant, shall be recorded.

- D. The decision of the Plan Commission on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Plan Commission shall be rendered within three working days of the close of the hearing and the Plan Commission shall immediately upon rendering the decision mail a copy thereof by first-class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Clerk.

§ 75-4. Other remedies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Economic Policy, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

§ 75-5. Due process. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

This section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504.

Chapter 85**OFFICERS AND EMPLOYEES**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 3, of the 1986 Code. Amendments noted where applicable.]

§ 85-1. General provisions.

- A. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Ch. 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- B. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
- D. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any court, board or commission to defend or maintain his official position or because of some act arising out of the performance of his official duties and he has prevailed in such proceedings or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorneys' fees.

§ 85-2. Consolidation of Offices of Clerk and Treasurer. [Added 1989 by Charter Ordinance No. 89-1]

- A. The Village of Iron Ridge, pursuant to §§ 61.195, 61.197 and 66.01, Wis. Stats., elects not to be governed by those portions of §§ 61.19 and 61.23, Wis. Stats., which relate to the tenure and selection of the Village Clerk and Village Treasurer and which are in conflict with this section.
- B. In the absence of a recorded charter for the Village of Iron Ridge in either the office of the Secretary of State of the State of Wisconsin or in the office of the Register of Deeds of Dodge County, Wisconsin, this section repeals and replaces §§ 85-3A and 85-4A of this Code, which relate to the tenure and selection of the Village Clerk and Village Treasurer.
- C. The offices of Village Clerk and Village Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer commencing with the regular spring election in April 1991.
- D. Commencing with the spring election of April 1991, instead of being elected, the Village Clerk-Treasurer shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board.
- E. Said person so appointed to perform the duties of such offices shall hold office for an indefinite term, subject to be removed as provided in § 17.13(1) and (3), Wis. Stats.
- F. This section shall not in any way affect the right of any person whose term of office has begun but has not yet expired, either at the time of the passage of this section or at the time it takes effect, to

complete his/her term of office.

- G. Annual recurring audits shall be made of the records of such official, and such audits shall be made by a certified public accountant, the designation to be made by the Village Board
- H. This section is a charter ordinance, and shall take effect 60 days after its passage and publication unless within such sixty-day period a referendum petition as provided by § 66.01, Wis. Stats., shall be filed, in which event this section shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

§ 85-3. Village Clerk.

- A. See § 85-2. [**Amended 1989 by Charter Ordinance No. 89-1**]
- B. Duties. The Clerk shall perform the following duties:
 - (1) To perform any duties prescribed by law relative to elections, to keep subject to inspection all election returns required to be filed in his office, and to notify persons elected or appointed to Village offices.
 - (2) To transmit to the County Clerk, within 10 days after election or appointment and qualification, a certified statement of the name and term for which elected or appointed, of the President, Clerk, Treasurer and Assessor, and to the Clerk of the Circuit Court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every Municipal Judge, Chief of Police, Marshal or Constable of the Village.
 - (3) To attend all meetings of the Village Board, to record and sign the proceedings thereof and all ordinances, rules, bylaws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books: a minute book, in which shall be recorded in chronological order full minutes of all elections, general or special, and the statements of the inspectors thereof; full minutes of all the proceedings of the Board of Trustees; the titles of all ordinances, rules, regulations and bylaws, with reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and bylaws. A finance book, in which shall be kept a full and complete record of the finances of the Village, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and to enter in either such other matters as the Board prescribes, and such other books as the Board directs.
 - (4) To countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, and to have proper proof thereof made and filed.
 - (5) To be the custodian of the corporate seal, and to file as required by law and to safely keep all records, books, papers or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified, to permit any person with proper care to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefor.
 - (6) To draw and countersign all orders on the Village treasury ordered by the Board and none other.
 - (7) To make a tax roll and deliver the same to the Village Treasurer; to make and transmit to the

County Clerk a statement showing the assessed valuation of all the property in the Village and separately the amount of all taxes levied therein, including highway and street taxes, for the current year, and the purposes for which they were levied.

- (8) To perform all other duties required by law or by any ordinance or other direction of the Village Board.
- (9) To notify the Clerk of the County in which the Village is located by March 15, of the proportion of property tax revenue and of the credits under § 79.10, Wis. Stats., that is to be disbursed by the County Clerk to each taxing jurisdiction location in the Village.

§ 85-4. Village Treasurer.

A. See § 85-2. [Amended 1989 by Charter Ordinance No. 89-1]

B. Duties. The Village Treasurer shall perform the following duties:

- (1) Execute and file an official bond which may be furnished by a surety company as provided by § 632.17(2), Wis. Stats.
- (2) Receive all moneys belonging or accruing to the Village or directed by law to be paid to the Treasurer.
- (3) Deposit upon receipt the funds of the Village in the name of the Village in the public depository designated by the Board. Failure to comply with this subsection shall be prima facie grounds for removal from office. When the money is deposited, the Treasurer and bonders are not liable for the losses defined by § 34.01(2), Wis. Stats., and the interest shall be paid into the Village treasury.
- (4) Pay money only on the written order of the President, countersigned by the Clerk and specifying the number thereof, the payee and the amount and the object for which drawn.
- (5) Keep just and accurate detailed accounts of all transactions under Subsection B(4) showing when, to whom and for what purpose all payments are made, in books provided by the Village Board and preserve all vouchers filed in the office.
- (6) Render an account and settlement of all official transactions to the Board at its last meeting prior to the annual election and at all other times when required by the Board.
- (7) Deliver to the successor when qualified all books of account, papers and property of the office and all money on hand as Treasurer.
- (8) Perform other duties as are required by law or the Village Board.
- (9) Keep but one fund in the treasury, except as otherwise provided.
- (10) Execute the bond required by § 70.67, Wis. Stats., and take receipt therefor, which the Treasurer shall file in the office of the Village Clerk.
- (11) On receipt of the tax roll and while acting as collector of taxes exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity and be subject to the same penalties and liabilities.
- (12) Perform those duties conferred upon town treasurers in § 60.34, Wis. Stats. The Village Board

may specify additional dates on which the Village Treasurer shall pay to the appropriate school district treasurer and vocational, technical and adult education district treasurer the proportion of the district's levy that the general property taxes collected in the Village, except collections for state trust fund loans, state tax and state special charges, up to the last day of the preceding month bears to the total general property tax levy in the Village for all purposes except levies for state trust fund loans, state tax and state special charges. The Village Treasurer may make the payments required under this subsection without authorization by the Village Board. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 85-5. Village Attorney.

- A. Election. The office of Village Attorney is an appointed position. The Village President shall appoint a Village Attorney at the first regular meeting of the Board in May of odd-numbered years, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on May 15 succeeding his appointment and shall be for two years.
- B. The Village Attorney shall have the following duties:
- (1) The Attorney shall conduct all of the law business in which the Village is interested.
 - (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) He may appoint an assistant who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village unless previously provided by ordinance.
 - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
 - (6) The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.³

§ 85-6. Chief of Police.

- A. Appointment:
- (1) The Chief of Police shall be appointed by the Village President, subject to confirmation by the Village Board. The Chief of Police shall hold office during good behavior, subject to suspension or removal by the Board. The Chief of Police shall serve a probationary period of one year, unless otherwise approved for a different period by the Village Board, or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off or terminate with or without cause said probationary employee without recourse to any grievance and arbitration procedures.
 - (2) The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be

3. Editor's Note: Original Sec. 2-3-4(b)(7), which regarded the other duties of the Village Attorney, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 85-5B(6).

determined by the Village Board from time to time.

B. General duties:

- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the Village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the state or ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

§ 85-7. Fire Chief and Fire Inspector.

A. Appointment. The Fire Chief shall be selected according to the bylaws of the Iron Ridge Volunteer Fire Department.

B. Powers and duties of chief.

- (1) The Chief shall have general supervision of the Department, subject to this chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
- (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this ordinance and the bylaws.
- (3) It shall be the duty of the Chief to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- (4) The Chief shall have the power to demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to an appeal to the Village Board.
- (5) Not later than October 1 of each year, the Chief shall file with the Village Clerk a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (6) It shall be the duty of the Chief to submit a written report to the Village Board not later than February 1 of each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.

- (7) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (8) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (9) He shall keep an inventory of all apparatus and equipment and an inventory of all hoses, showing dates and results of tests on each length, which shall be individually identified.
- (10) He shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

§ 85-8. Assessor.

- A. The Village of Iron Ridge hereby elects not to be governed by those portions of § 61.19, Wis. Stats., relating to the method of selection of the Village Assessor which are in conflict with this section.
- B. Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President at the first regular meeting of the Board in May of odd-numbered years, subject to confirmation by a two-thirds vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under § 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under § 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- C. The term of said Assessor shall be for two years or until his successor is selected and qualifies. The term shall commence on May 15 following appointment.
- D. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court determines that it is inaccurate, is, per § 70.47(7)(af), not subject to the right of inspection and copying under § 19.35(1), Wis. Stats. **[Amended March 2000]**

§ 85-9. Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May

following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

§ 85-10. Building Inspector.

A. Building Inspector position.

- (1) There is hereby created the position of Building Inspector who shall be appointed by the Village President at the first regular meeting of the Village Board in May of odd-numbered years, subject to confirmation by the Village Board. He shall have a two-year term of office.
- (2) During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.
- (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.

B. Powers and duties.

- (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
- (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of the zoning code.
- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings, plumbing equipment, gas piping or of electrical facilities in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the inspector.
- (4) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.

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

§ 85-11. Director of Public Works.

- A. Qualifications. The Director of Public Works shall be experienced in fields of construction, maintenance and/or municipal operations, having worked in such fields or combination of such fields, for a period of at least two years. In the alternative, the Director shall be a professional engineer authorized to practice in the State of Wisconsin, or in the alternative shall have sufficient professional credits, to qualify as a Director of Public Works in the area of management thereof.
- B. Selection. The Director of Public Works shall be selected by majority vote of the Village Board of Iron Ridge. Selection shall be made solely on merit and upon the basis of training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of his position.
- C. Term and removal. The Director of Public Works shall hold office for an indefinite term subject to

removal for cause after a public hearing by a two-thirds vote of the Village Board.

D. Duties and powers. The Director of Public Works shall have the following duties and powers:

- (1) He shall have general charge and supervision of all public works in the Village.
- (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
- (3) He shall have charge of all public services, including refuse disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
- (4) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board.
- (5) He shall be responsible for the purchase of all public works supplies and materials as directed and approved by the various departments, utilities, and/or Village Board. He may make purchases on behalf of the Village up to the sum of \$500, without any prior approval of any department and/or Village Board. **[Amended by Ord. No. 7-2006]**

§ 85-12. Eligibility for office.

- A. No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- B. An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one year thereafter.

§ 85-13. Oaths of office.

- A. Requirement. Within five days after the election or appointment of any Village officers, the Village Clerk shall notify the person so selected thereof unless he or she voted at the election. Every person elected or appointed to the office of Village President or Clerk shall within five days after notice thereof, when required, take and file the official oath. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Form, procedure. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

§ 85-14. Vacancies.

- A. How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.
- B. How filled. Vacancies in elective and appointive offices shall be filled as provided in § 17.24, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Temporary incapacitation. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

§ 85-15. Removal from office. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- A. Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13(2) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in §§ 17.13(1) and 17.16, Wis. Stats.

§ 85-16. Custody of official property.

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

§ 85-17. Official bonds; officers not to be sureties.

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Clerk, except the Village Clerk who shall file his bond in the office of the Village Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.⁴

4. Editor's Note: Original Sec. 2-13-17, Residency requirement, of the 1986 Code, as amended by Ord. No. 1-2004, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Chapter 92**POLICE DEPARTMENT**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 3, Ch. 1 of the 1986 Code. Amendments noted where applicable.]

§ 92-1. Records and reports.

- A. Monthly reports. The Chief of Police shall submit a written monthly report to the Village Board of all activities and transactions of the Department during the preceding month.
- B. Police records. There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted and all complaints in full.

§ 92-2. General powers of police officers.

Every member of the Police Department shall:

- A. Familiarize himself with the ordinances of the Village and the state statutes and attend to the enforcement of such ordinances by all lawful means.
- B. Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- C. Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- D. Assist the Fire Department in maintaining order at the scene of a fire or any other fire response within the Village.
- E. See that the necessary permits and licenses issued by the state or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- F. Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

§ 92-3. Responsibilities of Chief of Police.

- A. Duties. In addition to the duties imposed upon him by § 85-5, the Chief of Police shall:
 - (1) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by state statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (2) Submit such reports and comply with such procedures as may be prescribed by the Village President relative to fiscal and administrative matters.

- (3) Have exclusive control of the assignment, hours of duty and transfer of all members of the Department.
 - (4) Plan, organize, staff, direct and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
 - (5) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
 - (6) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property and regulate noncriminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- B. Custody of Department equipment. The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of or used by the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.
- C. Custody of Department property. The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

§ 92-4. Police Department rules and policies.

The Chief of Police shall establish and promulgate rules of conduct, directives and policies and procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department, provided no such rules of conduct, directives or policy procedures, duties or assignments shall be in conflict with the statutes or ordinances or with any rules approved by the Village Board.

§ 92-5. Maintenance of personnel records and performance evaluations.

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and rules of the Department.

§ 92-6. Police Chief responsible for training.

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department

members in the knowledge, procedures and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in law enforcement through study, special courses, college attendance, extension programs and independent readings.

§ 92-7. Civilians to assist.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Village of Iron Ridge.

Chapter 98**PROPERTY, SURPLUS AND ABANDONED**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 3, Ch. 4, of the 1986 Code. Amendments noted where applicable.]

§ 98-1. Definitions; determination and disposal of surplus property.

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

SURPLUS VILLAGE PROPERTY —

- (1) That property which is owned by the Village of Iron Ridge, Wisconsin, and which has no further usefulness to the Village of Iron Ridge. An item of property shall be considered to have no further usefulness when:
 - (a) The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
 - (b) The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - (c) The item is no longer able to reliably or economically perform the work required of it.
- (2) "Surplus property" as defined in this chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include property which is obtained by the Village as a result of abandonment or loss by the property's original owner. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

B. Determination of surplus Village property.

- (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
- (2) Whenever the fair market value of the item is more than \$5,000, the Village Board shall determine whether or not the item is surplus Village property.

C. Disposition of surplus Village property.

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than \$500 and the Village Board has determined, pursuant to Subsection C(1), that the item is surplus Village property, the department head responsible for the items shall dispose of the property by:
 - (a) Donation to a nonprofit organization within the Village or to a governmental agency; or
 - (b) Public auction; or

- (c) Sale by sealed bid.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as is" condition to the person submitting the highest bid; provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Village and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board.
- (4) No public auction or awarding of bids shall occur under this chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Village newspaper.
- (5) Whenever the fair market value of an item is \$5,500 or less and the Village Board has determined, pursuant to the previous section, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection C(2) above or destroyed.
- D. Determination of fair market values. Whenever this chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- E. Authority to dispose of property.
- (1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
- (2) Whenever this section provides for an auction or other disposition of any property, the Village Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property; provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.

§ 98-2. Lost and abandoned property.

- A. Village custody of lost or abandoned property.
- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Police Department by citizens, shall be disposed of according to this section.
- (2) Lost and abandoned property will be examined by the Police Department for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Police Department to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be turned over to the Police Department's property custodian.
- (3) No police officer shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Police Department shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No member of the Police Department or any other Village employee shall receive any lost, stolen, abandoned or other unclaimed property from the Police Department, unless that person

receives a written receipt signed by the Chief of Police, a copy of which shall remain at the Police Department.

B. Disposal procedures.

- (1) Classes of property. All property which has been abandoned, lost or remained unclaimed for a period of 30 days after the taking of possession of the same by the Village shall be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction, but may become the property of the Village.
 - (a) Vehicles. Vehicles shall be disposed of as set forth in the applicable provisions of Chapter 303, Vehicles, Abandoned and Junked, of the Code of the Village of Iron Ridge.
 - (b) Intoxicating liquor and fermented malt beverages. Intoxicating Liquor and Fermented Malt Beverages shall be destroyed or sold by sealed bids only to persons holding respectively Class B Liquor or Class B Fermented Malt Beverage Licenses.
 - (c) Firearms, ammunition and explosives. Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the Division of Law Enforcement Services of the Department of Justice, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief are hereby authorized to determine the disposal procedure; provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (d) Other property with a fair market value of \$100 or less. An item of property with a fair market value of \$100 or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - (e) Other property with a fair market value of over \$100. An item of property with a fair market value more than \$100 shall be sold at public auction or by sealed bid.
 - (f) Illegal property. Property which cannot be legally possessed shall be destroyed.
- (2) Disposal by auction or sealed bid.
 - (a) Whenever any property under this section is sold by public auction or sale by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission, such notice shall be published in the official Village newspaper. The property auctioned or sold by sealed bid shall be sold in as is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the Village and the amount of the bid be forfeited to the Village.
 - (b) Any Village official selling property under this section shall maintain for two years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and

the name and address of the person acquiring the property.

- (3) Lost property. Property which is found by persons and delivered to the Village Police Department for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this ordinance until 30 days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This subsection shall not apply to any Village employee finding property in the regular course of his employment.
- (4) Payment to Village treasury. All sums received from the sale of property under this section shall be paid to the Village treasury.

PURCHASING

Chapter 102

PURCHASING

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Recyclable Products

[Adopted as Title 6, Ch. 3, Sec. 6-3-30 of the 1986 Code; amended in its entirety 8-1-1994]

§ 102-1. Prioritization of recycled products; schedule.

The Village of Iron Ridge shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include 25% recycled content of all paper purchased by 1993 and 40% content of all paper by 1995.

§ 102-2. Basis for awarding of contracts.

The Village shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

Village of Iron Ridge, WI

§ 102-2

PURCHASING

Chapter 111**RECORDS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 9, of the 1986 Code. Amendments noted where applicable.]

§ 111-1. Definitions.

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

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

CUSTODIAN — That officer, department head, division head, or employe of the Village designated under § 111-3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

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

VILLAGE — The Village of Iron Ridge and its administrative subunits.

§ 111-2. Retention of records. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- A. General Records Schedule adopted. The Village of Iron Ridge hereby adopts, by reference, the Wisconsin Municipal Records Schedule (hereinafter, "Records Schedule"), pertaining to the retention and destruction of public records, and approved by the State of Wisconsin Public Records Board (hereinafter, "Records Board") on August 27, 2018. A copy of the Records Schedule will be kept on file in the Village of Iron Ridge Clerk's office, located at 205 Park Street, Iron Ridge, Wisconsin, and made available for public viewing during normal business hours.
- B. Other records. In the event the Village of Iron Ridge creates a record not contemplated by the Records Schedule, the Village of Iron Ridge may, subject to the Records Board's prior approval, either adopt an applicable records retention schedule set forth by the Records Board, if available, or create its own retention schedule pertaining to the record.

§ 111-3. Legal custodian(s).

- A. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- B. Unless provided in Subsection C, the Clerk or the Clerk's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board. The following offices or authorities shall have as a legal custodian of records the individual so named:

Authority	Designated Legal Custodian
General records (including Board records)	Village Clerk
Financial records	Village Treasurer
Building Inspector's office	Building Inspector
Fire Department	Fire Chief
Police Department	Chief of Police
Village Attorney's office	Village Attorney

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

§ 111-4. Public access to records.

- A. Except as provided in § 111-6 any person has a right to inspect a record and to make or receive a copy of any record as provided in § 19.35(1), Wis. Stats.
- B. Records will be available for inspection and copying during all regular office hours.
- C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- D. A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Village shall be removed from the possession of the legal custodian.
- F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:

- (1) The cost of photocopying shall be \$0.25 per page, excluding accident reports. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction. The cost of vehicle accident reports shall be \$3.
 - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio tapes or videotapes, shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Village will determine the cost of locating a record by using the hourly rate of \$20 per hour for employees involved in attempting to locate the record.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.
 - (7) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- G. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of §§ 111-4 through 111-6 of this chapter. This subsection does not apply to members of the Village Board.

§ 111-5. Access procedures.

- A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 111-4F(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- B. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the

request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

- C. A request for a record may be denied as provided in § 111-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

§ 111-6. Limitations on right to access.

- A. As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this chapter.
- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (4) A record or portion of a record containing information qualifying as a trade secret as defined in § 134.90(1)(c), Wis. Stats. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]
- B. As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- C. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to § 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to § 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Pursuant to § 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.

- (5) Pursuant to § 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to § 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Pursuant to § 19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under § 905.03, Wis. Stats.
 - (8) Pursuant to § 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

§ 111-7. Destruction of records.

- A. ⁵Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period.
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.

5. Editor's Note: Original Sec. 2-9-7(a), regarding the destruction of nonutility financial records, and (b), regarding the destruction of utility records, of the 1986 Code, which immediately preceded this subsection, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions.
- B. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.
- C. Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

§ 111-8. Preservation through microfilm.

Any Village officer, or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 111-4 through 111-6 of this chapter.

Chapter 118**VILLAGE BOARD**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 2, Ch. 2, of the 1986 Code. Amendments noted where applicable.]

§ 118-1. Village Board.

The Trustees of the Village of Iron Ridge shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

§ 118-2. Trustees.

- A. Election, term, number. The Village of Iron Ridge shall have four Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The four Trustees shall constitute the Village Board. Two Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.
- B. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

§ 118-3. Village President.

- A. Election. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- B. Duties. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed and, in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

§ 118-4. Standing committees.

- A. Special committees.
 - (1) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose and shall ex officio be Chairman of the same.
 - (2) The Village President may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- B. President to designate chairmen. The President shall designate the chairmen of each Board committee. All committee appointments, except designation of chairmen, shall be subject to confirmation by a majority vote of the Board.
- C. Committee reports. Each committee shall, at the next regular Board meeting, submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or

employee to confer with it and supply information in connection with any matter pending before it.

§ 118-5. General powers of Village Board.

- A. General. The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. Acquisition and disposal of property. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- C. Acquisition of easements and property rights. Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under §§ 61.35 and 62.23, Wis. Stats., and may sell and convey such easements or property rights when no longer needed for public use or protection.
- D. Village finances. The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding half of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local school clerk. The rate of interest on any such loan shall be determined by the Village Board.
- E. Construction of powers. Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this section and throughout this Code shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

§ 118-6. Cooperation with other municipalities.

The Village Board, on behalf of the Village, may join with other villages or cities in a cooperative

arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

§ 118-7. Internal powers of the Board.

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

§ 118-8. Salaries.

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

§ 118-9. Meetings.

- A. Regular meetings. Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 7:00 p.m. local time or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on the following Monday at the same hour and place. All meetings of the Board shall be held at the Village of Iron Ridge Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Iron Ridge.
- B. Annual organizational meeting. The Village Board shall hold an annual meeting on the third Tuesday of April for the purpose of organization. **[Amended by Ord. No. 1992 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 118-10. Special meetings.

Special meetings of the Board may be called by the Village President or by two Trustees by filing a written request with the Village Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode. The Clerk shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Ch. 19, Subch. V, Wis. Stats. Representatives of the media who have filed a request with the Clerk to receive notice of Board meeting shall be notified a minimum of 12 hours before the meeting.

§ 118-11. Open meetings.

All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meeting Law.⁶

§ 118-12. Quorum.

6. Editor's Note: See §§ 19.81 to 19.98, Wis. Stats..

- A. Two Trustees and the Village President shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
- B. When the presiding officer shall have called the members to order, the Village Clerk shall proceed to call the roll in alphabetical order, noting who are present and who are absent and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

§ 118-13. Presiding officers.

- A. The Village President shall preside. The Village President shall preside over meetings of the Village Board. In case of absence of the President, the Clerk shall call the meeting to order and preside until the Trustees present select a Trustee to preside temporarily.
- B. Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.
- C. Participation in debate. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily.

§ 118-14. Order of business.

- A. Order of business. At all meetings, the following order may be observed in conducting the business of the Village Board:
 - (1) Call to order by presiding officer;
 - (2) Roll call (if a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
 - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings; treasurer's report;
 - (4) Public appearances;
 - (5) Police Department report;
 - (6) Director of Public Works report;
 - (7) Building Inspector reports;
 - (8) Monthly bills;
 - (9) Ordinances and resolutions;
 - (10) Unfinished business;
 - (11) New and miscellaneous business;

(12) Adjourn.

- B. Order to be followed. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

§ 118-15. Introduction of business, resolutions and ordinances; disposition of communications.

- A. Ordinances to be in writing. All ordinances, resolutions, bylaws or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing same and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next Board meeting. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
- B. Subject and numbering of ordinances. Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. Notice.
- (1) The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for meeting at which action is requested.
 - (2) Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Village Clerk in written form a minimum of seven days prior to the meeting at which action is requested.
- D. Disposition of petitions, communication, etc. Every petition or other writing of any kind, addressed to the Village Board or to the Clerk or other Village officer for reference to the Village Board, shall be delivered by the Clerk or such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition or other writing and every paper, communication or other proceeding which shall come before the Board for action may be referred by the Village President or presiding officer to the appropriate committee or commission unless objected to by some member of the Board.

§ 118-16. Publication and effect of ordinances. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

All general ordinances of the Village and all regulations imposing any penalty shall be published either in their entirety or as a notice as provided in § 61.50(1), Wis. Stats., in the official paper of the Village once or posted according to state law and shall be immediately recorded, with the affidavit of publication, by the Village Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.

§ 118-17. Conduct of deliberations.

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

- (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
 - (3) When required by the State Statutes of Wisconsin.
- B. All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board, or the President, and the Clerk shall call the roll in alphabetical order, and the Clerk shall call the roll starting with "A" and then in alphabetical order one time and then starting with "Z" and in reverse alphabetical order the next time.
- C. Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Village Code:
- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board and confine his remarks to the question under discussion and avoid all personalities.
 - (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

§ 118-18. Reconsideration of questions.

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof, but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

§ 118-19. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

§ 118-20. Amendment of rules.

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

§ 118-21. Suspension of rules.

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

Part II: General Legislation

Chapter 132**ALARM SYSTEMS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 10, of the 1986 Code. Amendments noted where applicable.]

§ 132-1. Title.

This chapter shall be known as the "Village of Iron Ridge Alarm Systems Chapter."

§ 132-2. Purpose.

The purpose of this chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

§ 132-3. Definitions.

Within this chapter, the following terms, phrases and words and their derivations have the meanings given herein:

ALARM BUSINESS — Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.

ALARM SYSTEM — An assembly of equipment and devices or a single device such as a solid-state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Dodge County Sheriff's Department or Iron Ridge Police Department is expected to respond. In this chapter, the term "alarm system" shall include the terms "automatic holdup alarm system," "burglar alarm systems," and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt, or fire. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ANNUNCIATOR — The instrumentation on an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated, or which, in the event of malfunction, may also indicate line trouble.

ANSWERING SERVICE — Refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Dodge County Sheriff's Department or Iron Ridge Police Department.

AUTOMATIC DIALING DEVICE — Refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

AUTOMATIC HOLDUP ALARM SYSTEM — An alarm system in which the signal transmission is initiated by the action of the robber.

BURGLAR ALARM SYSTEM — Refers to an alarm system which signals an entry or attempted entry into the area protected by the system.

CENTRAL STATION — An office to which remote alarm and supervisory signaling devices are connected where operators supervise the circuits.

DIRECT CONNECT — An alarm system which has the capability of transmitting system signals to the Iron Ridge Police Department or Dodge County Sheriff's Department dispatch center.

FALSE ALARM — The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system, or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes, or other violent climatic conditions.

INTERCONNECT — To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

MANUAL HOLDUP ALARM SYSTEM — Refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.

PRIMARY TRUNK LINE — A telephone line leading directly into the dispatch center of the Dodge County Sheriff's Department or Iron Ridge Police Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory, or numbers in sequence therewith.

SUBSCRIBER — A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

§ 132-4. Administrative rules.

The Chief of Police, in cooperation with the Dodge County Sheriff's Department, shall promulgate such rules as may be necessary for the implementation of this chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

§ 132-5. Automatic dialing devices.

No person shall interconnect any automatic dialing device to a law enforcement department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Iron Ridge Police Department or Dodge County Sheriff's Department shall only be done person to person on the telephone line.

§ 132-6. Direct connections prohibited.

Direct connections to the Iron Ridge Police Department or Dodge County Sheriff's Department are prohibited.

§ 132-7. Testing procedure.

- A. No alarm business or alarm system designed to transmit emergency messages to the Iron Ridge Police Department or Dodge County Sheriff's Department shall be tested or demonstrated without prior notification of the Police Department or Dodge County Sheriff's Department dispatcher. Alarm

business or alarm system owners or lessors will be advised on proper test procedure.

- B. No alarm system relayed through intermediate services to the Iron Ridge Police Department or Dodge County Sheriff's Department will be tested to determine the Iron Ridge Police Department or Dodge County Sheriff's Department's response without first notifying the appropriate authority.

§ 132-8. Notification.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

§ 132-9. Fee for answering alarms. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

There is hereby imposed a fee for law enforcement response to any alarm resulting from the activation of an alarm system, except when law enforcement finds that an unauthorized person is on the premises, was seen on the premises immediately before the alarm was activated, or that there is fresh evidence of forceful entry or attempted forceful entry. There shall be no fee for the first and second response in any calendar year, \$150 for the third response in any calendar year, and \$150 for the fourth and all further responses in that calendar year. The fee is inapplicable when the alarm is caused by a tornado or other violent climatic conditions. This fee is imposed whether the Police Department or Dodge County Sheriff's Department receives the alarm by direct notice or through an intermediary such as an answering service or central station. Failure to pay the stated fee within 30 days of receipt of the bill shall be grounds for a refusal of police services in regards to future alarms being received. However, before any refusal or no service is given, the Chief of Police shall receive approval from the Village Board.

§ 132-10. Termination of direct connection.

The Chief of Police is authorized to require that the owner or lessee of any alarm system directly connected to the Iron Ridge Police Department or Dodge County Sheriff's Department or primary trunk lines shall disconnect such device within 30 days after passage of this chapter.

§ 132-11. Village liability.

The Village of Iron Ridge shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this chapter, including but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm, however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

§ 132-12. Permits for private alarm systems.

- A. Permit required. A permit is required for each private alarm system on premises within the Village. There shall be a \$30 permit fee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Interior alarms. A permit under this chapter is not required for an alarm system which gives a signal, visual or audible, or both, solely within the interior of the building in which it is located.
- C. Issuing authority. The issuing authority for permits shall be the Chief of Police.

- D. Application. Application for permit required under this chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this chapter.
- E. Appeal. Any person required by this chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in § 132-13.

§ 132-13. Revocation of permits.

- A. Hearing. Before a permit issued pursuant to this chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven days prior to the hearing.
- B. Grounds for revocation. The Chief of Police may revoke a permit on the following grounds:
 - (1) The application for a permit contains a false statement of a material fact.
 - (2) A permittee has repeatedly failed to comply with the provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) An alarm system repeatedly actuates false alarms.
- C. Appeals. Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the Clerk within 10 days after the decision. Such appeal shall be heard by the Village Board within 30 days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Board gives its decision. The Clerk shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

§ 132-14. Violations and penalties.

- A. Any person who shall violate any section of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Village of Iron Ridge.
- B. When any premises located in the Village is owned, leased, or occupied by two or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this chapter are complied with, and each person may be subjected to a penalty on violation of this section.
- C. In addition to a forfeiture, any person using a private alarm system whose false alarm requires a response to the premises by the Dodge County Sheriff's Department, Chief of Police or Village personnel shall be subject to payment of false alarm fees as provided in § 132-9.

IRON RIDGE CODE

Chapter 138

ALCOHOL BEVERAGES

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Licensing**[Adopted as Title 7, Ch. 2, Art. A, of the 1986 Code]****§ 138-1. State statutes adopted.**

The provisions of Chapter 125 and §§ 938.344 and 778.25, of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this article 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 article. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this article.

§ 138-2. Definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

As used in this article the terms "alcohol beverages," "intoxicating liquors," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," and "operators" shall have the meanings given them by Chapter 125, Wisconsin Statutes.

§ 138-3. License required.

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

§ 138-4. Classes of licenses. [Amended by Ord. No. 1-2003]

- A. Retail Class "A" intoxicating liquor license. A retail Class "A" intoxicating liquor license, when issued by the Village Clerk under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.
- B. Retail Class "B" intoxicating liquor license. A retail Class "B" intoxicating liquor license, when issued by the Village Clerk under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in any quantity, and to be consumed off the premises, if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Class "A" fermented malt beverage retailer's license. A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.
- D. Class "B" fermented malt beverages retailer's license. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon

the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of a percent of alcohol by volume, without obtaining a special license to sell such beverages.

- E. Special Class "B" fermented malt beverage picnic license.
- (1) A special Class "B" Picnic license, when issued by the Village Clerk under authority of the Village Board, as provided for in § 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs and chambers of commerce, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Village Board. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity. Such license shall be valid for no more than four consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.⁷
- F. Retail "Class C" wine license. A retail "Class C" wine license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder to sell wine by the glass or in an opened original container for consumption on the premises where sold. "Class C" wine licenses may be granted to an applicant only if:
- (1) The applicant meets the qualifications set out in § 125.04(5), Wis. Stats., for other retail licensees;
 - (2) The license is for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts; and
 - (3) Wine is the only intoxicating liquor sold in the barroom.

§ 138-5. License fees. [Amended by Ord. No. 1-2003 ; 4-3-2023 by Ord. No. 4-2023 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The following fees shall be chargeable for licenses issued by the Village Board:

- A. Retail "Class A" intoxicating liquor license: \$350 annually.
- B. Retail "Class B" intoxicating liquor license: \$350 annually.
- C. Class "A" fermented malt beverage retailer's license: \$100 annually.
- D. Class "B" fermented malt beverage retailer's license: \$100 annually.
- E. Special Class "B" fermented malt beverage picnic license: \$10 per event.

7. Editor's Note: Original Sec. 7-2-4(f), Wholesaler's license, of the 1986 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

F. Retail "Class C" wine license: \$100 annually.

§ 138-6. Application for license.

- A. Contents. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to signed by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats., and shall be filed with the Village Clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Corporations. Such application shall be filed and signed by the applicant if an individual, by the president and secretary, if a corporation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Publication. The application shall be published at least once in the official Village newspaper. The fee for publication shall be \$20 and shall be paid by the applicant at the time of making application. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Amending application. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.

§ 138-7. Qualifications of applicants and premises.

- A. Residence requirements. A retail Class "A" or retail Class "B" fermented malt beverage or intoxicating liquor or retail "Class C" wine license shall be granted only to persons who are citizens of the United States and of Wisconsin. **[Amended by Ord. No. 1-2003]**
- B. Applicant to have malt beverage license. No retail Class "B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. Right to premises. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. Age of applicant. No Class "A" or "B" or "Class C" licenses shall be granted to any person less than 21 years of age, except for an operator's license which may be granted to persons who have attained the age of 18. **[Amended by Ord. No. 1-2003 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. Corporate restrictions.
- (1) No license shall be granted to any corporation which does not comply with the provisions of Sec. 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this article or under state law, or which has more than 50% of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this article or under the state law.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and

licensee to file with the Village Clerk a statement of transfers of stock within 48 hours after such transfer of stock.

- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Section 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this article or under the state law.
- F. Separate licenses. A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.
- G. License quotas. License quotas for the Village shall be as provided in Chapter 125, Wis. Stats.

§ 138-8. Investigation.

The Village Clerk shall notify the Chief of Police and Building Inspector of each new application and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.

§ 138-9. Approval of application.

- A. In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- B. No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- C. No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Department of Agriculture, Trade and Commerce Protection applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 138-10. Granting of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village.

§ 138-11. Transfer and lapse of license.

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk. Proceedings for such transfer shall

be had in the same form and manner as the original application. The fee for such transfer is \$10. Whenever a license is transferred the Village Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer.

- B. Whenever the agent of a corporate holder of a license, for any reason, replaced, the licensee shall give the Village Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village 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 Village Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.
- C. Whenever any licensee under this article shall not conduct his license business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Village Board.

§ 138-12. Numbering of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee.

§ 138-13. Posting licenses; defacement.

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

§ 138-14. Conditions of license. Amended by Ord. No. 1-2003

All retail Class "A", "B" and "Class C" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the Village applicable thereto:

- A. Consent to entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village 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 Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. Employment of minors. No retail Class "B" licensee shall employ any person under 18 years of age, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- 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" 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, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises.
- E. Health and sanitation regulations. The rules and regulations of the State Department of Agriculture, Trade and Commerce Protection governing sanitation in restaurants shall apply to all Class "B" liquor licenses issued under this article. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- F. Restrictions near schools and churches. No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

§ 138-15. Closing hours.

- A. No premises in the Village of Iron Ridge for which "Class C" wine or Class "B" intoxicating liquor or fermented malt beverages license(s) for the sale of fermented malt beverages has been issued, shall be permitted to remain open between the hours of 2:00 a.m. and 6:00 a.m., Mondays through Fridays, and 2:30 a.m. and 6:00 a.m., Saturdays and Sundays. However, all taverns are allowed to remain open for 24 straight hours on New Year's Eve. **[Amended by Ord. No. 1-2003]**
- B. Between the hours of 9:00 p.m. and 8:00 a.m.
- (1) No premises holding a Class A intoxicating liquor or fermented malt beverages license(s) nor the holder of a license permitting such premises or holder to sell, deal and traffic in fermented malt beverages nor any person on such premises, whether or not such person holds an operator's license pursuant to § 125.17 of the Wisconsin Statutes, as amended, shall sell, vend, barter, exchange, offer for sale, give away or otherwise furnish to any person any fermented malt beverages or intoxicating liquor in original packages, intending to mean aluminum/tin cans, bottles, barrels or any containers in which the beverages have been delivered to the premises, and to be removed from the premises between the hours of 9:00 p.m. and 8:00 a.m.
- (2) No person shall remove from any premises licensed under this article any fermented malt beverage or intoxicating liquor in original packages, intending to mean aluminum/tin cans, bottles, barrels or any containers in which the beverages are delivered to the premises, between the hours of 9:00 p.m. and 8:00 a.m.
- C. Closing hours may be modified for specific events by majority vote of the Village Board.

§ 138-16. Restrictions on special Class "B" fermented malt beverage picnic or special event license.

- A. General conditions of license. Groups that have been granted a special Class "B" fermented malt

beverage license shall comply with the following conditions of license:

- (1) Licensed operators. There shall be at least one person properly licensed as an operator under the provisions of Article II of this article on the premises at all times to supervise the service of beverages.
- (2) Compliance with laws. Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.
- (3) Suitable facilities. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (4) Posting of license. The special Class "B" fermented malt beverage license shall be posted in a conspicuous place and shall specify the date(s) and hours for which said license is issued.
- (5) Insurance. The applicant for a Special Class "B" Fermented Malt Beverage License may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the license is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Iron Ridge. The applicant may be required to furnish a performance bond prior to being granted the license. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Regulations concerning the sale or drinking of fermented malt beverages in parks.

- (1) All organizations issued a license under § 138-4E of this Code shall post in a conspicuous location at the main point of sale facility and at all remote sales facilities, a sufficient number of signs disclosing that no fermented malt beverage shall be served to any underage person or without proper age identification.
- (2) All organization shall abide by at least one of the following: **[Amended by Ord. No. 4-1990]**
 - (a) Install a single fence around the main point of sale facility to control ingress and egress and shall station a licensed operator or police officer at the entrance after 9:00 p.m. for the purpose of checking age identification.
 - (b) Set an age limit (ex., 25) and use some means of identification for persons of that age and younger down to the legal drinking age currently in effect. (ex., hand stamp or wristbands).
 - (c) Have a licensed operator sell alcoholic beverage tickets from a centralized point.
- (3) The sale of fermented malt beverages from remote sites, that is, other than the main point of sale facility, shall be prohibited after the hour of 9:00 p.m.
- (4) Except as otherwise authorized by §§ 125.32 and 125.68, Wis. Stats., no underage persons shall be allowed to assist in the sale of fermented malt beverages at any point of sale, nor shall they be allowed to loiter or linger in the area of any remote sale facility. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (5) A licensed operator shall be stationed at all points of sale at all times.

- (6) No more than six operators license shall be issued in conjunction with the issuance of the Special Class "B" License, unless the Village Board, for good cause shown, elects to issue additional operators licenses, not to exceed eight in total.

§ 138-17. Beer garden licenses required for outdoor consumption at class "B" premises.

- A. Required for outdoor consumption. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the Village Board. The permits are a privilege in which no rights vest and therefore may be revoked by the Village Board at its pleasure at any time, or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit.
- B. Limitations on issuance of beer garden permits. No permit shall be issued for a beer garden if any part of the beer garden is within 100 feet of a residential district. No permit shall be issued for a beer garden if the beer garden area is greater than 50% of the gross floor area of the adjoining licensed premises. Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden. Every beer garden shall be completely enclosed with a railing, fence or barrier. Amplified sound or music is permitted in the beer garden during operational hours. Live entertainment will be allowed once a month on either a Friday or Saturday evening until 12:00 midnight, during the months of May through October. There shall be a licensed operator in the beer garden when alcohol is being sold. Hours of operation shall be the same as regular business hours. **[Amended by Ord. No. 2-2009]**
- C. Adjoining property owners to be notified of pendency of applications. All property owners within 150 feet of the proposed beer garden shall be notified of the pendency of application for a beer garden permit by first-class mail.
- D. State statutes enforced within beer garden. Every permittee under this section shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats. shall be grounds for immediate revocation of the beer garden permit by the Village Board.

§ 138-18. Revocation and suspension of licenses; nonrenewal.

- A. Procedure. Whenever the holder of any license under this section violates any portion of this section, proceedings for the revocation of such license may be instituted in the manner and under the procedures established by § 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable.
- B. Automatic revocation. Any license issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or for a violation of Chs. 125 or 139, Wis. Stats., or any other state or federal liquor or fermented malt beverage laws or of any felony.
- C. Nonrenewal of licenses. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal, and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.
- D. Abandonment of premises. Any licensee holding a license to sell alcohol beverages who abandons

such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of an alcohol beverage license. The closing of the licensed premises for at least 90 days shall be prima facie evidence of an abandonment.

ARTICLE II

Operator's License**[Adopted as Title 7, Ch. 2, Art. B, of the 1986 Code]****§ 138-19. Operator's license required.**

There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license or Class "B" fermented malt beverage license, at all times 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. 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 unless he shall possess an operator's license 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.

§ 138-20. Procedure upon application. [Amended by Ord. No. 3-2009 ; 4-6-2020 by Ord. No. 3-2020]

The Village Clerk may issue an operator's license, which license shall be granted only upon application in writing on blanks to be obtained from the Village Clerk only to persons 18 years of age and older. Operator's licenses shall be operative only within the limits of the Village.

§ 138-21. Duration.

Licenses issued under the provisions of this article shall be valid for a period of one year and shall expire on the 30th day of June.

§ 138-22. Fee.

- A. The fee for an operator's license shall be \$27 for the original license, and \$20 per year thereafter. **[Amended 8-28-2017 by Ord. No. 2-2017]**
- B. A provisional operator's license may be issued by the Village Clerk in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Village Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner. The fee for a provisional operator's license shall be \$10. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 138-23. Issuance.

After the Village Board approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

§ 138-24. Display of license.

Each license issued under the provisions of this article shall be posted on the premises whenever the operator dispenses beverages.

§ 138-25. Revocation of operator's license.

Violation of any of the terms or provisions of the state law or of this article relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

ARTICLE III
Violations and Penalties
[Adopted as Title 7, Ch. 2, Art. C, of the 1986 Code]

§ 138-26. Violations and penalties.

- A. Forfeitures for violations of §§ 125.07(1) through (5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in § 138-1 of the Code of the Village of Iron Ridge, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses.
- B. Any person who shall violate any provision of this article of the Code of Ordinances of the Village of Iron Ridge, Wisconsin, except as otherwise provided in Subsection A herein, or who shall conduct any activity of make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in Chapter 1, General Provisions, Article II, General Penalty, of this Code of the Village of Iron Ridge, Wisconsin.
- C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Chapter 144**AMUSEMENT ARCADES**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 5, of the 1986 Code. Amendments noted where applicable.]

§ 144-1. Definitions.

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

AMUSEMENT ARCADE — Any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "amusement devices" to the public at retail or where six or more amusement devices are located.

AMUSEMENT DEVICE — Any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables (whether coin-operated or not). Such definition does not include a bowling alley, jukebox or other coin-operated music machine or a mechanical children's amusement riding device.

§ 144-2. License required; application; inspection.

A. License required. No person, firm, or corporation shall operate or keep an amusement arcade as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such arcade. Application shall be made to the Village Clerk on the form provided by such office, accompanied by an application fee of \$15 which shall cover the cost of processing the application and shall be nonrefundable. The application shall set forth the following information: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (1) The name and address of the applicant or, if a partnership, the name and addresses of all the partners or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
- (2) The name and addresses of the owners of the amusement devices to be located on the licensed premises if such owners are different from that of the applicant. If the owners of the amusement devices is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.
- (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
- (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within 20 feet of the property lines of the premises to be licensed.

- (5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.
 - (6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.
- B. Inspection. The Village Clerk shall notify the Chief of Police and Building Inspector of each new application for license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Chief of Police and Building Inspector shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.
- C. Public hearing. The application shall be forwarded to the Village Board which shall hold a public hearing prior to the granting or denial of any amusement arcade license. In reviewing each application, the Village Board shall find:
- (1) That the establishment, maintenance, or operation of an amusement arcade at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - (2) That the proposed amusement arcade will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - (3) That the establishment of the amusement arcade will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.
- D. Issuance of license; term. The Village Clerk shall issue a license upon approval of the application by the Village Board upon the payment by the applicant of an annual license fee of \$15. All licenses issued herein shall be for one year ending on June 30 and shall not be transferable. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 144-3. Hours of operation.

- A. No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.
- B. No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 a.m. and 3:00 p.m. on any day in which school is in regular session. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. For the purpose of this section, the term "public school" or "parochial school" shall be any institution providing learning facilities for grades K through 12.

§ 144-4. General requirements.

The following general requirements shall apply to all amusement arcades licensed in accordance with this chapter:

- A. All amusement arcades shall have an adult supervisor on the premises at all times in which the game room is open to the public.
- B. Every amusement arcade shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.
- C. Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.⁸
- D. All arcades shall post rules of nonacceptable patron conduct.

§ 144-5. License revocation.

Licenses may be revoked by the Village Board after notice and public hearing, in the event an amusement arcade's location or operation fails to conform to standards provided in this chapter, or violates any other provision of the Village Code.

8. Editor's Note: See also Ch. 163, Building Construction, and Ch. 208, Fire Prevention.

ANIMALS

Chapter 150

ANIMALS

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Licensing and Control of Animals
[Adopted as Title 7, Ch. 1, of the 1986 Code]**§ 150-1. Definitions. [Amended by Ord. No. 4-1994 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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

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

CAT — Any feline, regardless of age or sex.

DOG — Any canine, regardless of age or sex.

NEUTERED — As describing a dog or cat, shall mean a dog or cat having nonfunctional generative organs.

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

§ 150-2. Rabies vaccination required for license.

- A. Rabies vaccination. The owner of a dog and/or cat shall have the dog and/or cat vaccinated against rabies by a veterinarian within five months of age and revaccinated within three years after the initial vaccination. If the owner obtains the dog and/or cat or brings the dog and/or cat into the Village of Iron Ridge after the dog and/or cat has reached four months of age, the owner shall have the dog and/or cat vaccinated against rabies within 30 days after the dog and/or cat is obtained or brought in to the Village unless the dog and/or cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog and/or cat shall have the dog and/or cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of § 95.21(2), Wis. Stats. **[Amended by Ord. No. 4-1994 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog and/or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog and/or cat, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. Department of Health and Human Services and the city where the dog and/or cat is required to be licensed. **[Amended by Ord. No. 4-1994 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Copies of certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog and/or cat is revaccinated, whichever occurs first. **[Amended by Ord. No. 4-1994]**

- D. Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- E. Tag to be attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog and/or cat at all times, but this requirement does not apply to a dog and/or cat during competition or training, to a dog and/or cat while hunting, to a dog and/or cat securely confined indoors or to a dog and/or cat securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog and/or cat which is not required to be vaccinated under Subsection A. **[Amended by Ord. No. 4-1994]**
- F. Duplicate tag. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- G. Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

§ 150-3. Issuance of dog and/or cat licenses.

- A. Dog and/or cat licenses. **[Amended by Ord. No. 4-1994]**
 - (1) It shall be unlawful for any person in the Village of Iron Ridge to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog and/or cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog and/or cat becomes five months of age, pay a license tax and obtain a license. **[Amended by Ord. No. 4-1994]**
 - (3) The minimum license tax under this section shall be \$3 for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be \$8. These amounts shall be reduced by 1/2 if the animal became five months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog and/or cat is currently immunized against rabies, as required by § 150-2 of this chapter, the Village Treasurer shall complete and issue to the owner a license for such dog and/or cat containing all information required by state law. The Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year. **[Amended by Ord. No. 4-1994]**
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog and/or cat for which the license is issued at all times. **[Amended by Ord. No. 4-1994]**
 - (6) The fact that a dog and/or cat is without a tag attached to the dog and/or cat by means of a collar shall be presumptive evidence that the dog and/or cat is unlicensed. Any law enforcement, animal control or humane officer shall seize, impound or restrain any dog and/or cat for which

a dog and/or cat license is required which is found without such tag attached. **[Amended by Ord. No. 4-1994]**

- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license tax and every person owning such a dog shall receive annually a free dog license from the Treasurer upon application therefor.⁹

§ 150-4. Late fees. [Amended by Ord. No. 4-1994]

The Village Treasurer shall assess and collect a late fee of \$5 from every owner of a dog and/or cat five months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog and/or cat or if the owner failed to obtain a license on or before the dog and/or cat reached licensable age.

§ 150-5. Rabies quarantine.

- A. Dogs and cats confined. If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk shall promptly post in at least three public places in the Village, notices of quarantine furnished by the Department of Agriculture, Trade and Consumer Protection for posting. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Exemption of vaccinated dog or cat from Village quarantine. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the Village quarantine provisions of Subsection A if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- C. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.
- (1) Quarantine or sacrifice of dog or cat. A law enforcement, animal control, humane or health officer shall order a dog or cat quarantined if such officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- D. Quarantine of dog or cat.
- (1) Delivery to isolation facility or quarantine on premises of owner. A law enforcement, animal control, humane or health officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be

9. Editor's Note: Original Subsection (b), Kennel licenses, which immediately followed this subsection, was repealed by Ord. No. 8-2007.

quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this subsection, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) Risk to animal health.
 - (a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.
 - (b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
 - (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- E. Delivery of carcass; preparation; examination by laboratory of hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Department of Agriculture, Trade and Consumer Protection, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- F. Cooperation of veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Department of Agriculture, Trade and Consumer Protection, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- G. Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

§ 150-6. Restrictions on keeping of dogs, cats, fowl and other animals.

- A. Restrictions. It shall be unlawful for any person within the Village of Iron Ridge to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Village.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See § 150-12.)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- B. Vicious dogs and animals.
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any twelve-month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person, and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by law enforcement authorities.
 - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property; barking excessively or making excessive noises or running after automobiles.
- C. Animals running at large.
- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village ordinance to be licensed shall be seized and impounded by a humane, animal control or law enforcement officer.
 - (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

- D. Owner's liability for damage caused by dogs and/or cats; penalties. The provisions of § 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs and/or cats, together with the penalties therein set forth are hereby adopted and incorporated herein by reference. **[Amended by Ord. No. 4-1994]**
- E. Keeping of dogs and or cats in residential areas. **[Amended by Ord. No. 1-1986]**
- (1) Purpose. The keeping of a large number of dogs and/or cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life for which such areas were created. The keeping of a large number of dogs and/or cats is, therefore, declared a public nuisance.
 - (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

FAMILY — One or more persons.¹⁰ **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

RESIDENTIAL LOT — A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.
 - (3) Number of dogs and/or cats limited. **[Amended by Ord. No. 7-2006 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (a) No family shall own, harbor or keep in its possession more than two dogs and/or cats on any residential lot without the prior approval of the Village Board except that a litter of pups and/or kittens or a portion of a litter may be kept for not more than eight weeks from birth. If more than one family resides on a residential lot, then only two dogs and/or cats shall be allowed on the residential lot unless the prior approval is obtained from the Village Board.
 - (b) The above requirements shall be waived with the approval of the Village Board. Such application for waiver shall first be made to the Village Treasurer who shall forward the request with his approval or objection to the Village Board, which shall receive reports from the Building Inspector and the Police Department on such application prior to taking action on the matter.

§ 150-7. Impoundment of animals.

- A. Impounding of animals. In addition, any penalty hereinafter provided for a violation of this chapter, any law enforcement, animal control or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.
- B. Claiming animal; disposal of unclaimed animals. After seizure of animals under this section by a law

10. Editor's Note: The original definitions of "cat" and "dog," which immediately preceded this definition, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

enforcement, animal control or humane officer, the animal shall be impounded at the Beaver Dam Humane Society. Such officer shall notify the owner personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven days after such notice, the owner does not claim such animal, the Humane Society may dispose of the animal in a proper and humane manner, provided that if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 14 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of the appropriate fees as provided in this section. No animal shall be released from the pound without being properly licensed if so required by state law.

- C. Sale of impounded animals. If the owner doesn't reclaim the animal within seven days, the Humane Society may sell the animal to any willing buyer.
- D. Village not liable for impounding animals. The Village shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.
- E. Impoundment cost. The daily fee for each animal impounded at the Village facility shall be \$50. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 150-8. Dogs and cats restricted on cemeteries.

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

§ 150-9. Duty of owner in case of dog or cat bite.

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

§ 150-10. Animal feces.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefore by said owner or person in charge. Anyone walking a dog without proper cleanup materials may be deemed in violation of this section. This section shall not apply to a person who is visually or physically handicapped.

§ 150-11. Injury to property by animals.

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

§ 150-12. Barking dogs or crying cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls

or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with the Village Board or Chief of Police within a four-week period.

§ 150-13. Prohibited and protected animals.

A. Protected animals.

- (1) Possession and sale of protected animals. It shall be unlawful for any person, firm, or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempi*).
- (2) Compliance with federal regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the importation of certain birds. No person, firm, or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl, or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

B. Exceptions. The provisions of Subsection A above shall not be deemed to prevent the importation, possession, purchase, or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collectors permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

C. Wild animals; prohibition on keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals:

- (1) All poisonous animals and reptiles, including rear-fang snakes.
- (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
- (3) Baboons (*Papoi*, *Mandrillus*).
- (4) Bears (*Ursidae*).
- (5) Bison (*Bison*).

- (6) Cheetahs (*Acinonyx jubatus*).
 - (7) Crocodilians (Crocodilia), 30 inches in length or more.
 - (8) Constrictor snakes six feet in length or more.
 - (9) Coyotes (*Canis latrans*).
 - (10) Deer (Cervidae), including all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
 - (11) Elephants (*Elephas* and *Loxodonta*).
 - (12) Game cocks and other fighting birds.
 - (13) Hippopotami (Hippopotamidae).
 - (14) Hyenas (*Hyaenidae*).
 - (15) Jaguars (*Panthera onca*).
 - (16) Leopards (*Panthera pardus*).
 - (17) Lions (*Panthera leo*).
 - (18) Lynxes (*Lynx*).
 - (19) Monkeys, old world (*Cercopithecidae*).
 - (20) Ostriches (*Struthio*).
 - (21) Piranha fish (*Characidae*).
 - (22) Pumas (*Fells concolor*); also known as "cougars," "mountain lions" and "panthers."
 - (23) Rhinoceroses (*Rhinocero tidae*).
 - (24) Sharks (class *Chondrichthyes*).
 - (25) Snow leopards (*Panthera uncia*).
 - (26) Swine (*Suidae*).
 - (27) Tigers (*Panthera tigris*).
 - (28) Wolves (*Canis lupus*).
 - (29) Poisonous insects.
- D. Pet shops. The provisions of Subsection C above shall not apply to licensed pet shops, zoological gardens and circuses if:
- (1) Their location conforms to the provisions of Chapter 365, Zoning.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.

- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.
- E. Farm animals. Cows, horse, pigs, sheep, poultry and other farm animals shall not be kept within the Village limits unless a conditional use permit under Chapter 365, Zoning, of the Code of the Village of Iron Ridge is obtained.

§ 150-14. Sale of artificially colored animals.

No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

§ 150-15. Providing proper food and drink to confined animals.

- A. No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water prescribed in this section.
- B. The food shall be sufficient to maintain all animals in good health.
- C. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

§ 150-16. Providing proper shelter.

- A. Proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- B. Indoor standards. Minimum indoor standards of shelter include:
 - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- C. Outdoor standards. Minimum outdoor standards of shelter shall include:
 - (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection, "caged" does not include farm fencing used to confine farm animals.
 - (2) Shelter from inclement weather.
 - (a) Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - (b) Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- D. Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

- (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- E. Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

§ 150-17. Neglected or abandoned animals.

- A. No person may abandon any animal.
- B. Any law enforcement officer may remove, shelter and care for animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- C. If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within five days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- D. Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- E. Section 173.10, Wis. Stats., Investigation of Cruelty Complaints, and § 173.24, Wis. Stats., Reimbursement for expenses, are hereby adopted by reference and made a part of this chapter.

§ 150-18. Cruelty to animals and birds prohibited.

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

§ 150-19. Trapping of animals.

- A. In the interest of public health and safety, it shall be unlawful for any person in or on land within the Village of Iron Ridge to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- B. This section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as "leg traps," pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- C. All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they

relate to trapping.

- D. This section shall not apply to trapping within the confines of buildings or homes.
- E. Nothing in this section shall prohibit or hinder the Village of Iron Ridge or its employees or agents from performing their official duties.¹¹

§ 150-20. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- A. Any owner who fails to have a dog vaccinated against rabies as required in § 150-2 shall be subject to the penalty prescribed by § 95.21(10)(a), Wis. Stats.
- B. An owner who refuses to comply with an order issued under § 150-5 to deliver an animal to an officer, isolation facility or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall be fined not less than \$100 nor more than \$1,000. In default of the payment thereof, said owner shall be imprisoned in the county jail for a period not to exceed 90 days.
- C. Except as provided in Subsections A and B above, any person who violates or permits a violation of this article shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code.
- D. This section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this article.

11. Editor's Note: Original Sec. 7-1-20, Keeping of dogs and/or cats in residential areas, of the 1986 Code, as amended by Ord. No. 4-1994, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 150-6E.

BICYCLES

Chapter 157

BICYCLES

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 8, Ch. 2, of the 1986 Code. Amendments noted where applicable.]

§ 157-1. Manner of operation restricted.

- A. No bicycle shall be allowed to proceed in any street in the Village of Iron Ridge by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two persons are on the bicycle at one time, unless a seat is provided for a second person.
- B. The use of skateboards on Main and Pleasant Streets or adjacent alleys is prohibited. All other use of skateboards shall follow § 157-6, Rules of the road. Provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of skateboards where appropriate.

§ 157-2. Lighting equipment.

No person shall operate a bicycle upon a highway during the hours of darkness unless equipped as required in § 347.489, Wis. Stats.

§ 157-3. Warning signal required.

No bicycle shall be operated on the streets of the Village unless equipped with either a warning bell or horn.

§ 157-4. Parking a bicycle.

No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.

§ 157-5. Riding abreast prohibited.

Persons riding or using bicycles or other similar vehicles along or upon any public street, avenue, lane, alley, or other public road, ground or way within the Village shall not ride more than two abreast excepting in a general parade or public demonstration.

§ 157-6. Rules of the road.

The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles where appropriate.¹²

12. Editor's Note: Original Sec. 8-2-7, Inspection and registration of bicycles, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Chapter 163**BUILDING CONSTRUCTION**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 4, of the 1986 Code; amended in its entirety 8-3-2020 by Ord. No. 4-2020 . Subsequent amendments noted where applicable.]

§ 163-1. Permit required.

- A. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.
- B. The construction which shall require a building permit includes, but is not limited to:
 - (1) New 1 and 2 family and commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
 - (2) Additions which increase the physical dimensions of a building, including decks. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.¹³
 - (4) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require state-mandated building plan review.
 - (5) Any HVAC for new construction or remodeling.
 - (6) Any plumbing for new construction or remodeling.
 - (7) Any new or rewired electrical service, including services for agricultural buildings.

§ 163-2. Adoption of state codes.

The following chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

- A. Ch. SPS 302.31, Plan Review Fee Schedule.
- B. Ch. SPS 305, Credentials.
- C. Ch. SPS 316, Electrical Code.
- D. Chs. SPS 320 to 325, Uniform Dwelling Code.
- E. Ch. SPS 327, Campgrounds.
- F. Chs. SPS 361 to 366, Commercial Building Code.
- G. Chs. SPS 375 to 379, Buildings Constructed Prior to 1914.
- H. Chs. SPS 381 to 387, Uniform Plumbing Code.

13. Editor's Note: Original Subsection 1d, which regarded the replacement of major building equipment, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 163-3. Certified status.

- A. Certified municipality. The Village has adopted the certified municipality status as described in SPS § 361.60, Wis. Stats.
- (1) Responsibilities. The Village shall assume the following responsibilities for the Department of Safety and Professional Services ("Department"):
 - (a) Provide inspection of commercial buildings with certified commercial Building Inspectors.
 - (b) Provide plan examination of commercial buildings with certified commercial Building Inspectors.
 - (2) Plan examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 - (a) A new building or structure containing less than 50,000 cubic feet of total volume.
 - (b) An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - (c) An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - (d) An alteration of a space involving less than 100,000 cubic feet of total volume.
 - (e) A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 - (f) The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
 - (3) Plan submission procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 - (a) Building permit application.
 - (b) Application for review: SBD-118.
 - [1] Fees per Table SPS 302.31-2 and SPS 302.31.
 - [2] Fees apply to all commercial projects.
 - (c) Four sets of plans.
 - [1] Signed and sealed per SPS 361.31.
 - [2] One set of specifications.
 - [3] Component and system plans.

[4] Calculations showing Code compliance.

§ 163-4. Building Inspector.

- A. Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wis. Adm. Code.
- B. Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- C. Duties. The Building Inspector shall administer and enforce all provisions of this chapter.
- D. Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to § 66.0119, Wis. Stats.

§ 163-5. Violations and penalties.

- A. Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this chapter.
- B. Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25 nor more than \$1,000 for each day of noncompliance, together with the costs of prosecution.
- C. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- D. Compliance with the requirements of this chapter is necessary to promote the safety, health, and wellbeing of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this chapter shall constitute a public nuisance that may be enjoined in a civil action.

Chapter 169**BURNING, OPEN**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as § 3-2-10 of the 1986 Code; amended by Ord. No. 1-2002 . Subsequent amendments noted where applicable.]

§ 169-1. Open burning restricted.

No person, firm or corporation shall build or maintain any outdoor fire within the corporate limits of the Village of Iron Ridge except as set forth in § 169-2 of this chapter. This prohibition on burning includes burning of construction waste and debris at construction sites and any yard waste or household garbage, including any item that may commonly be recycled.

§ 169-2. Exceptions.

The following are limited exceptions to the restrictions on open burning:

- A. Outdoor cooking over a fire contained in a device or structure designed for such use.
- B. Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief.
- C. Ceremonial campfires or bonfires, with the prior written approval of the Fire Chief.
- D. All recreational fires shall be in a below-ground fire pit with a minimum depth of four inches and a maximum diameter of three feet or in a portable (Weber©-type) device that is placed upon a noncombustible surface and secured. The fire may not extend more than four feet above the ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All below ground fire pits shall be surrounded on the outside, above-ground, by a noncombustible material such as concrete block, rock or metal. Fire pits and portable devices shall be located a minimum 25 feet from any structure or 15 feet from a lot line.
- E. Whenever approval and special permit are granted by the Fire Chief under Subsections B and C of this section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.

§ 169-3. Powers of Fire Chief.

The Fire Chief is permitted to prohibit any or all bonfires when atmospheric conditions or local circumstances make such fires hazardous.

§ 169-4. Burning on streets prohibited.

No materials may be burned upon any street, curb, gutter or sidewalk.

§ 169-5. Liability for damages.

Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.

§ 169-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General

Provisions, Art. III]

Failure to comply with the provisions of this section shall be regarded as violation, and any person who commits such violation shall be liable to a forfeiture of not less than \$25 nor more than \$1,000, plus the costs of prosecution.

CIGARETTES AND TOBACCO PRODUCTS

Chapter 176

CIGARETTES AND TOBACCO PRODUCTS

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as § 7-3-2 of the 1986 Code. Amendments noted where applicable.]

§ 176-1. License required.

No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor without first obtaining a license as hereinafter provided.

§ 176-2. Application for license; fee. [Amended 4-3-2023 by Ord. No. 4-2023 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Every person, firm or corporation desiring a license under this section shall file with the Village Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk a license fee of \$50.

§ 176-3. Issuance and term of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette, cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th, unless sooner revoked for any violation of this section.

Chapter 183**DAY-CARE CENTERS AND NURSERY SCHOOLS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 9, of the 1986 Code. Amendments noted where applicable.]

§ 183-1. Operation regulated.

- A. Board of Health to supervise. All day-care centers or nursery schools in the Village shall be under the supervision of the Board of Health and shall meet all rules and regulations of the State of Wisconsin Department of Health Services, Dodge County Human Services and Health Department as to licensing, inspection and any administrative criteria and rules of that Department. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. State regulations adopted. No day-care center or nursery school shall be operated within the Village unless the facilities thereof are in compliance with the provisions of Chs. DCF 250, 251 and 252, Wis. Adm. Code, which is hereby adopted and incorporated in this section reference with the same effect as if it were fully set forth herein. A copy of such regulations, as from time to time amended, shall be kept permanently on file in the office of the Clerk. The owner, lessor, lessee, operator and person in charge of any day-care center or nursery school shall be mutually and severally responsible for compliance with the provisions of this subsection. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Inspections. The Board of Health and Building Inspector shall inspect any premises licensed by the state to determine whether the premises conform with the Building Code and health and safety requirements of the Village Code.

§ 183-2. Licensing.

- A. State license required for day-care centers. No person shall engage in the business of day-care center or nursery school operator within the Village who does not hold a valid day-care center operator's license issued by the Wisconsin Department of Health Services.
- B. Village licensing.
 - (1) Every facility licensed as a day-care center or a nursery school by the state shall apply for a license to the Health Department on May 1, beginning May 1, 1978. Such application shall be filed at least 60 days before May 1, so that inspection by the Health Officer and the Building Inspector can be completed and license issued to the operator of the day-care center or nursery school.
 - (2) The Village license shall be in addition to the state license and shall be granted to each operator after an inspection by the Health Officer and the Building Inspector. No license shall be granted unless the operator of the premises has conformed with all Village and state regulations applicable thereto.
- C. Revocation; fees. Every Village license issued hereunder may be revoked by the Health Officer in case of any violation of the Building Code or health and safety regulations as found by inspection. Such license revocation notice shall be given to the operator and hearing provided upon notice. The license fee for every licensed facility shall be \$150 per year, payable May 1 when such license is issued. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 183-3. Fence required.

To assure the safety of those children who are cared for at a day-care center, all such centers which are not located on a corner lot shall have all or an adequate portion of the rear yard fenced so as to help assure the safety of the children while playing outside. Centers located on corner lots shall maintain such a fenced area in a side yard.

Chapter 189**DIRECT SELLERS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 4, of the 1986 Code. Amendments noted where applicable.]

§ 189-1. Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Iron Ridge without being registered for that purpose as provided herein.

§ 189-2. Definitions.

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

CHARITABLE ORGANIZATION — Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK — The Village of Iron Ridge Clerk.

DIRECT SELLER — Any individual who, for him/herself, or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

GOODS — Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT — A direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- A. Has continuously operated an established place of business in this Village; or
- B. Has continuously resided in this Village and now does business from his/her residence.

§ 189-3. Exemptions.

The following shall be exempt from all provisions of this chapter:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling goods at wholesale to dealers in such goods;
- C. Any person selling agricultural products which such person has grown;
- D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;

- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization not registered under § 202.12, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- J. Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk that such person is a transient merchant, provided that there is submitted to the Clerk proof that such person has leased for at least one year or purchased the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

§ 189-4. Registration.

- A. Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Age, height, weight, color of hair and eyes;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
 - (6) Proposed method of delivery of goods, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
 - (9) Place where applicant can be contacted for at least seven days after leaving this Village;
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.
- B. Applicants shall present to the Clerk for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required;

- (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (3) A state Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

C. License registration fee.

- (1) At the time the registration is returned, a fee of \$15 shall be paid to the Clerk to cover the cost of processing said registration. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (2) The applicant shall sign a statement appointing the Clerk or his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in § 189-5B below.

§ 189-5. Investigation.

- A. Upon receipt of each application, the Clerk-Treasurer may refer it immediately to the Chief of Police and the Dodge County Sheriff's Department who may make and complete an investigation of the statements made in such registration.
- B. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of § 189-4B above.

§ 189-6. Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of §§ 68.07 through 68.16, Wis. Stats.

§ 189-7. Regulation of direct sellers.

A. Prohibited practices.

- (1) A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked

to leave by the owner, occupant or other person having authority over such premises.

- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.
- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
- (2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25 in accordance with the procedure as set forth in § 423.203, Wis. Stats., the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§ 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 189-8. Revocation of registration.

- A. Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- B. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based

Chapter 195**DRIVEWAYS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 4, Ch. 3, of the 1986 Code. Amendments noted where applicable.]

§ 195-1. Driveways.

- A. Permit required. Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Director of Public Works for which a fee in the sum of \$150 shall be charged. Such permit shall be issued upon an application form provided by the Village and shall contain such information as the Village Board shall deem necessary. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Installation requirements.
- (1) Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties, and a minimum of 16 feet wide at the property line for all other uses, but shall not exceed 24 feet at the outer or street edge.
 - (2) No driveway shall be closer than 10 feet to extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes, vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
 - (3) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way. When required by the Director of Public Works so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
 - (4) No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Director of Public Works. Driveway approaches shall be at least 10 feet apart except by special permission from the Director of Public Works and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
 - (5) Workmanship and materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 289-4C of this Code insofar as such requirements are applicable, including thickness requirements in § 289-4C.

§ 195-1

DRIVEWAYS

- C. Permit applications. Permit applications shall be made at least 24 hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Director of Public Works shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.

§ 195-2. Permittee liable for damage or injury.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new construction shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

IRON RIDGE CODE

Chapter 202

FAIR HOUSING

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 5, of the 1986 Code; amended in its entirety 8-3-2020 by Ord. No. 4-2020 . Subsequent amendments noted where applicable.]

§ 202-1. State statutes adopted.

The Village Board of the Village of Iron Ridge hereby adopts § 106.50, Wis. Stats., as amended, and all subsequent amendments thereto.

§ 202-2. Authority and enforcement.

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

§ 202-3. Complaints.

The Village Clerk shall maintain forms for complaints to be filed under § 106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the Village of Iron Ridge to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of § 106.50, Wis. Stats., as amended.

FIRE PREVENTION

Chapter 208

FIRE PREVENTION

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Interference with Fire Department Operations**[Adopted as §§ 3-2-2, 3-2-4, 3-2-6 through 3-2-8, of the 1986 Code]****§ 208-1. Impeding fire equipment prohibited.**

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

§ 208-2. Damaging fire hose prohibited.

No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Village, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

§ 208-3. Duty of bystanders to assist.

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

§ 208-4. Vehicles to yield right-of-way.

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

§ 208-5. Interference with use of hydrants prohibited.

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be or may be about to be attached.

ARTICLE II
Adoption of Standards
[Adopted as Title 3, Ch. 3, of the 1986 Code]

§ 208-6. Adoption of state codes. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The following orders, rules, and regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Chapter 208, Fire Prevention:

- Ch. IND 1, Safety
- Ch. IND 5, Explosives and Blasting Agents
- Ch. IND 7, Cleaning and Dyeing
- Ch. IND 8, Flammable and Combustible Liquids
- Ch. IND 9, Liquified and Petroleum Gases
- Ch. IND 20, Dust, Fumes, Vapors and Gases
- Ch. IND 21, Spray Coating
- Ch. IND 43, Anhydrous Ammonia Code
- Ch. IND 64, Heating, Ventilating, and Air Conditioning
- Ch. IND 65, Fire Prevention
- Wisconsin Electrical Code

§ 208-7. Cost of extinguishing fires involving hazardous materials.

- A. Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gases or other hazardous materials shall comply with the requirements of Ch. IND 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- B. Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gases or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

§ 208-8. Fire call charges.

- A. The charge for fire calls caused by fire, rescue, first aid, damage to property, or for whatever reason the Fire Department bills the Village for said fire call. Is the sole responsibility of the property owner, renter or person or persons believed to be liable for this fire call.
- B. If the payment for the fire call is not paid to the Village in full within 120 days, the charges will then be added to that persons property tax or retrieved through regular collection procedures.

Chapter 214**FIREWORKS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 7, of the 1986 Code. Amendments noted where applicable.]

§ 214-1. Definitions.

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

FIREWORKS — Shall have the same meaning as set forth in § 167.10, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 214-2. Sale.

No person may sell or possess with intent to sell fireworks, except:

- A. To a person holding a permit under § 214-3C;
- B. To a city, Village or town;
- C. For a purpose specified under § 214-3B(2) through (6);
- D. To a person who is not a resident of this state. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 214-3. Use.

- A. Permit required. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsections E through G and I through N of the definition of "fireworks" in § 214-1 while attending a fireworks display for which a permit has been issued to a person listed under Subsection C(1) through (5) or under Subsection C(6) if the display is open to the general public.
- B. Permit exceptions. Subsection A above does not apply to:
 - (1) The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
 - (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
 - (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - (4) The possession or use of explosive or combustible materials in any manufacturing process.
 - (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (6) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.

- (7) The possession of fireworks in the Village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance. Subsection A applies to a person transporting fireworks under this subsection if, in the course of transporting the fireworks through the Village, the person remains in the Village for a period of at least 72 hours. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (8) The possession of fireworks by a person who is not a resident of this state if the person does not use the fireworks in this state. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Who permit may be issued to. A permit under this subsection may be issued only to the following:
- (1) A public authority.
 - (2) A fair association.
 - (3) An amusement park.
 - (4) A park board.
 - (5) A civic organization.
 - (6) A group of resident or nonresident individuals.
 - (7) An agricultural producer for the protection of crops from predatory birds or animals.
- D. Crop protection signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- E. Bond. The Village President issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk.
- F. Required information for permit. A permit under this subsection shall specify all of the following:
- (1) The name and address of the permit holder.
 - (2) The date on and after which fireworks may be purchased.
 - (3) The kind and quantity of fireworks which may be purchased.
 - (4) The date and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
- G. Copy of permit. A copy of a permit under this section shall be given to the Chief of Police and Fire Chief at least two days before the date of authorized use.
- H. Minors prohibited. A permit under this subsection may not be issued to a minor.

§ 214-4. Storage and handling.

- A. Fire extinguishers required. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are quipped with fire extinguishers approved by the Fire Chief.
- B. Smoking prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage distance. No wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.
- E. Restrictions on storage. No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

§ 214-5. Parental liability.

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

§ 214-6. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who violates or permits a violation of this chapter shall be subject to a forfeiture of not more than \$1,000, together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

IRON RIDGE CODE

Chapter 220

FURNACES, OUTDOOR

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as § 3-2-11 of the 1986 Code; amended by Ord. No. 2-2004 . Subsequent amendments noted where applicable.]
§ 220-1. Prohibition.

All outdoor burners for the purpose of heating any structures or incinerating are prohibited within the Village of Iron Ridge.

Chapter 227**HEALTH AND SANITATION**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 6, Ch. 1 and Title 8, Ch. 4, Sec. 8-4-8 of the 1986 Code. Amendments noted where applicable.]

§ 227-1. Rules and regulations.

The Board of Health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare, and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.¹⁴

§ 227-2. Health nuisances defined; abatement.

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

HEALTH NUISANCE — Any source of filth or cause of sickness.

B. Duty to abate. The Board of Health shall abate health nuisances pursuant to § 254.59, Wis. Stats., which is adopted by reference and made a part of this section.

§ 227-3. Keeping of livestock.

A. Sanitary requirements. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.

B. Animals excluded from food handling establishments. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

§ 227-4. Deposit of deleterious substances prohibited.

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

§ 227-5. Destruction of noxious weeds.

A. The Village Clerk shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of five days' period will proceed to destroy or cause to be destroyed all such weeds

14. Editor's Note: See Ch. 1, General Provisions, Art. II.

growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of § 66.0517, Wis. Stats. In case the owner or occupant shall further neglect to comply with such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. As provided for in § 66.0407, Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Noxious weeds, as defined in this section, shall include but not be limited to the following:

- (a) *Cirsium arvense* (Canada thistle).
- (b) *Ambrosia artemisiifolia* (common ragweed).
- (c) *Ambrosia trifida* (great ragweed).
- (d) *Euphorbia esula* (leafy spurge).
- (e) *Convolvulus arvensis* (creeping jenny or field bind weed).
- (f) *Tragopogon dubius* (goat's beard).
- (g) *Rhus radicans* (poison ivy).
- (h) *Cirsium vulgare* (bull thistle).
- (i) *Pastinaca sativa* (wild parsnip).
- (j) *Arctium minus* (burdock).
- (k) *Xanthium strumarium* (cocklebur).
- (l) *Amaranthus retroflexus* (pigweed).
- (m) *Chenopodium album* (common lambsquarter).
- (n) *Rumex crispus* (curled dock).
- (o) *Cannabis sativa* (hemp).
- (p) *Plantago lanceolata* (English plantain).

(2) Noxious grasses, as defined in this section, shall include but not be limited to the following:

- (a) *Agrostia alba* (redtop).
- (b) *Dactylis glomerata* (orchard).

- (c) Phleum pratensis (timothy poa).
- (d) Pratensis (Kentucky blue).
- (e) Sorghum halepense (johnson).
- (f) Setaria (foxtail).¹⁵

§ 227-6. Regulation of smoking. [Amended by Ord. No. 2-2011]

State smoking ban adopted. The provisions of § 101.123, Wis. Stats., as amended hereafter, are adopted by reference in their entirety including the penalty provisions thereof.

§ 227-7. Junked vehicles and appliances on private property.

A. Storage of automobiles restricted.

- (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding 10 days unless it is in connection with a properly licensed automotive or appliance sales, repair or storage business enterprise located in a properly zoned area.
- (2) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed three months, after which such vehicles must be enclosed by a screening or live planting to be approved by the Village Board, after an advisory recommendation from the Plan Commission.

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

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS — Motor vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects.

INOPERABLE APPLIANCE — Any stove, washer or refrigerator which is no longer operable in the sense for which it was manufactured.

MOTOR VEHICLE — As defined in § 340.01(35), Wis. Stats.

UNLICENSED - MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS — Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

C. Exceptions. This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in rear yard areas. Such business enterprises shall include auto junkyards, auto repair and bodyshops, but shall not include

15. Editor's Note: Original Secs. 6-1-6, Regulation of Natural Lawns, and 6-1-7, Regulation of Length of Lawn and Grasses, which immediately followed this section, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now Ch. 264, Property Maintenance.

automobile service stations or tire, battery and accessory sales stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to §§ 341.265 and 341.266, Wis. Stats. In other situations the Chief of Police may issue permits permitting an extension of not to exceed an additional 30 days time to comply with this section where exceptional facts and circumstances warrant such extension.

D. Enforcement.

- (1) Whenever the Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this section. If said vehicle or appliance is not removed within five days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
- (2) If such vehicle or appliance is not removed within 20 days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in §§ 303-3 through 303-6 of this Code by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

E. Penalty. Any person who shall interfere with the enforcement of any of the provisions of this section and shall be found guilty thereof shall be subject to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty. Each motor vehicle or appliance involved shall constitute a separate offense.

Chapter 235**MINING, NONMETALLIC**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 7, Ch. 11, of the 1986 Code. Amendments noted where applicable.]

§ 235-1. Statutory provisions adopted.

This chapter is adopted pursuant to § 66.038, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

§ 235-2. Definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

As used in this chapter, those terms and phrases that are defined in § 295.11, Wis. Stats., shall have the same meanings as provided therein.

§ 235-3. Existing nonmetallic mining operations.

This nonmetallic mining reclamation chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this chapter.

§ 235-4. Exempt activities. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

This chapter shall not apply to the activities enumerated in § 296.16(4), Wis. Stats.

§ 235-5. Permit required for nonmetallic mining.

- A. Permit required. No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be \$1,000, plus any bond required by the Village Board, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within 30 days of the effective date of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Required permit information. An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
 - (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;

- (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Village Board deems pertinent to the operation.
- C. Reclamation plan. The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three to one horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
 - (2) Excavations below the grade of the nearest abutting public street or highway shall be setback from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water producing depth shall be not less than three feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that after completion of the anticipated operation that the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
 - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- D. Applications. All applications for a license hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk at least 60 days prior to the licensing period. The Village Clerk shall immediately refer all applications for a license hereunder to the Village Board for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Board may approve, approve conditionally or reject the application and reclamation plan.
- E. Financial assurance. Before a license and reclamation plan is approved by the Village Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Village Board.
 - (2) Guaranteed completion of the required reclamation within a period determined by the Board.
 - (3) Payment by the operator for all costs incurred by the Village for review and inspection. This

would include preparation and review of plans and specifications by the Village Engineer and Attorney, as well as other costs of a similar nature.

- (4) The Village may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
 - (5) The required performance bond or cash escrow agreement shall be equal to 1 1/4 times the Village Engineer's estimated cost of the required improvements.
 - (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Village Board at its option, may extend the bond period for additional periods.
- F. Fences. Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- G. Inspection. An authorized agent of the Village may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under § 66.0119, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation chapter.
- H. Prohibitions and orders. Nonmetallic mining operations within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this chapter or if other requirements of this chapter are not met.

§ 235-6. Permit revocation.

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Village Board.

IRON RIDGE CODE

Chapter 241

MOBILE HOMES

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Monthly Parking Fee**[Adopted as Title 7, Ch. 6, of the 1986 Code]****§ 241-1. Imposition of fee; statutory authority; licensee responsibility.**

There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Iron Ridge a monthly parking fee as determined in accordance with § 66.0435(3), Wis. Stats., which is hereby adopted by reference and made part of this chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Village Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this chapter and such regulations as the Treasurer may reasonably promulgate.

- A. Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Treasurer and Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the Treasurer in accordance with § 66.0435(3)(c) and (e), Wis. Stats.
- B. Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Treasurer as provided in this section. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the Village Treasurer as provided in this section.

§ 241-2. Responsibilities of owners of nonexempt mobile homes; notices.

Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Treasurer of their liability for the monthly parking permit fee, shall remit the Treasurer a cash deposit of \$25 to guarantee payment of such fees when due to the Village. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Treasurer shall to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

NUISANCES

Chapter 248

NUISANCES

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 9 of the 1986 Code. Amendments noted where applicable.]

ARTICLE I
State Statutes Adopted

§ 248-1. Offenses against state laws subject to forfeiture. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

- (1) Section 97.627, Causing fires by tobacco smoking.
- (2) Section 167.10, Fireworks Regulated.
- (3) Section 175.25, Storage of Junked Automobiles.
- (4) Section 939.05, Parties to Crime.
- (5) Section 939.22, Words and Phrases Defined.
- (6) Section 940.10, Homicide by Negligent Operation of a Vehicle.
- (7) Section 940.19(1), Battery.
- (8) Section 941.10, Negligent Handling of Burning Materials.
- (9) Section 941.12, Interfering With Fire Fighting.
- (10) Section 941.13, False Alarms.
- (11) Section 941.20(1), Endangering safety by use of dangerous weapon.
- (12) Section 948.60, Possession of a Dangerous Weapon by a Person Under 18.
- (13) Section 941.23, Carrying Concealed Weapon.
- (14) Section 941.235, Carrying a Firearm in a Public Building.
- (15) Section 948.51, Hazing.
- (16) Section 941.35, Emergency Telephone Calls.
- (17) Section 941.36, Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.
- (18) Section 943.01(1), Damage to Property.
- (19) Section 943.06, Molotov Cocktails.
- (20) Section 943.11, Entry Into Locked Vehicle.
- (21) Section 943.13, Trespass to Land.
- (22) Section 943.14, Criminal Trespass to Dwellings.
- (23) Section 943.20, Theft.

- (24) Section 943.21, Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station.
- (25) Section 943.23, Operating Vehicle Without Owners' Consent.
- (26) Section 943.24, Issue of Worthless Checks.
- (27) Section 943.34, Receiving Stolen Property.
- (28) Section 943.37, Alteration of Property Identification Marks.
- (29) Section 943.38(3), Forgery.
- (30) Section 943.41, Financial Transaction Card Crimes.
- (31) Section 943.50, Retail Theft; Theft of Services.
- (32) Section 944.21, Obscene material or performance.
- (33) Section 944.23, Making Lewd, Obscene or Indecent Drawings.
- (34) Section 944.30, Prostitution.
- (35) Section 944.31, Patronizing Prostitutes.
- (36) Section 944.33, Pandering.
- (37) Section 944.34, Keeping Place of Prostitution.
- (38) Section 945.01, Definitions Relating to Gambling.
- (39) Section 945.02, Gambling.
- (40) Section 945.03, Commercial Gambling.
- (41) Section 945.04, Permitting Premises to be Used for Commercial Gambling.
- (42) Section 946.40, Refusing to Aid Officer.
- (43) Section 946.41, Resisting or Obstructing Officer.
- (44) Section 946.42, Escape.
- (45) Section 946.65, Obstructing Justice.
- (46) Section 946.69, Impersonating or falsely assuming to act as a public officer or employee or a utility employee.
- (47) Section 946.70, Impersonating peace officers, fire fighters, or other emergency personnel.
- (48) Section 946.72, Tampering with Public Records and Notices.
- (49) Section 947.01, Disorderly Conduct.
- (50) Section 947.012, Unlawful Use of Telephone.
- (51) Section 947.013, Harassment.

- (52) Section 947.015, Bomb Scares.
- (53) Section 947.06, Unlawful assemblies and their suppression.
- (54) Section 948.11, Exposing a child to harmful material or harmful descriptions or narrations.
- (55) Section 948.01, Definitions.
- (56) Section 948.015, Other Offenses Against Children.
- (57) Section 951.02, Mistreating Animals.
- (58) Section 951.03, Dognapping or Catnapping.
- (59) Section 951.04, Leading Animal from Motor Vehicle.
- (60) Section 951.05, Transportation of Animals.
- (61) Section 951.06, Use of Poisonous and Controlled Substances.
- (62) Section 951.07, Use of Certain Devices Prohibited.
- (63) Section 951.08, Instigating Fights Between Animals.
- (64) Section 951.09, Shooting at Caged or Staked Animals.
- (65) Section 951.10, Sale of Baby Rabbits, Chicks and Other Fowl.
- (66) Section 951.11, Artificially Colored Animals; Sale.
- (67) Section 951.13, Providing Proper Food and Drink to Confined Animals.
- (68) Section 951.14, Providing Proper Shelter.
- (69) Section 951.15, Abandoning Animals.

ARTICLE II

Offenses Against Public Safety and Peace**§ 248-2. Regulation of firearms.**

- A. No person, except a sheriff, police officer or other law enforcement officer, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or tipped arrow, except as provided in § 248-3, within the Village or have any firearm, compound or strung bow, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container.
- B. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- C. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Chief of Police and Village Board where proper safety precautions are taken.
- D. No person under the age of 16 years shall have in his possession any firearm, rifle, or ammunition therefor, unless accompanied by parent or legal guardian, unless the juvenile has complied with and been certified with the standards set down by the Department of Natural Resources in the Hunter Safety Course offered to fourteen-year-old and older juveniles.¹⁶

§ 248-3. Throwing or shooting of arrows, stones and other missiles prohibited.

It shall be unlawful for any person to discharge or throw any dangerous missile, object, arrow, stone, snowball or other missile in or at any dwelling or building or any public park, playground, street, enclosure or other public place within the Village; provided, however, upon written application to the Chief of Police, a person may be granted permission by the Chief of Police to construct and maintain approved archery ranges if in the opinion of the Chief of Police and the Village Board the construction of such ranges will in no way endanger the public health and safety.

§ 248-4. Harassing or obscene telephone calls.

Whoever of the following shall be subject to the penalty as provided in this Code of Ordinances:

- A. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- B. Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- C. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;

16. Editor's Note: Original Sec. 9-2-2, Carrying concealed weapons prohibited; certain weapons prohibited, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. III).

- F. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number of numbers.

§ 248-5. Sale and discharge of fireworks restricted.

Private use and sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Chapter 214, Fireworks, of this Municipal Code. The term "fireworks," as used in this section, shall be defined as provided in § 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

§ 248-6. Obstructing streets and sidewalks prohibited.

- A. Obstructing streets. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- B. Blocking sidewalk prohibited. No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- C. Free speech. This section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- D. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

BLOCK — To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.

SIDEWALK — Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

§ 248-7. Regulation of display and sale of instruments used for inhaling or ingesting controlled substances.

- A. License required.
- (1) It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Wisconsin Statutes, without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by applicant. The annual fee for such license shall be \$150. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (2) The following guidelines define, in part, the scope of the terminology in Subsection A(1) above of "items, effect, paraphernalia, accessory or thing which is designed or marketed for use with

illegal cannabis or drugs":

PAPER — White paper or tobacco-oriented paper not necessarily designed for use with illegal cannabis or drugs may be displayed under this section. Other paper of colorful design, names oriented for use with illegal cannabis or drugs and displayed are covered by this section and are unlawful to sell.

PARAPHERNALIA — Paraphernalia if displayed with roach clips or literature encouraging illegal use of cannabis or illegal drugs is covered by this section and is illegal to sell.

PIPES — Pipes if displayed away from the proximity of nonwhite paper or tobacco-oriented paper and not displayed within proximity of roach clips or literature encouraging illegal use of cannabis or illegal drugs are not covered by this section; otherwise covered.

ROACH CLIPS — Roach clips are designed for use with illegal cannabis or drugs and therefore covered by this section and are unlawful to sell.

- B. Application. Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall be accompanied by affidavits by the applicant, and each and every employee authorized to sell such items, that such person has never been convicted of a drug-related offense.
- C. Minors. It shall be unlawful to sell or give items as described in Subsection A in any form to any male or female minor under 18 years of age.
- D. Records. Every licensee shall keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold. This record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee. Such records shall be retained for not less than two years.

§ 248-8. Loitering prohibited. [Amended by Ord. No. 5-1995]

- A. Definitions as used in this section:

LOITERING — Remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around."

PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any shopping center, store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- B. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner as to:
 - (1) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or

fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

- C. When any person causes or commits any of the conditions enumerated in Subsection B herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move or to disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.
- D. No person shall loiter 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. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall prior to any arrest for an offense under this section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself.
- E. Violations of any of the above sections shall be punishable pursuant the general penalty, Chapter 1, General Provisions, Article II, General Penalty.

§ 248-9. Loud and unnecessary noise prohibited.

- A. Loud and unnecessary noise prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- B. Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

- (4) Animals, birds. The keeping of any animal or bird which, by causing frequent or long continued unnecessary noise, disturbs the ordinary sensibilities of a normal person. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Village President shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (9) The provisions of this section shall not apply to:
 - (a) Any vehicle of the Village while engaged in necessary public business.
 - (b) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, state at night when public welfare and convenience renders it impossible to perform such work during the day.
 - (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

C. Stationary noise limits.

- (1) Maximum permissible sound levels.
 - (a) Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zone	Noise Rating	
	Daytime (db)	Nighttime (db)
Residential	60	50
Commercial	70	70

Zone	Noise Rating	
	Daytime (db)	Nighttime (db)
All other zones	75	75

- (b) Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 dB in any octave band to be designated excessive.
- (c) Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection C(1)(a) above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- (2) Construction noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m., provided that said equipment does not exceed a maximum sound pressure level of 80 dB(a) measured at the property line of the location at which said equipment is in use.
- (3) Noise in residential districts. In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
- (4) Operation of certain equipment. Lawn mowers, chain saws, powered garden equipment, electric insect killing/repelling devices, and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (5) Exemptions. Operation of emergency equipment shall be exempt from this chapter. Snowblowers not operated on a commercial basis shall be exempt from this chapter when used to gain access to a Village street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.
- (6) Methods of measuring noise.
 - (a) Equipment. Noise measurement shall be made with a sound level meter.
 - (b) Location of noise meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
- (7) Control of nighttime noise emitted from residential air conditioners.
 - (a) No person shall install, operate, or use any residential air conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in the excess of five decibels above the ambient noise level at the location being measured.
 - (b) Upon receiving a complaint, the Police Department will conduct a noise survey through the use of a sound level meter. The sound pressure level should be measured in a sleeping room in the complainants premises with the sound level measuring microphone placed three feet from an open window nearest to the source of the noise and not less than three

feet above the floor of the room in which the measurement is made.

- (8) Appeals. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this chapter for existing industries.

§ 248-10. Disorderly conduct.

- A. Disorderly conduct prohibited. No person, within the Village of Iron Ridge, shall:
 - (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- B. Disorderly conduct with motor vehicle. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise.
- C. Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

§ 248-11. Possession of marijuana prohibited.

- A. Definitions. For the purpose of this section, the following definitions shall apply:

MARIJUANA — All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

PRACTITIONER —

 - (1) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
 - (2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- B. It is unlawful for any person to possess and/or use marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

§ 248-12. Unauthorized presence on school property prohibited.

- A. It shall be unlawful for any person, except as provided in Subsection B hereof, to be present in, loiter or enter into any public or private school building, school parking lot or on any public or private school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- B. This section shall not apply to:
- (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- C. The exceptions set forth in Subsection B shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- D. All entrances to the school buildings shall be posted with a notice stating "entry into school building by unauthorized persons prohibited." All school grounds shall be posted with a notice stating "entry upon school grounds by unauthorized persons prohibited."¹⁷

§ 248-13. Curfew.

- A. It shall be unlawful for any person the age of 17 years and under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Iron Ridge between the hours of 10:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.
- B. Exceptions.
- (1) This section shall not apply to a child:
 - (a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - (b) Who is on his own premises or in the areas immediately adjacent thereto.
 - (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.

17. Editor's Note: Original Sec. 9-2-13, Possession of Firearms in Public Buildings and Business Establishments Prohibited, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- (d) Who is returning home from a supervised school, church or civic function.
- (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- C. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person the age of 17 years or under to allow or permit such person to violate the provisions of Subsections A and B above. The fact that, prior to the present offense, a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any person the age of 17 years or under to violate this section.
- D. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor the age of 17 or under to loiter, loaf, or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons the age of 17 years or under loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform them of the violation.
- E. Every law enforcement officer is hereby authorized to detain any minor violating the provisions of above, until such time as the parent, guardian, or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Police Department shall take whatever action is deemed necessary in the best interest of the minor.
- F. Warning. The first time a minor, parent, guardian, or person having legal custody of a minor that is detained by a law enforcement officer of the Village of Iron Ridge, as provided in Subsection E, such minor, parent, guardian or person having such legal custody, shall be advised, personally, if known, or by registered mail, as to the provisions of this section, and further advised that any violation of this section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- G. General penalty.
- (1) Any parent, guardian or person having legal custody of a child described in Subsections A and E who has been warned in the manner provided in Subsection F and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty, of this Municipal Code. After a second violation within a six-month period, if the defendant, in a prosecution under this section, proves that he or she is unable to comply with this section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.
- (2) Any child who violates this section after being detained and released under Subsection E shall be dealt with under Chapter 48, Wis. Stats.

§ 248-14. Failure to obey lawful order.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

§ 248-15. Child enticement.

It shall be unlawful for any person 18 years of age or over, who does not have legal authority or the consent of the parent or legal guardian, to attempt or complete the act of enticing, luring or coercing a child below the age of 15, into a vehicle, building, room or secluded place by offering gifts, using unreasonable requests, language or gestures. An unreasonable request shall include, without limitation because of enumeration, offers to help move furniture, clean, babysit, or see or play with pets or toys. No arrest shall be made for a violation of this section unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was reasonable and disclosed a lawful purpose.

§ 248-16. Drug paraphernalia. [Amended by Ord. No. 7-2006]

No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance analog in violation of Chapter 961, Wis. Stats.

ARTICLE III
Offenses Against Property

§ 248-17. Destruction of property prohibited. [Amended 1-2010]

- A. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, or to any private person, without the consent of the owner or proper authority.
- B. Pursuant to § 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed \$5,000.

§ 248-18. Littering prohibited.

- A. Littering prohibited. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys highways, public parks or other property of the Village, or upon property within the Village owned by any private person, or upon the surface of any body of water within the Village.
- B. Litter from conduct of commercial enterprise.
 - (1) Scope. The provisions of this subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.
- C. Dumping of refuse and grass in gutters. No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.
- D. Handbills.
 - (1) Scattering prohibited. It shall be unlawful to deliver any handbills or advertising matter to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entranceway of the building or firmly affixed to a building or vehicle so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
 - (2) Papers in public places prohibited. It shall be unlawful to leave any handbills, advertising matter or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

§ 248-19. Open cisterns, wells, basements or other dangerous excavations prohibited.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

§ 248-20. Abandoned refrigerators prohibited.

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

§ 248-21. Retail theft.

- A. Whoever intentionally alters indicia of price or value of merchandise, or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant, without consent and with intent to deprive the merchant permanently of possession or the full purchase price, may be penalized as provided in § 248-27 of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.^{18 19}

§ 248-22. Issuance of worthless checks.

- A. Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he or she issued the check or

18. Editor's Note: Original Sec. 9-3-5(d), Penalty, of the 1986 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 248-27.

19. Editor's Note: Original Sec. 9-3-6, Storage of junk, etc., regulated, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now Ch. 264, Property Maintenance.

other order for payment of money intended it should not be paid:

- (1) Proof that at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that at the time of issuance, person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
 - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.
- C. This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.²⁰

§ 248-23. Theft of library material.

- A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library, library of an educational or historical organization or society, or museum, specifically, but not limited to, the Iron Ridge Public Library.

LIBRARY MATERIAL — Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last known address of the person with the overdue material; the notice date shall be the date of mailing.
- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be

20. Editor's Note: Original Sec. 9-3-7(d), regarding violations and penalties, of the 1986 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 248-27.

promptly informed of the purpose of the detention and be permitted to make telephone calls but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any library material.
- F. Return demanded. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

§ 248-24. Damaging or tampering with coin machines.

- A. No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
- B. In this section, "coin machine" means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

§ 248-25. Damage to public property.

- A. Damaging of public property. All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village, whether the same shall be owned or held in trust by said Village or held in trust for the use of any district of said Village.
- B. Breaking of street lamps or windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.

§ 248-26. Disturbing cemetery property.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

§ 248-27. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- A. Any person who violates or permits a violation of this chapter shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code.

- B. In addition to the general penalty of this Code or any other penalty imposed for violation of any section of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 248-17 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes.

ARTICLE IV
Obscenity

§ 248-28. Exposing minors to harmful materials.

A. Definitions. As used in this section:

HARMFUL TO MINORS — That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

KNOWINGLY — Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

- (1) The character and content of any material described herein which is reasonably susceptible of examination by the defendant; and
- (2) The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

KNOWLEDGE OF THE MINOR'S AGE —

- (1) Knowledge or information that the person is a minor; or
- (2) Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.

MINOR — Any person under the age of 18 years.

NUDITY — The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT — Acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, and acts of excretory function, lewd exhibition of the genitals, especially in a stimulated condition, and sexual relations between humans and animals.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

- B. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation

which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, unless such minor is accompanied by his parent or legal guardian.

- C. It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
 - (2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Subsection C(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.
- D. It shall be unlawful for any person knowingly to admit a minor whom he or she knows or has reason to believe is not his/her child or legal ward to any premises whereon there is exhibited nudity, sexual conduct or sadomasochistic abuse which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

§ 248-29. Commercial sexual gratification.

- A. No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefor.
- B. No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, public area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material.

ARTICLE V

Offenses Involving Alcoholic Beverages**§ 248-30. Outside consumption.**

A. Alcoholic beverages in public areas.

- (1) Regulations. It shall be unlawful for any person to sell or serve, or offer to sell or serve, or to consume, or to carry or expose to view any open container of any alcoholic beverage upon any street, sidewalk, alley, public parking lot, highway, cemetery, or other public area within the Village or on private property without the owner's consent. Village-owned parks or recreation areas are exempt from this prohibition, except that glass containers are prohibited.
- (2) Exceptions.
 - (a) The provisions of this section may be waived by the Village Board for duly authorized events.
 - (b) Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances.

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

ALCOHOLIC BEVERAGE — Includes all ardent, spirituous, distilled, or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, which contain 1/2 of 1% or more of alcohol by volume and which are fit for use for beverage purposes.

PUBLIC AREA — Shall be construed to mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.

§ 248-31. Sale to underage or intoxicated persons restricted.

A. Sales of alcohol beverages to underage persons.

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
- (2) No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

B. Penalties. A person who commits a violation of Subsection A above is subject to a forfeiture of:

- (1) Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
- (2) Not less than \$200 nor more than \$500 if the person has committed a previous violation within

12 months of the violation.

- (3) In addition to the forfeitures provided in Subsection B(1) and (2) above, a court shall suspend any license issued under Chapter 138, Article I, of this Code to a person violating this section pursuant to § 125.07(1)(b)3., Wis. Stats.

C. Sale of alcohol beverages to intoxicated persons.

- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

D. Penalties. Any person who violates Subsection C above shall be subject to a forfeiture of not less than \$100 nor more than \$500 or imprisoned for not more than 60 days or both.²¹

§ 248-32. Underage persons; prohibitions; penalties. [Amended by Ord. No. 7-1997]

The following statute related to underage persons; presence on licensed premises; possession; penalties are adopted by reference provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

Sec. 125.07, Underage and intoxicated persons; presence on licensed premises; possession; penalties.

§ 248-33. Defense of sellers.

A. Defenses. Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

- (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchase had attained the legal drinking age.
- (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

B. Book kept by licensees and permittees. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this subsection. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, and the address of the purchaser and the purchaser's signature.²²

21. Editor's Note: Original Sec. 9-5-3, Underage persons presence in places of sale; penalty, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now Ch. 138, Alcohol Beverages.

22. Editor's Note: Original Sec. 9-5-6, Persons who have attained the legal drinking age; false or altered identification cards, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now Ch. 138, Alcohol Beverages.

§ 248-34. Possession of alcohol beverages on school grounds prohibited.

- A. In this section, the following terms shall have the meaning indicated:

MOTOR VEHICLE — A motor vehicle owned, rented or consigned to a school.

SCHOOL — A public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

SCHOOL ADMINISTRATOR — The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

SCHOOL PREMISES — Premises owned, rented or under the control of a school.

- B. Except as provided by Subsection C, no person may possess or consume alcohol beverages:

- (1) On school premises;
- (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
- (3) While participating in a school-sponsored activity.

- C. Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

- D. A person who violates this section is subject to a forfeiture of not more than \$200, except that § 48.344, Wis. Stats., provides the penalties applicable to underage persons. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE VI
Public Nuisances

§ 248-35. Public nuisances prohibited.

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

§ 248-36. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

§ 248-37. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 248-36

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other tank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed eight inches.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.

§ 248-38. 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 § 248-36:

- A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. Gambling devices. All gambling devices and slot machines.
- C. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.
- D. Continuous violation of Village ordinances. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

§ 248-39. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 248-36:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

- E. Tree limbs. All limbs of trees which project over any public sidewalk, street or other public place and present a safety hazard.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- K. Obstructions of streets: excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- M. Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- N. Flammable liquids. Repeated or continuous violations of the ordinances of the Village or laws of the state relating to the storage of flammable liquids.
- O. Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

§ 248-40. Abatement of public nuisances.

- A. Enforcement. The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on

private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.

- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

§ 248-41. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Chapter 255**PARKS AND NAVIGABLE WATERS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 4, Ch. 5, of the 1986 Code. Amendments noted where applicable.]

§ 255-1. Park regulations.

- A. Purpose and definitions. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted.

PARK — Includes all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.

- B. Specific regulations.

- (1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (2) Sound devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
- (3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park.
- (4) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
- (5) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.
- (6) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
- (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.
- (8) Making of fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (9) Protection of park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park or any of the facilities of the municipal swimming pool.
- (10) Motorized vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside

of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.

- (11) Snowmobiles. No person shall operate a snowmobile in a Village park except in designated areas.
- (12) Speed limit. No person shall operate any vehicle in a Village park in excess of 15 mph unless otherwise posted.
- (13) Glass beverage bottles in parks prohibited. No person shall possess any glass beverage bottle within the limits of the parks of the Village.
- (14) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (15) Parking in parks. No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (16) Horse and carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and wellbeing of others.
- (17) Camping. Camping in all Village parks is prohibited.
- (18) Park closing hours. All Village Parks shall close between the hours of 11:00 p.m. and 7:00 a.m. **[Amended 5-6-1991]**
 - (a) Any organization that has a lease with the Village may modify these hours such that the Village Parks shall be closed between the hours of 12:00 a.m. and 7:00 a.m. on evenings of organized adult league events.
 - (b) Any member of an organization that has a lease with the Village may remain on Village Park property while the park is closed, but shall be restricted to indoor organizational and restroom facilities after closing.
- (19) Public alcoholic beverage consumption. No alcoholic beverages shall be served after 10:45 p.m. in any Village Park. **[Amended 5-6-1991]**
 - (a) Any organization that has a lease with the Village may modify these hours such that no alcoholic beverages shall be served to the public after the hour of 12:00 a.m. on evenings of organized adult league events.
- (20) Field and range lights. All lights used for the purpose of lighting a playing field or shooting range in a Village Park shall be turned off by 10:30 p.m. **[Amended 5-6-1991]**
 - (a) Any organization that has a lease with the Village may modify these hours such that lights used for the purpose of lighting a playing field or shooting range shall be turned off by 12:00 a.m. on evenings of organized adult league events.
- (21) Notification of special events. Any event beyond the normal schedule of an organization shall require 15 days' written notice filed with the Village Clerk/Treasurer. Any event for which a Class B malt beverage license is issued under § 138-16 or 138-17 shall require approval of the Village Board. **[Amended 5-6-1991]**

- (22) Special event waiver. Any person or organization may submit to the Village Clerk/Treasurer an application for a temporary waiver of any regulation(s) listed in § 255-1B as approved by the Village Board and listed on the park special event and waiver application form. **[Amended 5-6-1991]**
- (23) Alcoholic beverage restrictions. Whenever alcoholic beverages are served in a Village Park, signs shall be posted stating that no underage drinking is allowed. All other restrictions stated in § 138-16A and B shall be complied with. Copies of ordinances relating to alcoholic consumption in a Village Park shall be given to all applicants of licenses to sell alcoholic beverages in a park. **[Amended 5-6-1991]**
- (24) Disposal of recyclables. As mandated by state (Act No. 335)²³ and Village ordinances. **[Amended 5-6-1991]**
- (25) Signs. Signs containing the information stated in § 255-1B(1), (3), (10), (11), (12), (13), (18), (19), (20) and (24) shall be posted at all public park entrances, and in such areas of the parks as shall insure the public is informed of park rules. **[Amended 5-6-1991]**
- (26) Regulations suspended for fire departments annual picnic. During the period from August 1 to August 15 each year when the Fireman's Park is reserved for the Iron Ridge Volunteer Fire Departments Annual Picnic § 255-1B(2), (3), (16), (17), (18), (19) and (20) shall not apply to the Fireman's Park. **[Amended 5-6-1991]**

§ 255-2. Radio-controlled model airplanes restricted.

No person shall fly a radio-controlled model airplane in any park in the Village of Iron Ridge except in areas specifically designated and posted for such purpose.

§ 255-3. Use of metal detectors on public property.

Absent authorization by the Village Board, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

§ 255-4. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who violates or permits a violation of this chapter shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code.

23. Editor's Note: See Ch. 287, Wis. Stats.

POLLUTION ABATEMENT

Chapter 261

POLLUTION ABATEMENT

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 6, Ch. 2, of the 1986 Code. Amendments noted where applicable.]

§ 261-1. Spilled or accidentally discharged wastes.

- A. Cleanup required. All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of the Village.
- B. Notification. Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Police Department so that assistance can be given by the proper agency.
- C. Financial liability. The party or parties responsible for the release, escape or discharge of wastes may be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the polluttional effects of the discharged waste.

§ 261-2. Storage of polluting substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village.

§ 261-3. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who violates or permits a violation of this chapter shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code.

Chapter 264**PROPERTY MAINTENANCE**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge 9-5-2023 by Ord. No. 3-2023. Amendments noted where applicable.]

§ 264-1. Findings, purpose and objective.

- A. The Village Board has found that maintenance of buildings, structures and premises in the Village of Iron Ridge affects the health, safety, and general welfare of the residents of the community. The general purpose of this chapter is to protect and enhance the public health, safety, and general welfare of the residents of the Village by establishing minimum standards for maintenance of buildings, structures and premises.
- B. To further its general overall purpose, this chapter has the following specific objectives:
- (1) To protect the character and stability of all areas within the Village.
 - (2) To provide minimum standards of maintenance necessary to protect the health, safety and general welfare of persons occupying or using land, buildings and structures in the Village.
 - (3) To provide minimum standards for the exterior maintenance of all land, buildings and structures and to thus prohibit the spread of neglect and blight.
 - (4) To declare that land, buildings, structures and adjacent property which have become or are becoming deteriorated, dilapidated, neglected, fire hazards, vermin or rodent harborage, or unsanitary may constitute public nuisances, fail to meet the standards of this chapter and are detrimental to the health, safety and general welfare of the residents of this community.
 - (5) To preserve the value of land, buildings and structures throughout the Village.

§ 264-2. Title; applicability.

- A. This chapter shall be known as the "Property Maintenance Ordinance for the Village of Iron Ridge."
- B. This chapter shall apply to all land, buildings and structures in the Village, without regard to its class or its date of construction, alteration, or repair. The owner and operator of the same shall be responsible for ensuring that the land, buildings and structures conform to the requirements of this chapter.

§ 264-3. Interpretation.

This chapter is not intended to replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures. However, in the event of any inconsistency or conflict between the provisions of this chapter and any other existing ordinance, the more restrictive provisions shall apply.

§ 264-4. Definitions.

For the purpose of this chapter, the following words and phrases will be defined as follows:

ACCESSORY STRUCTURE — A structure the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

BASEMENT — That portion of a building the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.

BUILDING — A combination of materials to form a construction adapted to permanent or temporary use for residence, business or storage.

DETERIORATION — The condition or appearance of a building or structure or part thereof characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

DWELLING — Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.

EXTERMINATION — The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Health Officer or County Health Department.

FENCE — An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots, and includes a wall or latticework screen but excludes a hedge or natural growth or a barrier of less than 18 inches in height which is used to protect plant growth.

GARBAGE — All waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises, which constitutes a health hazard.

JUNK — Any old or scrap metal, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery. An unlicensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junked motor vehicle. Appeals regarding illegal junked vehicles can be made to the Village Board.

NUISANCE —

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or in the ordinances of the Village of Iron Ridge.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, basements, excavations, abandoned iceboxes, refrigerators and motor vehicles, any structurally unsound fences or structures, lumber, trash, debris or vegetation such as poison ivy or oak sumac which may prove a hazard for inquisitive minors.

OCCUPANT — Any person occupying or having use of a building, structure or premises or any part thereof.

OPERATOR — Any person who has charge, care or control of a building, structure or premises or a part thereof.

OWNER — Any person who, alone, jointly, or severally with others, shall hold title to a building, structure or premises or who shall be in actual possession of or have charge, care or control of a building, structure or premises as an employee or agent of the title holder or who shall be trustee or guardian of the estate or person of the title holder. For purposes of providing notice under this chapter, the Village may rely on the presumption that the owner is the person or persons designated on the tax roll with respect to the premises.

PERSON — Includes a corporation, firm, partnership, association, organization and any other group acting

as a unit, as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, the word shall include the officers, agents or members thereof who are responsible for any violation of such section.

PREMISES — Includes land, buildings, structures or any part thereof.

REFUSE — All solid waste (except body waste), including but not limited to garbage, rubbish, ashes, street cleanings, abandoned, nonlicensed or inoperable motor vehicles and solid market and industrial wastes.

REPAIR — To restore to a state of operation, serviceability or appearance in conformity with this chapter.

REPLACE — To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.

RUBBISH — Miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but it not limited to boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.

STRUCTURE — Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.

SUBSTANDARD — All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code or by the State of Wisconsin Administrative Code.

WEATHERING — Deterioration, decay, or damage by exposure to the elements.

YARD — An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line and/or street line.

§ 264-5. Compliance required.

- A. Each owner of land, buildings and structures (collectively "premises") shall have an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this chapter. No owner shall be relieved from any such duty or obligation because another person is also responsible for performance of such duty or obligation. No owner shall be relieved from liability under this chapter because said person has contracted said responsibility to an operator or other person.
- B. Operators of land, buildings and structures (collectively "premises") in the Village shall also have responsibility for compliance. Operators shall be jointly and severally responsible with owner(s) for performance of the duties and obligations prescribed in this chapter.

§ 264-6. Duties and responsibilities of owners and operators.

- A. Maintenance and appearance of exterior of buildings and structures.
 - (1) The exteriors of buildings and structures shall be free of all nuisances, unsanitary conditions, and hazards to the safety of occupants, pedestrians and other persons utilizing the premises.
 - (2) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or

railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound.

- (3) The exterior of every building and structure, including fences and retaining walls, shall be maintained in good repair. All surfaces shall be kept painted as necessary for purposes of preservation and appearance. Buildings and structures shall be maintained free of broken windows, loose shingles, crumbling stone or brick, or excessive peeling paint shall not exceed 50%. These or other conditions reflective of deterioration or inadequate maintenance.
- (4) Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound.
- (5) Every building and structure on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation and shall not permit the entrance of such rats, mice, termites and other vermin or invasive insects. Owners and operators shall be responsible for the extermination of such vermin from that part of the premises under their exclusive control.
- (6) Every building shall have adequate refuse, garbage or rubbish storage facilities. No owner or operator shall allow occupants to accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents or vermin.

B. Maintenance and appearance of land.

- (1) No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, and cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or where said debris has been properly placed for pickup by the waste disposal contractors. Except with prior application and approval of a land management plan by the Plan Commission, yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatments common in the Dodge County area. Yards shall be trimmed to maintain a neat appearance. Lawns allowed to grow six inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.
- (2) Except with prior application and approval of a land management plan by the Plan Commission, yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatments common in the Dodge County area. Yards shall be trimmed to maintain a neat appearance. Lawns allowed to grow six inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.
- (3) Hedges, bushes and plantings shall be kept trimmed and shall not be allowed to become overgrown and or allowed to obstruct pedestrians' or vehicles' views.
- (4) Application for natural lawn. Any owner/operator of land in the Village of Iron Ridge may apply for approval of a land management plan for a natural lawn, one where the grasses exceed six inches in height, with the Village Clerk. Approvals, conditional approvals or denials of the land management plan shall be by majority vote of the Plan Commission.
 - (a) "Land management plan" means a written plan relating to management of the lawn which contains a description of the area of the lawn upon which the grass or ground covering will

exceed six inches in height, a statement of intent and purpose for said area, a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The land management plan must include provisions for cutting at a length not greater than six inches the terrace area (which is defined as that portion between the sidewalk and the street or a strip not less than four feet adjacent to the street where there is no sidewalk) and at least a three-foot strip adjacent to neighboring property lines unless waived in writing by the abutting property owner on the side so affected.

- (b) Revocation of the land management plan. The land management plan may be revoked for failure to comply with the general requirements of this chapter, solely as modified by an approved land management plan. Notice of intent to revoke a land management plan may be issued by majority vote of the Plan Commission. The Plan Commission's decision may be appealed to the Zoning Board of Appeals. All applications for appeal shall be submitted within 15 days of notice of intent to revoke a land management plan or the right of appeal shall be deemed waived.
 - (c) Application requirements. Each application for a land management plan shall be on a form provided by the Village Clerk. The application fee shall be set by resolution of the Village Board. A copy of the application shall be mailed by the Village Clerk or given personally by the Village Clerk to each of the owners of record, as listed in the office of the County Assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the properties affected. The Village Clerk shall certify that such owners have been duly notified. The notified property owners shall have 15 days from the date of notice to file written objections to the application with the Village Clerk. Following said fifteen-day period, the Village Clerk shall refer the application materials and objections, if any, to the Plan Commission for hearing and decision at the next regularly scheduled Plan Commission meeting. The applicant and those property owners who filed written objections shall be notified of the meeting. Notice shall be by the Village Clerk mailing copies of the agenda to said persons no less than five days prior to the meeting. If there is insufficient time to mail such notice, the hearing and decision shall be set over to the next subsequent meeting unless the applicant provides written waivers of notice from the applicant and the objecting property owners.
 - (d) Application for appeal. The owner or operator of land in the Village of Iron Ridge may appeal a decision of the Plan Commission refusing to grant a land management plan. The fee for appeals shall be set by resolution of the Village Board. All appeals shall be to the Zoning Board of Appeals, which shall hear such appeals, as necessary, March through September. All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan or the right of appeal shall be deemed waived.
- C. Application to all premises. This chapter applies whether or not the premises is temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement on the land.

§ 264-7. Inspections.

- A. Upon receipt of a written and signed complaint, the Building Inspector and police officers are authorized and shall make inspections of the exterior of the premises for the sole purpose of determining whether the premises conforms to the requirements of this chapter.

- B. Prior to making such an inspection, the Building Inspector, police officer or their designated representative shall give written notice to the owner, operator or occupant of the premises. Notice may be given in person and shall be deemed to have been given within five days of the date notice has been deposited, postage paid, in the United States Mail and addressed to the name and address on the tax rolls for the premises.
- C. Following such notices, the owner, operator and/or occupant shall give the Building Inspector and/or police officer full access to the land and the exterior of the buildings and structures so that the Building Inspector and police officer are able to conduct an exterior inspection of the premises. Failure of an owner, operator or occupant to permit such access shall constitute a violation of this chapter and may also result in the Building Inspector obtaining a special inspection warrant from the Dodge County Circuit Court.

§ 264-8. Enforcement.

- A. The Building Inspector and police officers are hereby made responsible for the enforcement of this chapter. All inspections, enforcement, orders or matters relating to violations of this chapter shall be under their direction and supervision. They may request such other public officials or employees of the Village to perform duties as they deem necessary to the enforcement.
- B. The Building Inspector and police officers shall be supplied with official identification and shall exhibit such identification to the owner, operator or occupant at all times.

§ 264-9. Notice of violation.

If, following the initial inspection, the Building Inspector and police officer determine that there are grounds to believe that there has been a violation of any provisions of this chapter, notice of such violation shall be given to the owner(s). The notice of violation shall:

- A. Be in writing.
- B. Indicate the nature of the alleged violation(s).
- C. Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not exceed 60 days.
- D. Be served upon the owner in the following manner:
 - (1) Given to the owner by the Building Inspector or police officer; or
 - (2) Sent by certified mail to the owner's last-known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing shall be sufficient evidence of service, which service shall be deemed effective within five business days of the date of mailing.
- E. Advise the owner of the owner's right to request a hearing before the Plan Commission within seven business days of the date of service and further advise the owner that the owner's failure to make such a request shall result in the notice of violation being deemed an order of violation.

§ 264-10. Placard on building, structure or premises.

- A. The Building Inspector and police officer shall cause to be placed upon a building, structure or premises a "red tag" placard, which shall provide notice of the violations, whenever all of the following occur:

- (1) Any building, structure or premises does not substantially comply with the requirements of this chapter;
 - (2) The Building Inspector and Police Department have given notice of the violations involved as provided for in § 264-9 herein;
 - (3) The owner, occupant or operator has failed to timely correct, or timely provide a satisfactory plan to correct, the violations set forth in said notice; and
 - (4) The Building Inspector and police have determined that the building, structure, or premises is so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public and is therefore unfit for use or occupancy.
- B. The form of the "red tag" placard shall be determined by the Building Inspector and shall substantially state the specific violations of this chapter.
- C. No person, including the owner, shall deface or remove the "red tag" placard from any building, structure or premises on which it has been placed by the Building Inspector and police officer until removal of such placard is authorized by the Building Inspector or police officer.
- D. When the Building Inspector and police officer determine that a "red tag" placard should be placed on premises and place the same on the premises, then, notwithstanding other provisions herein, the occupants shall vacate the premises within 10 days of the date that the "red tag" placard has been placed on the premises.
- E. No premises that has been so vacated shall be used or reoccupied until such time as the owner obtains written approval from the Building Inspector. The Building Inspector shall grant such approval and remove the "red tag" placard when the violations have been corrected and the Building Inspector determines that the premises is again fit for use or occupancy.

§ 264-11. Remedy of violations; abatement by Village.

- A. The owner, operator or occupant of the premises shall have the time specified in the notice of violation to remedy the violations.
- B. The Village Board shall, in its discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner, operator or occupant is making a good faith effort to correct the violations.
- C. If the owner, operator or occupant of the premises, after notice of violation and order, fails or refuses to timely remedy the violations, then the Village, at its sole option, may cause such work to be done. Prior to commencing such work, the Building Inspector and police officer shall do the following:
- (1) Provide notice to the owner and occupant that the Village will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and
 - (2) Have the Village Clerk certify the approximate cost for any such work done, including reasonable costs for administration and inspection fees (collectively "costs of abatement"), and provide notice of the same to the owner, with a copy to the occupant.
- D. Following such notice, the owner, operator and/or occupant shall give the persons designated by the Village full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner, operator or occupant to permit such access shall constitute a violation of this

chapter and may also result in the Village obtaining an injunction from the Dodge County Circuit Court. Reasonable costs of obtaining the injunction shall be added as administration to the costs of abatement, and notice of the additional costs shall be provided to the owner.

- E. If the owner fails to pay the costs of abatement within 30 days of the notice from the Village Clerk, interest shall accrue against the balance due at the rate of 1% per month, for the first 3 months and 15% every month after, and the total balance due shall become a lien against real estate on the next tax roll in accordance with law.

§ 264-12. Transfer of ownership.

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish to the Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. To assure compliance with this section, the Village may file a lis pendens against the real estate.

§ 264-13. Violations and penalties.

- A. A violation of any section or subsection of this chapter shall be punishable by a penalty as provided in § 1-2 of this Code for each violation committed hereunder, plus reasonable costs of inspection and prosecution.
- B. Each day a violation exists after the notice of violation has been received and which becomes an order of the Building Inspector shall constitute a separate violation of this chapter.
- C. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs, whether existing under this chapter or otherwise.

IRON RIDGE CODE

Chapter 270

SEWER UTILITY

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 5, Ch. 3; § 5-1-2 of the 1986 Code. Amendments noted where applicable.]

ARTICLE I
Terminology

§ 270-1. Definitions.

The following definitions shall be applicable when used in this chapter:

APPROVING AUTHORITY — The Director of Public Works of the Village of Iron Ridge; or his duly authorized deputy, agent or representative.

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

CHLORINE REQUIREMENT — The amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods."

COMMERCIAL FACILITY — Any facility that is used for retail stores, restaurants, office buildings, laundries and other private business and service establishments or similar enterprises. [§ NR 162.003(15)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

EASEMENT — An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL — Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

GOVERNMENT FACILITY — Any public facility, including a facility used for legislative, judicial, administrative and regulatory activities of federal, state and local governments. [§ NR 162.003(32)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

GROUND GARBAGE — The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

INDUSTRIAL FACILITIES — Any nongovernmental or nonresidential facility that is used for activities such as agriculture, forestry, fishing, mining, manufacturing, transportation, communications or providing services including electric, gas and sanitary services. [§ NR 162.003(40)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

INDUSTRIAL USER — Has the meaning given in § 281.58(1)(c), Wis. Stats. [§ NR 162.003(41)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

INDUSTRIAL WASTE — The wastewater from industrial process, trade or business, as distinct from sanitary sewage.

INSTITUTIONAL FACILITY — Any facility that is used for social, charitable, religious and educational activities, such as schools, churches, hospitals, nursing homes, penal institutions and similar uses. [§ NR 162.003(44)][**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwaters.

NORMAL DOMESTIC SEWAGE — Wastewaters exhibiting concentrations of biochemical oxygen demand (BOD) and suspended solids no greater than 290 and 310 milligrams per liter (mg/l), respectively, averaged over a seven-day test period.

OUTSIDE CUSTOMER — Sewer customers which discharge wastewater into the Village of Iron Ridge sewerage system from outside the Village.[**Amended by Ord. No. 3-2000**]

PARTS PER MILLION — A weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON — Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH — The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PHOSPHORUS — The quantity of organic and inorganic phosphorus expressed as milligrams per liter.[**Amended by Ord. No. 3-2000**]

PROPORTIONAL SHARE — That the costs of operation and maintenance of the treatment works or structural urban BMP is shared equitably and proportionately among the users through a user charge system. [§ NR 162.003(74)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

PUBLIC SEWER — Any sewer provided by or subject to the jurisdiction of the Village of Iron Ridge. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

RECEIVING MUNICIPALITY — A municipality that owns a treatment works and accepts discharges from one or more other municipalities into its treatment works for treatment and disposal under §§ 281.58 and 281.59, Wis. Stats. [§ NR 162.003(75)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

REPLACEMENT — Obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the treatment works or structural urban BMP to maintain the capacity and performance for which the treatment works or structural urban BMP were designed and constructed. [§ NR 162.003(77)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

RESIDENTIAL USER — A structure or part of a structure, including a mobile home, that is used primarily as a home, residence or sleeping place by one or more persons maintaining a common household and that uses a publicly owned treatment works or structural urban BMP. "Residential user" does not include an institutional, commercial, industrial or governmental facility. [§ NR 162.003(78)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

SANITARY SEWAGE — A combination of water carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants); together with such ground, surface and stormwaters as may be present.

SANITARY SEWER — Sewer that carries sanitary and industrial wastes from residents, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE AREA — That area served by a wastewater treatment works, or an area for which an agreement has been reached for future wastewater service, or an area for which capacity is provided to allow disposal of septic tank or holding tank wastes. [§ NR 162.003(83)][**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

SHALL — Is mandatory; "may" is permissible.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

STANDARD METHODS — The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.[**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

STORM DRAIN (sometimes termed **STORM SEWER**) — A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

STORMWATER RUNOFF — That portion of the rainfall that flows into the sewers.

SUBSCRIBING MUNICIPALITY — A municipality that discharges or plans to discharge all or part of its wastewater or urban runoff to another community for treatment and disposal [§ NR 162.003(85)].[**Amended by Ord. No. 12-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filterings as prescribed in, "Standard Methods for Examination of Water and Wastewater," and are referred to as "nonfilterable residue."

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

VILLAGE — The Village of Iron Ridge.

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II
Use of Public Sewers

§ 270-2. Sanitary sewers.

No person(s) shall discharge any clean water of any kind to any sanitary sewer.

§ 270-3. Storm sewers.

Stormwater other than that exempted under § 270-2 and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority, to a storm sewer, combined sewer, or natural outlet.

§ 270-4. Prohibitions and limitations.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment plant.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials, of concentration of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the approving authority are as follows:
 - (1) Wastewater having a temperature higher than 150° F. (65° C.).
 - (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable

cutting oils, or product of mineral oil origin.

- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (11) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (b) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - (c) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

§ 270-5. Special arrangements.

No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth in this chapter are recognized and adhered to.

§ 270-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person found to be violating any provision of this article shall be served by the approving authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations or penalties will be assessed in accordance with the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code.

ARTICLE III

Control of Industrial Wastes Directed to Public Sewers**§ 270-7. Submission of basic data.**

- A. Within three months after passage of these rules each person who discharges industrial wastes to a public sewer shall prepare and file with the approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works.
- B. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

§ 270-8. Extension of time.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by § 270-7, a request for extension of time may be presented for consideration of the approving authority.

§ 270-9. Industrial discharges.

If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article II and which in the judgment of the approving authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the approving authority may:

- A. Reject the wastes.
- B. Require pretreatment to and acceptable limit for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge.
- D. Require treatment of industrial wastes which are amendable to treatment with domestic discharges for a stated surcharge, taking into account the volume and strength of such wastes which are in excess of the defined normal limit, under the provisions of § 270-5.

§ 270-10. Control manholes.

- A. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.
- B. Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the approving authority.
- C. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the approving authority prior to the beginning of construction.

§ 270-11. Measurement of flow.

The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility except as noted in § 270-13.

§ 270-12. Provision for deductions.

In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the approving authority that a portion of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the approving authority and the person.

§ 270-13. Metering of waste.

Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastes shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the approving authority.

§ 270-14. Waste sampling.

- A. Industrial wastes discharged into the public sewers may be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry as often as may be deemed necessary by the approving authority.
- B. Samples shall be collected in such a manner as to be representative of the composition of the wastes over a seven-day period. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.
- C. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or his duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

§ 270-15. Pretreatment.

Where required, in the opinion of the approving authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

§ 270-16. Grease and/or sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Article II, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the approving authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall

be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

§ 270-17. Analyses.

- A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of, "Standard Methods for the Examination of Water and Wastewater." Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the approving authority.
- B. Determination of the character and concentration of the industrial wastes shall be made by the person discharging the waste, or his agent, as designated and required by approving authority. The Village may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

§ 270-18. Submission of information.

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

ARTICLE IV
Basis for Sewer Service Charges

§ 270-19. Sewer users served by water utility water meters. [Amended by Ord. No. 12-2007]

There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a sewer user charge based, in part, on the quantity of water used as measured by the water utility meter used upon the premises, and a sewer user fixed charge based, in part, on the size of the meter servicing the premises, except as superseded by the requirements in § 270-22.

§ 270-20. Sewer users served by private wells.

- A. If any person discharging sewage into the public sanitary sewer system procures any part, or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed, the water meters will not be required. The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.
- B. The water utility will charge for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer user charge is billed, in accordance with current rates.

§ 270-21. Irrigation allowance for residential users. [Amended by Ord. No. 6-2003]

The metered residential water use shall be adjusted to account for consumptive water use during the summer in the following manner:

- A. For the months of September through April, the volume used as a basis for the sewer user charge shall be equal to the water volume read by the Village of Iron Ridge Water Utility for the water billing.
- B. For the months of May through August, the volume used as a basis for the sewer user charge shall be the average monthly water volume for the previous eight months as read by the Village of Iron Ridge Water Utility.

§ 270-22. Sewer user classification. [Amended by Ord. No. 12-2007]

- A. The Water Utility identifies users as Residential, Commercial, Industrial, and Public. The Sewer Utility uses the definitions contained in Article I, § 270-1.
- B. The minimum "billing charge" for any user shall be the greater of the actual fixed meter fee for the meter size, the Residential fixed meter fee, or the calculated fixed fee. Residential meters shall be considered to be any meter of a size one inch or less. The fixed fee amount for the meter sizes shall be as defined in Article V, § 270-23, and are intended to help achieve a user charge system that is equitable and proportional.
- C. The "meter fee," or a "fixed fee," shall be assessed for every Residential user as defined in Article I, § 270-1, including multiple-residential units or other user as follows. If there is more than one residential user or more than one type of user served by a single meter, the billing charge shall be the greater of the meter fee or the fixed fee amount as levied for the sum of the respective users. The

calculated fixed fee shall supersede the standard meter fee for that meter customer if it is greater.

ARTICLE V
Amount of Sewer User Charges

§ 270-23. Normal user charge. [Amended 1-6-2020 by Ord. No. 7-2019]

All users of the sanitary sewer system within the Village of Iron Ridge discharging 260 mg/l of BOD, 313 mg/l of suspended solids and 10 mg/l of phosphorus or less shall be charged as follows:

- A. Volume charge.
 - (1) Volume charge: \$10.13 per thousand gallons.
 - (2) Billing charge: the greater of the fixed fee as calculated or the meter charge.
 - (3) Fixed fee minimum: \$13.57 month (using one residence as one door).
 - (4) Meter charge: see table below.
- B. Flat rate structure portion by meter size; one-inch and below is base meter size:

Monthly Meter Charge Schedule			
Meter Size	Ratio	Monthly Meter Charge	Actual Meter Charge
5/8" and below	1	Ratio times mtr. charge, so 1 x \$mtr.	\$13.57/month
3/4"	1	1 x \$mtr.	\$13.57
1"	1	1 x \$mtr.	\$13.57
1 1/4"	1.85	1.85 x \$mtr.	\$25.10
1 1/2"	2.5	2.5 x \$mtr.	\$33.93
2"	4	4 x \$mtr.	\$54.28
3"	7.5	7.5 x \$mtr.	\$101.78
4"	12.5	12.5 x \$mtr.	\$169.63
6"	25	25 x \$mtr.	\$339.25
Multiuse meter		1" meter charge per user minimum	
No meter		1" meter charge per user minimum	

§ 270-24. Surcharge.

- A. All commercial and industrial firms discharging wastes into the public sewer system shall be assessed, in addition to the normal volume charge, a surcharge if their wastewater has a greater concentration of BOD and/or suspended solids than normal domestic sewage as defined in § 270-1. The volume of flow used for computing the surcharge shall be the metered water consumption as shown in records maintained by the water utility subject to adjustment as otherwise herein provided, or the actual volume of wastewater as determined by a waste metering facility.
- B. All users discharging greater than 260 mg/l of BOD, 313 mg/l of suspended solids and 10 mg/l of phosphorus or less shall be charged the normal user charge as defined in § 270-23 above and further

charged a surcharge for pollutants in excess of the listed values as follows: **[Amended by Ord. No. 12-2007]**

Pollutant	Surcharge		Total Charge Per Unit of Pollutant
	O/M/R User Charge Portion	Debt Service Charge Portion	
BOD greater than 260 mg/l	\$0.56/lb	\$0.43/lb	\$0.98/lb
Suspended solids greater than 313 mg/l	\$0.09/lb	\$0.38/lb	\$0.47/lb
Phosphorus greater than 10 mg/l	\$14.11/lb	\$7.13/lb	\$21.24/lb

C. The surcharge sewer service charge shall be computed in accordance with the formula presented below: **[Amended by Ord. No. 3-2000]**

$$T = FQ + (V \times CV) + 0.00834 V (B \times CB + S \times CS + P \times CP)$$

Where:

T	=	Total sewer service charge
FQ	=	Fixed quarterly billing charge
B	=	Concentration of BOD in mg/l in the wastewater above 260 mg/l
S	=	Concentration of suspended solids in mg/l in the wastewater above 313 mg/l
P	=	Concentration of phosphorus in mg/l in the wastewater above 10 mg/l
V	=	Wastewater volume in 1,000 gallons
CV	=	Cost per 1,000 gallons
CB	=	Cost per pound of BOD
CS	=	Cost per pound of suspended solids
CP	=	Cost per pound of phosphorus
0.00834	=	Conversion factor

§ 270-25. Outside customer. [Amended 1-6-2020 by Ord. No. 7-2019]

A. Billing charge: \$10.54 per month per door (using one residence as on door)

- B. If a customer is a sanitary district, the billing charge is per customer within the sanitary district.
- C. Volume charge: \$8.03 per 1,000 gallons

§ 270-26. On-site waste disposers.

On-site waste disposers shall be charged as follows:

- A. Septic tank sludge: \$165.01 per 1,000 gallons.
- B. Holding tank sewage: \$22.32 per 1,000 gallons.

ARTICLE VI
Billing Practice

§ 270-27. Billing period. [Amended by Ord. No. 5-2003]

Sewer user charges shall be billed separately from the water bill on a monthly basis.

§ 270-28. Payment. [Amended by Ord. No. 5-2003]

Sewer user charges shall be payable by 20 days after the billing date.

§ 270-29. Penalties.

- A. A late payment charge of 1% per month will be added to bills not paid within 20 days of issuance.
[Amended by Ord. No. 5-2003]
- B. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

ARTICLE VII

Right of Entry Safety and Identification**§ 270-30. Right of entry.**

The Director of Public Works or other duly authorized employee bearing proper credentials, and identifications shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this chapter and § 196.171, Wis. Stats. The Director of Public Works or other duly authorized employee shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

§ 270-31. Safety.

While performing the necessary work on private premises referred to in § 270-30, the duly authorized Village employees shall observe all safety rules applicable to the premises established by the company and the Village shall indemnify the company against loss or damage to its property by Village employees and against the liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operation, and indemnify the company against loss, or damage to its property by Village employees; except as such may be caused by negligency or failure of the company to maintain safe conditions as required in § 270-10.

§ 270-32. Identification; right to enter easements.

The Director of Public works and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.

ARTICLE VIII
Sewer Construction

§ 270-33. Connection to sewer system. [Amended 12-2-2019 by Ord. No. 6-2019]

A. Connections to sanitary sewer.

- (1) No person shall uncover, make any connections with, or disturb any sewer or appurtenance thereof without first obtaining permission to do so from the Village Board. Sewer laterals shall be installed by qualified plumbers, pipe fitters, or other persons qualified and experienced to do such work.
- (2) The Village Board shall authorize the connection of any new service connections only when there is sufficient capacity in the downstream collection system and the treatment system.
- (3) The Village Board shall request whatever information, including flow rates and loading rates, that may be necessary from new users to determine the effect on either the collection or treatment system prior to approval of the proposed connection.
- (4) No person, except those having special permission from the Village Board, or persons in their service and approved by them, will be permitted, under any circumstances, to tap the collection pipes. Pipes should always be tapped on the top, and not within six inches of the joint, or within 24 inches of another lateral connection. Excavations made for laying service pipe or making repairs shall protect the public by providing barricades and warning lights around openings. All openings shall be filled and compacted and the ground surface must be restored to its original condition.

B. Laterals. All sewer services from the point of maintenance by the Village to and throughout the premises must be maintained free of defective conditions, including excessive infiltration and inflow, by and at the expense of the owner of the property. Any damage to the sewer lateral resulting from negligence or carelessness on the part of the property owner, a tenant, or any agent of the owner, will be repaired at the expense of the property owner. When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

C. Private sewer laterals.

- (1) Purpose. The purpose of this section is to prevent significant water inflow and infiltration into the Village's sanitary sewer system and to protect public health, safety and welfare by assuring that private laterals are tested, inspected, maintained and repaired or replaced.
- (2) Owner maintenance required. All property owners shall keep their private laterals in good repair. The owner of property containing a private lateral shall maintain the private lateral. Maintenance under this section includes:
 - (a) Clearing obstructions from the private lateral;
 - (b) Repairing a defect in the private lateral that allows the introduction of extraneous flow or debris into the sanitary sewer system;
 - (c) Repairing a defect in the private lateral that allows the discharge of sewage on the property;

- (d) Keeping a manhole cover in place or a clean out cap tight and in place; and
 - (e) Providing a solid manhole cover.
- (3) Testing and notice of defective private laterals.
- (a) The Director may periodically perform special tests to confirm the integrity of the sanitary sewer system, including smoke testing, dyed water testing, hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the utility commission. The Director may enter private property to inspect or test a private lateral as allowed by law. The Director shall give the property owner no less than 24 hours' written notice before Village personnel enter private property to conduct an inspection or test, unless:
 - [1] Village personnel are conducting an investigation of a complaint or responding to a customer request to test or inspect a private lateral; or
 - [2] Sewage is exposed on the property in a manner that creates a potential public health hazard.
 - (b) The director may identify defects in a private lateral that allow extraneous flow or debris to enter the private lateral or the discharge of sewage on the property, or a condition that may interfere with the proper operation of the private lateral.
 - (c) A defect under this section may include:
 - [1] Any visible leak;
 - [2] Evidence of pipe or joint deterioration;
 - [3] Root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
 - [4] A misaligned pipe segment, sag, or lack of positive gradient;
 - [5] A lack of necessary cleanout cap or manhole cover;
 - [6] All failing materials;
 - [7] A downspout, drain, or other connection that allows stormwater or other extraneous water to enter the sanitary sewer system.
 - (d) If the Director identifies a defective private lateral or a condition that interferes with the proper operation of the private lateral outside of a sewer lateral remediation project, the director shall send the property owner written notice of the defect or condition, including a statement that the private lateral must be replaced or repaired, or the condition corrected, not later than 90 days after the date of the notice, or within such longer time deemed reasonable by the Director.
- (4) Repair or replacement required.
- (a) A property owner shall repair or replace a defective private lateral from the main to the building. The property owner shall pay the appropriate fee and obtain a permit from the Village before performing the repair or replacement of a defective private lateral. Correction of a defect may include the installation of a sump pit, sump pump and drainage tile.

- (b) If sewage is exposed on the property in a manner that makes it a potential public health hazard, a property owner must:
 - [1] Stop the discharge of sewage immediately;
 - [2] Remediate the site not later than 24 hours after the owner has notice of the exposed sewage; and
 - [3] Complete all necessary repairs or replacement of a private lateral immediately, but not later than 30 days after the owner has notice of the exposed sewage.
 - (c) A person who repairs an existing private lateral or installs a new or rehabilitated private lateral shall perform the repair or installation as prescribed by the sewer utility's sanitary sewer connection standards and the state plumbing code.
 - (d) The repair or replacement of the private lateral and the connection of the private lateral to the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village. All connections to the sanitary sewer shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.
 - (e) The property owner is responsible for all costs of private lateral repair, replacement, and maintenance from the main into the building. The Village has the authority to contract for repairs/replacements of laterals in the right-of-way and special assess the cost to the property owner.
- (5) Repair and replacement inspection and testing requirements.
- (a) During the replacement of the private lateral, the Director shall:
 - [1] Inspect the private lateral to determine that it complies with the sewer utility's sanitary sewer connection standards and the state plumbing code; and
 - [2] Observe the testing of the private lateral per current state code.
 - (b) If a private lateral fails the post-repair or post-replacement inspection or test, the property owners shall perform additional repairs as required by the director to correct the defect.
- D. Sanitary sewer lateral remediation/reconstruction projects.
- (1) The Village recognizes that its public sewer system has a finite life and, in many cases, has exceeded the useful life of the system. The Village also recognizes that private building sewers possess many of the same characteristics as the public sewer system. The Village will undertake the systematic reconstruction of the public sewer system lying within the corporate limits. As part of this reconstruction, the Village will conduct sanitary sewer lateral remediation projects.
 - (2) The Village shall inspect all private connections to the public sewer system when the public system is being reconstructed. Any existing private sewer lateral not meeting the requirements of this section or the Village's policy on private I/I shall be considered illegal. As the reconstruction progresses, the Village shall inspect each private sewer connection for conformance with this section; or in the event an inspection has been made previously, determine the condition of the private sewer connection from inspection records. In the event that the private lateral meets the requirements of this section, the Village shall reconnect the private system to the public system at an appropriate time. If the private sewer is found not to

meet the requirements of this section, the Village shall notify the owner of the deficiencies. During a sanitary sewer remediation project, the Village shall require that the property owner replace/remediate their private lateral if the lateral is found to be defective. The property owner shall, at the owner's expense, make the necessary repairs to correct the deficiency(ies). In all cases, the Village shall supply an appropriate connection point as part of its work. The property owner may elect to:

- (a) Contract with a properly licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the property owner.
 - (b) Have the Village contractors complete the repair.
- (3) The Village will publicly bid all sanitary sewer lateral remediation projects and the property owners, if they elect to have the Village contractors complete the work, will be special assessed for the private lateral project costs per the Village's special assessment policy. The sanitary sewer lateral remediation projects may include:
- (a) Replacement or remediation of defective private laterals.
 - (b) Installation of sump pump/pit and drainage tile where required under § 270-33C(4)(a) or any other applicable law or ordinance.
- (4) The property owner will be given a recommendation for the method of repair by the Village Engineer. Options include but are not limited to open cut construction, slip lining (six-inch laterals only) or pipe bursting or any other method allowed by state code. Should the property owner choose to not follow the recommendation by the Village Engineer, they will be liable for all additional costs associated with the lateral remediation from the residence to the main, including, but not limited to, sidewalks, terrace, curb and gutter, road repair and other public right-of-way repairs. A tape of the repaired sewer lateral must be provided to the Village by the property owner as proof of a complete and acceptable repair.
- (5) Full time on-site inspector will be provided for the replacement/remediation of the sanitary sewer lateral by the Village.
- (6) The sanitary sewer lateral remediation project will include patching of basement floors if needed. Any other restoration needed in the building and basement shall be the responsibility of the property owners and will not be done as part of the sanitary sewer lateral remediation project.
- (7) Any and all fences, trees, shrubs, swimming pools, decks, sheds, porches or other landscaping, paving or structures that will need to be removed in order to facilitate the remediation of the private lateral shall be removed and replaced by the property owner at their expense.
- (8) Final restoration of the yard will be the responsibility of the property owner. The Village contractor will backfill the trench or holes that are dug and rough grade the topsoil. The contractor will not be responsible for final landscaping. It will be the responsibility of the property owner to restore the lawn, pavement or garden areas that are disturbed as part of the sanitary sewer lateral remediation project.
- (9) Any required road repair will be done only by the Village.
- E. Sanitary sewer lateral fees; televising refusal fee. A \$100 monthly fee is hereby imposed for connection of sewer laterals against every property connected to the Village of Iron Ridge sanitary

sewerage system, in the utility, which owner refuses to consent to televising of the sewer lateral by the Village. This fee will be imposed beginning 30 days after request has been made by the Village for permission to televise the owner's sewer lateral. This fee will continue until the property owner consents to televising by the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

F. Right of entry and inspection.

- (1) Freshwater infiltration into the Village sanitary mains through sanitary sewer laterals serving residential, commercial, and industrial properties adversely affects the sewerage treatment system in terms of expense, efficiency, and overall burden on sewerage treatment facility. In the interest of health, safety, and general welfare of Village residents, it is necessary to impose inspection and enforcement provisions in an effort to minimize such adverse effects.
- (2) The Village (or an authorized agent of the Village) bearing the proper credentials and identification shall have authority to enter, during reasonable hours, any building, structure or premises in the Village to inspect for any violations of this section, to observe, test, and/or enforce the provisions of this section for the purpose of public protection. The Village (or its authorized agent) shall have no authority to inquire into any process beyond that having a direct bearing on the kind and source of discharge to the sewers, waterways or the wastewater treatment facility. In addition to the foregoing, such inspections may be conducted in any of the following circumstances:
 - (a) During such times that the Village is in the process of replacing sanitary mains or laterals adjacent to a particular property.
 - (b) During such times when Village personnel, including but not limited to the water meter crew, are required to enter a property for other business.
 - (c) During such times when Village personnel identify certain areas within the Village that are experiencing unusually high levels of infiltration into the Village's wastewater conveyance infrastructure system.

G. Search warrants. If the Village has been refused access to a building, structure or property, or any part therefore, the Village may seek issuance of a special inspection warrant, pursuant to § 66.0119, Wis. Stats., from the Circuit Court of Dodge County.

H. Failure to correct. If an owner fails to take corrective action to repair a damaged sewer lateral within 30 days, the Village retains the right to make the repairs and charge the property owner for the cost of said repairs.

I. Connection inspection. All individual house or building laterals and sewer main connections shall be inspected by a municipal Building Inspector, utility personnel, or authorized agent of the Village prior to the backfilling of any excavation. An applicant for a building sewer permit shall notify the municipal approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the municipal approving authority.

J. System requirements.

- (1) All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.

- (2) The size, slope, alignment, materials or construction of a sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules, and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, and W.P.C.F. (WEF) Manual of Practice No. 9 shall apply or Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
 - (3) The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the ASTM and W.P.C.F. (WEF) Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the municipal approving authority before installation.
 - (4) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Village.
- K. Backwater valves. The installation of backwater valves is strongly recommended for new and reconstructed building sewers at a location approved by the municipal approving authority. The installation of floor drain backwater preventers is also strongly recommended. At properties where backwater valves are not installed, property owners are responsible for maintaining backwater valves per manufactures specifications.
- L. Connections to stormwater and groundwater drains. Stormwater and groundwater drain connections are prohibited as follows:
- (1) No person shall allow the discharge, or cause to be discharged into any sanitary sewer, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling waste or unpolluted industrial process waters. All stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers whenever reasonably available. It is further provided that if no storm sewer is available, in no event shall any such waters be discharged into any sanitary sewer.
 - (2) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer whenever available, and, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, drywall or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump is allowed to flow on or across a public sidewalk.
 - (3) It shall be presumed that clear water is being discharged into a sanitary sewer if it is shown that existing sump pumps or other means of clear water discharge are connected to, or can readily be connected to, drains, pipes or other mechanisms of discharge connected to the sanitary sewer drain within the premises.
- M. Disconnection. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 30 days of the date of an official written notice from the Village. Exceptions to this subsection may be made by the Village.

§ 270-33.1. Cost of sewer connection. [Amended by Ord. No. 5-2008]

- A. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- B. The sewer connection fee is as follows:
 - (1) \$1,700 per single-family home.
 - (2) \$1,700 per business.
 - (3) \$1,700 each new dwelling unit added to an existing structure.
 - (4) \$1,100 per unit in new duplex or multifamily dwelling.
- C. This connection fee gives the dwelling or business the right to hook up to the Village of Iron Ridge sewer system. This fee must be paid to the Building Inspector at the time building permits are issued.

ARTICLE IX
Violations and Penalties

§ 270-34. Willful, negligent or malicious damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

§ 270-35. Written notice of violation.

Any person found to be violating any provisions of this chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 270-36. Accidental discharge.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages, both values to be established by the approving authority.

§ 270-37. Continued violations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, partnership, or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than \$200 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Dodge County Jail for a period not to exceed six months. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

§ 270-38. Liability to Village for losses.

Any person violating any provisions of this chapter shall become liable to the Village for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

§ 270-39. Differences of opinion.

The Board of the Village of Iron Ridge shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the approving authority.

§ 270-40. Audit.

The Village of Iron Ridge shall conduct an annual audit to adjust rates as necessary based on operational and maintenance experience.

§ 270-41. Special assessments for sanitary sewers.

- A. Assessment rates. The assessment rate for sanitary sewers will be on a front-foot basis, which shall be determined on the total cost of the current year's work, including engineering, inspection, grading and the necessary resurfacing. The property owner shall pay the entire original cost. When building

on lot is completed, the Village will refund the property owner 1/3 of the cost paid. For corner lots, the side which is not used for sewer purposes by the owner shall be assessed 1/3 of the cost to the lot owner and the Village shall pay 2/3 of the cost as determined above.

- B. Sewer laterals. The owner shall pay all the cost of digging, sewer pipe, and laying of the same from the street main to the building.

Chapter 276**SNOWMOBILES**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 8, Ch. 3, of the 1986 Code; amended in its entirety May 2010. Subsequent amendments noted where applicable.]

§ 276-1. State snowmobile laws adopted.

- A. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.
- (1) Section 350.01, Definitions.
 - (2) Section 350.02, Operation of Snowmobiles on or in the Vicinity of Highways.
 - (3) Section 350.03, Right-of-Way.
 - (4) Section 350.035, Meeting of Snowmobiles.
 - (5) Section 350.04, Snowmobile Races, Derbies and Routes.
 - (6) Section 350.045, Public Utility Exemption.
 - (7) Section 350.047, Local Ordinance to be Filed.
 - (8) Section 350.05, Operation by Youthful Operators Restricted.
 - (9) Section 350.055, Safety Certification Program Established.
 - (10) Section 350.07, Driving Animals.
 - (11) Section 350.08, Owner Permitting Operation.
 - (12) Section 350.09, Head Lamps, Tail Lamps and Brakes, Etc.
 - (13) Section 350.095, Noise Level Requirements.
 - (14) Section 350.10, Miscellaneous Provisions for Snowmobile Operation.
 - (15) Section 350.101 to 350.107, Operating a Snowmobile While Intoxicated Prohibited.
 - (16) Section 350.12, Registration of Snowmobiles.
 - (17) Section 350.13, Uniform Trail Signs and Standards.
 - (18) Section 350.15, Accidents and Accident Reports.
 - (19) Section 350.17, Enforcement.
 - (20) Section 350.18, Local Ordinances.
 - (21) Section 350.19, Liability of Landowners.

(22) Section 350.99, Parties to a Violation.

B. Wisconsin Administrative Code, Chapter NR 50, Wis. Adm. Code, is hereby adopted.

§ 276-2. State traffic regulations adopted.

Snowmobiles. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to § 346.04, 346.06, 346.11, 346.14(1m), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, and 346.94(1) and (9), Wis. Stats.

§ 276-3. Unattended snowmobiles restricted.

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

§ 276-4. Snowmobile operation restricted.

- A. General. It shall be unlawful to operate any snowmobile on private property without the consent of the property owner or on the Village streets, alleys, parks, or parking lots or on any public lands or private lands or parking lots held open to the public.
- B. Exceptions. Snowmobiles may be operated on designated and marked snowmobile trails designated by the Board on a map on file in the Village Clerk's office.

§ 276-5. Use of trails.

Routes or trails are to be used only for ingress to and egress from the Village, it being the intention to provide said trails or routes only to get through the Village. Any use other than for ingress or egress is prohibited.

§ 276-6. Hours of operation.

No person shall operate a snowmobile anywhere within Village limits between the hours of 2:00 a.m. and 6:00 a.m., with the allowance of one trip in or one trip out during the specified times.

§ 276-7. Speed limit.

No person shall operate a snowmobile in the Village at a speed in excess of 25 miles per hour.

§ 276-8. Permitting operation by improper persons prohibited.

No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous narcotic drug.

§ 276-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the penalty provisions of Chapter 1, General Provisions, Article II, General Penalty, of this Code, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin

Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motors vehicles under Chapter 313, Vehicles and Traffic, of the Code of the Village of Iron Ridge.

§ 276-10. Clerk to file section.

Pursuant to § 350.047, Wis. Stats., the Village Clerk is hereby directed to send a copy of this section to the Department of Natural Resources, the Police Department and the County Sheriff's Department.

§ 276-11. Enforcement.

- A. Uniform citation for highway violations. The uniform traffic citation promulgated under § 345.11, Wis. Stats., shall be used for violations of this chapter relating to highway use except as herein provided.
- B. Parking violations. The special traffic citation described and defined in Chapter 313, Vehicles and Traffic, of the Code of the Village of Iron Ridge shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in § 276-1 of this chapter.
- C. Other violations. All violations of this chapter not described in Subsection A or B shall be enforced in accordance with § 66.0114 and 66.0111, Wis. Stats. Stipulations of guilt or no contest may be made as provided in § 66.0114(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits may also be made under § 66.0114, Wis. Stats. Such deposits shall include a \$2 Clerk's fee and costs of prosecution.
- D. Police department to receive stipulations and penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this chapter may be accepted at the Police Department offices by the Chief or officer designated by him.
- E. Forfeited penalties and deposits. Except as otherwise provided in § 345.26, Wis. Stats., and the deposit schedule adopted by the Wisconsin Judicial Conference thereunder, required forfeited penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the Village Board. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Chapter 282**SOLID WASTE MANAGEMENT AND RECYCLING**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 6, Ch. 3, Secs. 6-3-1 through 6-3-29 of the 1986 Code; amended in its entirety 8-1-1994 . Subsequent amendments noted where applicable.]

§ 282-1. Title.

This chapter shall be known as the "Recycling, Yard Waste and Solid Waste Management Ordinance" of the Village of Iron Ridge, Wisconsin, hereinafter referred to as "ordinance" or "chapter."

§ 282-2. Declaration of policy.

It is hereby declared to be the purpose and intent of this chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code

§ 282-3. Statutory authority.

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

§ 282-4. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits previously adopted or issued pursuant to law, excepting those repealed and recreated by this chapter. However, whenever this chapter imposes greater restriction, the provision of this chapter shall apply.

§ 282-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirement and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirement shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapters.

§ 282-6. Severability.

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

§ 282-7. Applicability.

The requirements of this chapter apply to all persons within the corporate boundaries of the Village of Iron Ridge.

§ 282-8. Administration.

The provisions of this chapter shall be administered by the Director of Public Works or such persons as shall be designated by the Village Board.

§ 282-9. Effective date.

This chapter shall be effective upon publication except that separation and collection of recyclable materials for curbside recycling shall become mandatory July 1, 1994.

§ 282-10. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

A. Definitions for recycling:

ALUMINUM CONTAINER — A container for carbonated or malt beverages or for packaging of food that is made of aluminum.

APPROVED RECYCLING CONTAINER — A translucent blue tinted or clear plastic bag purchased from normal retail outlets or other locations for purposes of disposal of recyclable materials as designated by the Iron Ridge Village Board.

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

BRUSH — Clean woody vegetation material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related product.

FOAM POLYSTYRENE PACKAGING — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE — High-density polyethylene, labeled by the SPI code No. 2.

LDPE — Low-density polyethylene, labeled by the SPI code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing 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.

OTHER RESINS or MULTIPLE RESINS — Plastic resins labeled by the SPI code No. 7.

PERSON — Includes any individual, corporation, partnership, association, local government unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI code No. 1.

PLASTIC CONTAINER — An individual, separate, rigid plastic bottle, can, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI code No. 5.

PS — Polystyrene, labeled by the SPI code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI code No. 3.

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 bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clipping, yard and garden debris.

B. Definitions for solid waste, refuse and garbage disposal:

AGRICULTURAL ESTABLISHMENT — An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

APPROVED WASTE CONTAINER FOR SOLID WASTE, REFUSE AND GARBAGE DISPOSAL — A plastic bag or a plastic or metal container with at least one handle. Containers shall have a capacity of not more than 30 gallons and not more than 50 pounds when filled. Bags or containers will be supplied by and purchased by the property owner or tenant from normal retail outlets. Sizes may vary. Translucent blue or clear plastic bags shall not be used for solid waste disposal, only for recyclables.

BULKY WASTE — Refuse in quantities exceeding those normally collected and shall include such items as rocks, bricks, concrete and other building materials, furniture, fixtures, plumbing, plastic and metal objects except food containers, but excluding all appliances.

COLLECTION — The act of removing solid waste from the storage area at the source of generation.

COMMERCIAL — Includes any of the principal or conditional uses in the Iron Ridge Village Code, Article III, Zoning Districts, Chapter 365, Zoning, C1 Central Commercial District and C2 Highway Commercial District.

CURB — The back edge of curb and gutter along a paved street or where one would be if street was paved and had curb and gutter.

DEMOLITION WASTES — That portion of solid wastes consisting of waste from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings or improvements.

DIRECTOR OF PUBLIC WORKS — The duly qualified and appointed person who is responsible for the administrative management of this chapter (unless a different designee is appointed by the Village Board) and is responsible for the enforcement of those aspects of this chapter related to the protection of the health, safety and welfare, and the environment of the municipality.

DISPOSAL — The orderly process of getting rid of materials.

DNR — The Wisconsin Department of Natural Resources.

DUMP — A land site where solid waste is disposed of in a manner that does not protect the environment.

GARBAGE — Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables.

HAZARDOUS WASTES — Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to any increase in mortality or an increase in serious, irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment, because of its quantity concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources.

INDUSTRIAL WASTES — Waste material except garbage, rubbish and refuse directly or indirectly resulting from an industrial processing or manufacturing operation.

LITTER — Solid waste scattered about in a careless manner, usually rubbish.

NONRESIDENTIAL WASTE — Solid waste from agricultural, commercial, industrial or institution activities or a building or group of buildings consisting of four or more residential units.

PERSON — Individuals, firms, corporations, and associations and includes the plural as well as the singular.

PRIVATE COLLECTION SERVICES — Collection services provided by a person licensed to do same by the DNR.

RESIDENTIAL UNIT — A single-family home, duplex, townhouse, or a building with four or less residential units.

SCAVAGING — The uncontrolled removal of materials at any point in solid waste management.

SOLID WASTE STICKER — A sticker purchased from the Village of Iron Ridge to be affixed to the solid waste bags or containers which indicates that payment has been made for the disposal of waste. Two stickers will be available, one for 17.5 gallon size bags and under, and one for 17.5 to 35 gallon size bags and garbage containers.

STORAGE — The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

STORAGE AREAS — Areas where persons place containers during noncollection days as well as areas where containers are set out on collection day.

§ 282-11. Contractor, hauler and processor requirements.

- A. Permits, licenses and approvals. Contractors or haulers who collect solid waste or recyclables in the Village for storage, treatment processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village. No person or corporation shall engage in the business of hauling recyclables within the Village without being licensed by DNR under § NR 502.06, Wis. Adm. Code.
- B. Processing processing facilities. Any contractor or hauler operating in the Village shall not transport for processing any recyclables to a processing facility unless the contractor notifies the Village in writing which facility they are using and, by January 1, 1995, the facility has self-certified with the Wisconsin DNR under § NR 544.16, Wis. Adm. Code.
- C. Disposal. Contractors or haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village that have been separated for recycling. Glass shall not be compacted with paper during collection and transport of recyclables to a processing facility or market. Recyclable materials shall be maintained in marketable condition.
- D. Reporting requirements. Contractors and haulers operating in the Village are required to maintain records and report in writing to the Village Clerk at least quarterly each year. Reports shall include the amount of solid waste and recyclables collected and transported from the Village; the amount of solid waste and recyclables processed and or marketed by item type from the Village; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the contractor/hauler/processor.

§ 282-12. Prohibited activities and noncollectable materials.

- A. Scavenging. It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any solid waste or any recyclable material that has been deposited or placed at the curb or in any container adjacent to a home or nonresidential building for the purpose of collection.
- B. Unlawful placement and dumping. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Village or in any receptacles or on private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this chapter. No person shall place for collection any garbage at the curb not owned or occupied by such person.
- C. No burning or burying. It shall be unlawful to burn or bury solid waste and recyclables in residential and nonresidential sectors and at construction sites, except for wood and paper for heating purposes

or as provided elsewhere in the Village Code.

- D. Undrained food waste. It shall be unlawful to place any garbage or other food waste in a container for collection unless it is first drained and wrapped.
- E. Nondisposable materials. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives or ammunition, flammable liquids, paint, trees and stumps, construction debris, carcasses or parts thereof, medical wastes (unless personal needles and syringes which shall be contained to eliminate injury to collection crews), animal and human wastes (kitty litter may be placed for collection if animal wastes are removed prior to placement for collection).
- F. Building and construction waste. All waste resulting from remodeling, construction or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder or contractor. No license is required if done by owner, contractor or builder.
- G. Improper transportation. It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled material to the collection vehicle and shall properly clean or have cleaned the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleaned and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- H. Interference with authorized collector. No person other than an authorized collector shall collect or interfere with any solid waste or recyclable after it shall have been put into an approved receptacle and deposited in the proper place for collection, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized collector in the discharge of his duties.

§ 282-13. Garbage accumulation; when a nuisance.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which caused the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

§ 282-14. Solid waste and recyclables from outside the municipality.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste, refuse or recyclable not generated within the corporate limits of the Village of Iron Ridge.

§ 282-15. Establish fees. [Amended by Ord. No. 12-2006]

The Village Board shall establish fees for service recipients for the payment of collection services for solid waste. The fees shall be collected by means of a charge for solid waste collection on the monthly water/sewer bill. The fee shall be determined by the Village Board. Fees shall be established by actual costs incurred by the Village of Iron Ridge for its solid waste/recycling program.

§ 282-16. Ownership of solid waste and recyclables.

Solid waste and recyclable materials, upon placement at the curb, shall become the property of the

contractor or hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the collector.

§ 282-17. Collection schedule.

The Village Board shall establish the time of collection of solid waste and recyclables and the Clerk shall publish and provide written notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed. Notice of holiday collection schedules shall be made through the placement of a notice in the official newspaper or notice by mail at least one week in advance.

§ 282-18. Solid waste and recyclables collection.

- A. Recyclable materials listed in § 282-10: aluminum container, bimetal container, container board, foam polystyrene packaging, HDPE, LDPE, magazines, newspaper, office paper, other resins or multiple resins and PETE, and prepared in accordance with § 282-23 shall be placed for collection in such approved recycling containers as are designated by the Village Board for collection.
- B. Placement for collection. Residential solid waste and recyclable materials shall be accessible to collection crews. Recyclables and solid waste shall be placed immediately behind the curb of the public street for collection. During winter months, solid waste and recyclables shall not be placed on top of a snowbank, nor shall it be placed in the roadway. The owner or renter shall either shovel out an area behind the curb in which to place the solid waste and recyclables or place them in the driveway. Collection crews will not collect solid wastes or residential recyclables unless they are placed at the curb of a public street.
- C. Restrictions on time of placement. Solid waste and recyclables shall be placed in collection locations as designated in Subsection B above only after 6:00 p.m. of the evening of the day before collection and prior to 7:00 a.m. on the day of collection.
- D. Right to reject materials.
 - (1) The contractor or hauler has the right to reject or leave at the curb any recyclable material that is not prepared or placed for collection according to the specifications in this chapter, §§ 282-23 and 282-18, or in the education material provided by the contractor or the Village to the service recipients. Materials may also be left if not separated from solid waste, not placed in the proper container, or are not designated as recyclable materials for collection.
 - (2) Should the contractor or hauler be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures the cans, including contents, will be left at curbside. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- E. Solid waste sticker required. No garbage or refuse will be picked up unless in an approved container with the appropriate solid waste sticker a fixed to the plastic bag or container.

§ 282-19. Mandatory separation of recyclable materials.

Recyclable items as defined in this section are prohibited from being commingled with nonrecyclable solid waste and placed in regular garbage bags or containers and/or solid waste dumpsters and must be handled separately and in compliance with the recyclable regulations of this chapter. Occupants of single-

family and two- to four-unit residential buildings, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspaper.
- L. Office paper.
- M. Rigid plastic containers made of PETE, HDPE, LDPE, PP, PS, and other resins or multiple resins.
- N. Steel containers.
- O. Waste tires.

§ 282-20. Separation requirements exempted.

The separation requirements of § 282-19 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recover the materials specified in § 282-10 from solid waste in as pure a form as is technically feasible.
- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in § 282-10 for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 282-21. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 282-19 shall be clean and kept free of contaminants such as food or product residue, oil or grease or other nonrecyclable material, 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.

§ 282-22. Management of lead acid batteries, major appliances, tires, bulk items, and waste oil.

Occupants of single-family and two- to four-unit, multiple-family dwelling and nonresidential facilities and properties shall manage lead acid batteries, major appliances, bulk items and waste oil as follows:

- A. Lead acid batteries. Batteries may be disposed of by taking the batteries to any retail business that sells vehicle batteries or to a facility that recycles batteries.
- B. Major appliances will not be picked up as part of the bulk material or regular garbage collection. The contractor for recycling and garbage collection or other hauler must be contacted for removal of major appliances or tires. The cost of removal shall be paid by the individual.
- C. Waste oil shall be disposed of at businesses offering that service.
- D. Waste tires shall be disposed of by privately contacting the contractor or another hauler to dispose of the tires at private expense.
- E. Yard waste. See § 282-27.
- F. Bulk items. See § 282-28.

§ 282-23. Preparation of recyclable materials.

Except as otherwise directed by the Iron Ridge Village Board, occupants of single-family and two- to four-unit residences shall do the following for the preparation of the separated materials' specified in § 282-19E through N.

- A. Preparation:
 - (1) Aluminum cans shall be rinsed clean. Flattening is optional.
 - (2) Tin and steel cans (bimetal cans) shall be rinsed clean and the labels removed. Flattening is optional.
 - (3) Corrugated cardboard shall be flattened, cut into 30 inches by 30 inches pieces and tied in bundles.
 - (4) Rigid plastic containers.
 - (a) PETE and HDPE, milk, soda and detergent bottles and other plastic items marked No. 1 and No. 2 shall be rinsed free of product residue and the lids removed and discarded. The bottles shall be crushed.
 - (b) PVC (No. 3), LDPE (No. 4), PP (No. 5), PS (No. 6) and containers made of other resins or multiple resins (No. 7) (excepting those materials granted a variance by the DNR) shall be rinsed free of product residue and caps and rings removed and discarded.
 - (5) Glass bottles and jars only shall be rinsed free of product residue. Lids and rings shall be removed and discarded.
 - (6) Newspapers shall be bundled and tied with string or twine in both directions. Bundles shall be no larger than eight inches in height.
 - (7) Magazines shall be separated from newspapers and shall be bundled and tied with string or twine in both directions. Bundles shall be no larger than eight inches in height.

- (8) Office paper shall be bundled and tied with string or twine in both directions. Bundles shall be no larger than eight inches in height.

B. Collection. See § 282-18.

§ 282-24. Responsibilities of owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 282-10:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the material to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings and nonresidential facilities and properties if the postconsumer waste generated within the dwelling or facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the material specified in § 282-10 from solid waste in as pure a form as is technically feasible.

§ 282-25. 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 § 282-10 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 282-26. Enforcement; violations and penalties.

- A. Ascertaining compliance. For the purpose of ascertaining compliance with the provisions of this chapter any authorized officer, employee or representative of the Village of Iron Ridge may inspect recyclable materials separated for recycling or postconsumer waste which has been placed for collection. These items may be inspected at curbside recycling collection sites, facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties. Public records pertaining to recycling will be made available on request. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Iron Ridge who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- B. Any person who violates a provision of this chapter may be issued a citation by a Village of Iron Ridge police officer or the Director of Public Works. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the

issuance of a citation under this section.

- C. Authority for issuance of citations by a Village is given under § 66.0113, Wis. Stat, and the citation should take the form prescribed under § 66.0113(1)(b), Wis. Stats.
- D. Penalties for violating this chapter may be assessed as follows:
 - (1) Any person who violates § 282-18 may be required to forfeit the amounts set forth below plus court costs. A forfeiture of not less than \$10 shall be required for a first violation, not more than \$40 for a second violation, and not more than \$400 for a third or subsequent violation.
 - (2) Any person who violates a provision of this chapter, except § 282-18, may be required to forfeit not less than \$10 or more than \$1,000 for each violation plus court costs.

§ 282-27. Yard waste and brush collection and disposal.

- A. Policy. It is the intent of the Village Board to establish mandatory yard waste separation for the purposes of saving energy, conserving natural resources, extending the life of existing landfills, improving the quality of the environment and controlling disposal costs.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
 - BRUSH — Bushes, tree limbs and branches and other woody trimmings no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
 - YARD WASTE — Leaves, grass clippings, other yard and garden waste.
- C. Mandatory separation of yard waste and brush. Yard waste and brush as defined in this section are prohibited from being commingled with recyclables or with solid waste or refuse that is to be landfilled and must be handled separately and in compliance with the provisions of this section.
- D. Prohibited yard waste and brush disposal.
 - (1) No yard waste or brush may be deposited on any public street, waterway or grounds in the Village except the designated dropoff site.
 - (2) No yard waste or brush may be deposited on private property without the permission of the owner of the property.
- E. Collection and disposal of yard waste. Yard waste shall be collected and disposed of as follows:
 - (1) Exception. Nothing in this section shall preclude letting grass clippings and leaves remain on the lawn or yard and garden waste from being composted according to § 282-29 or bar individuals from transporting yard wastes to farmers for spreading on fields. Nothing shall preclude the chipping or shredding of woody material, brush or trees for use in landscaping.
 - (2) Yard waste not disposed of in accordance with § 282-27E(1) shall be taken to the yard waste dropoff site maintained by the Village.
 - (3) Yard waste may be taken to the dropoff site only during the hours the site is open.
 - (4) Yard waste must be bagged or otherwise suitably contained for transportation to the dropoff site.
 - (5) Bags, boxes, or other containers used to transport yard waste shall not be left at the dropoff site.

Yard wastes are to be removed from the containers by the person(s) delivering the yard waste. Assistance will be provided for handicapped persons in accordance with the Americans with Disabilities Act.²⁴

- (6) Yard waste taken to the dropoff site must be free of sticks, stones, and other matter not described as yard waste in § 282-27B.
 - (7) The Director of Public Works or a designee shall have charge of the dropoff site for yard wastes and shall designate the hours the site will be open.
- F. Disposal after deposit at yard waste dropoff site. The Director of Public Works or a designee shall arrange for the removal of compostable yard waste from the yard waste site in accordance with contracts or other provisions made by the Village Board.
- (1) Records shall be kept listing the approximate amount of yard waste disposed (estimates may be made by weighing a load and multiplying that amount by the number of loads hauled), the name and address of person who disposes of the yard waste, the cost to the Village of disposal and the final disposition of the material. Such records are to be filed with the Village Clerk monthly by the person in charge of the dropoff site.
- G. Brush disposal. Brush, as defined in § 282-27B, shall be transported to the yard waste dropoff site for disposal by the Department of Public Works in a manner other than placement in a landfill. Acceptable methods of disposal by the DPW after dropoff at the dropoff site are:
- (1) Contracting with a private party or company to chip and/or shred the brush. Disposal of the chipped/shredded material may be by contract with private party or company, use by the DPW or given or sold to Village residents as determined by the Director of Public Works.
 - (2) Removal by a private party(ies), who has obtained a written agreement for removal approved by the Village Board, for use as firewood or chipping and shredding for reuse.
- H. After a storm the Department of Public Works will pick up tree branches at curbside or contract for such pickup. The size of branches and time of pick up will be determined by the Director of Public Works.
- I. All other disposal by Village residents of brush, trees, tree stumps, etc., shall be by individual contract with a private tree removal business or other privately made arrangements.
- J. Enforcement. The Director of Public Works or a designee named by the Village Board shall notify violators of § 282-27 of the date, time and reason a violation occurred and of the appropriate penalty or forfeiture.
- K. Penalties and forfeitures. The penalties and forfeitures for § 282-27 shall be as follows plus court costs:
- (1) First offense: a warning shall be given.
 - (2) Second offense: a forfeiture of not less \$10.
 - (3) Third offense: a forfeiture of not more than \$25.
 - (4) Subsequent offenses: the forfeiture shall be subject to the penalties set forth in § 1-2B regardless

24. Editor's Note: See 42 U.S.C. § 12101 et seq.

of the number of prior offenses.

- (5) The Village shall have any and all other remedies afforded by Wisconsin Statutes in addition to forfeitures and costs of prosecution.
- (6) The Village Clerk/Treasurer shall collect all penalties levied and shall keep a record of all violations.

§ 282-28. Bulk material disposal.

Bulk material shall be disposed of in the following manner:

- A. Persons are encouraged to dispose of usable bulk items by resale or by donating items to a charitable organization such as Goodwill or other charitable institution.
- B. The Village shall provide containers for bulk material in spring and fall for clean up purposes.
 - (1) The Director of Public Works shall determine the time and placement of the containers.
 - (2) Reasonable material normally excluded from weekly collection will be considered for the container.
 - (3) Materials acceptable for bulk disposal as are listed in § 282-10.
 - (4) Unacceptable materials for bulk disposal are construction, remodeling and demolition debris, appliances, tires or any material banned from landfills.
- C. During the remainder of the year property owners shall contract with a private hauler to dispose of bulk materials.

§ 282-29. Composting and compost bins.

- A. Purpose and intent. The purpose of this section is to promote the recycling of yard wastes through composting and to establish minimum standards for proper compost maintenance.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
COMPOSTING — A controlled biological reduction of organic wastes to humus.
YARD WASTE — Leaves, grass clippings, garden debris and brush.
- C. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles other than compost piles consisting solely of yard waste, excluding fruit, shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than 125 cubic feet and shall be no taller than five feet. This size does not require DNR regulation.
 - (2) All compost piles and bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost pile or bin shall be cause for the Village Board of Health to proceed under § 248-42.
 - (3) All compost piles and bins shall be so maintained as to prevent unpleasant odors. Compost bins containing horse manure or fruits shall be kept covered except when turning.
 - (4) All compost piles or bins shall be located not less than three feet from a property line or

building.

- (5) No compost pile or bin shall be located in any yard except a rear yard. All piles or bins shall be placed between the rear building wall, excluding all portions of a building which are occupied seasonally, and the rear lot line extended to the side lot line.
- (6) On a reverse corner lot, no compost pile or bin shall be located less than 10 feet from the rear property line.
- (7) Subsection C(4) and (5) and (6) shall not apply to a compost pile or bin located in a side yard substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by fencing, provided that such planting or fencing shall at all times exceed the height of the compost pile or bin by no less than one foot.

D. Prohibited ingredients. No compost bin shall contain any of the following:

- (1) Lake weeds.
- (2) Cooked food scraps, except coffee grounds and tea leaves.
- (3) Fish, meat or other animal products.
- (4) Manures other than horse manure.
- (5) Large items that will impede the composting process.

E. Permitted ingredients. Permitted ingredients in a compost bin shall include:

- (1) Yard waste.
- (2) Raw vegetables and fruit scraps that are suitable for composting.
- (3) Horse manure.
- (4) Commercial compost additives.

F. Owner responsibility. Every owner or operator shall be responsible for maintaining all property under his control in accordance with the requirements of § 282-28.

G. Penalty. Any person violating § 282-28 shall be subject to a forfeiture of not less than \$50 nor more than \$500. Each day such violation continues shall be considered a separate offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

STREETS AND SIDEWALKS

Chapter 289

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Grades**[Adopted as Title 4, Ch. 1, of the 1986 Code]****§ 289-1. Establishment of grades.**

- A. Grades to be established. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance the sidewalks shall be laid to the established grade of the street.
- B. New sidewalk grade. Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Director of Public Works shall upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established. The cost of furnishing such grade shall be borne by the Village.

§ 289-2. Alteration of grade prohibited.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Iron Ridge by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Clerk or the officer authorizing the alteration.

ARTICLE II

Maintenance and Use of Streets and Sidewalks
[Adopted as Title 4, Ch. 2, of the 1986 Code]**§ 289-3. Removal of rubbish and dirt from sidewalks.**

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof to the Village Clerk who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

§ 289-4. Construction and repair of sidewalks and curbs and gutters.

A. Owner to construct.

- (1) Owner's responsibility. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village, it shall proceed according to § 66.0907, Wis. Stats. Sidewalks shall be located in such places as designated by the Village Board. No person shall remove any sidewalk without the permission of the Village Board.
- (2) Original construction. The total cost of all work involved in the original construction of sidewalks will be assessed to property owners.
- (3) Replacements. When sidewalks are to be replaced, the Village will pay half of the cost of the concrete and half of the mesh only, with a maximum price per square foot set by resolution. The rest of the cost to be incurred by the homeowner or property owner.

B. Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless he is under contract with the Village to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.

C. Specifications. All sidewalks within the Village hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:

- (1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Director of Public Works and approved by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works a subbase of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one foot beyond each edge of the sidewalk.
- (2) Material. All sidewalks shall be of air entrained concrete composed of six bags per cubic yard of one course construction, and built to the established line and grade. A layer of mesh material must be included in the sidewalk construction. Gravel shall be of good quality. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- (3) Forms; drainage

- (a) Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.
- (b) To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of 1/4 inch per foot of width of sidewalk. All joints and edges shall be finished with a 1/4-inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be one-foot strip of street property left between the property line and the edge of the sidewalk.
- (4) Width and thickness. Residential walks shall be five feet in width and not less than four inches thick except within driveway approaches where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness except within driveway approaches where the minimum thickness shall be seven inches.
- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before the final finishing, the surface shall be checked with a ten-foot straight edge and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (6) Jointing. Transverse, full depth, 1/2-inch thick expansion joints of premolded expansion material shall be located every 40 feet and at the property line and where the walk intersects another walk, curblines, building or driveway approach and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least 3/8 inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately four feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.
- (7) Curing and drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the impervious coating, wet fabric or paper methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50° F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.

D. Sidewalk repair or replacement. Pursuant to § 66.0907, Wis. Stats., the Village Board may order

property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of 20 days after service of the notice provided in § 66.0907(3)(c), Wis. Stats., the Village Board shall repair or construct such sidewalk and the Village Clerk shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land.

- E. Unsafe sidewalks. The Village Board may at any time, by ordinance or resolution, order any sidewalk which is unsafe, defective, or insufficient, to be removed and replaced with a sidewalk in accordance with the standard specifications provided for in this section.
- F. Construction and repair of concrete curb and gutter. The provisions of § 66.0703, Wis. Stats., shall be followed in the case of the construction and repair of concrete curb and gutter provided that when new curb and gutter or replacements are necessary, the cost will be borne by the Village on a one-third basis and by the property owner on a two-thirds basis.
- G. Construction of curb and gutter; petition. When petitions for curb and gutter are submitted to the Village Board, no construction shall take place unless curb and gutter will be constructed on both sides of any street for an entire block.

§ 289-5. Excavations of streets, alleys, public ways and grounds.

- A. Permit required. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Iron Ridge without a permit therefor from the Director of Public Works or Treasurer.
- B. Fees. The fee for a street opening permit shall be \$150 for excavation into pavement and \$100 for any excavation other than pavement on any street or right-of-way. The fee shall be paid to the Treasurer or Director of Public Works, who shall issue a receipt therefor. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Insurance required. A permit shall be issued only upon condition that the applicant submit to the Director of Public Works or Clerk satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$100,000 per one person, \$300,000 for one accident and property damage coverage of not less than \$50,000.
- D. Bond.
 - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Village of Iron Ridge and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of two years, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

- (2) The person who does such restoration shall be responsible therefor for two years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in the amount of \$10,000.
- (3) Whenever the Village Board shall find that any such work has become defective within two years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.
- (4) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

§ 289-6. Regulations governing excavations and openings.

- A. Frozen ground. No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Director of Public Works.
- B. Removal of paving. In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit freeflow of water along gutters.
- C. Protection of public.
 - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet where pipe or conduit has been laid.
 - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- D. Replacing street surface. In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the

opening for any street or sidewalk repaired by the Village, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

- E. Notice. It shall be the duty of the permittee to notify the Director of Public Works or Village Clerk and all public and private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Director of Public Works shall also be notified at least four hours prior to backfilling and/or restoring the surface.
- F. Validity of permit. Unless the work shall be commenced within 30 days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Director of Public Works may extend the time limitation for good cause.
- G. Backfilling. It shall be the duty of the permittee to backfill the opening immediately upon completion of the work and to place at least five inches of traffic bind or similar material in the opening unless otherwise advised by the Director of Public Works. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Director of Public Works shall decide when within said six months period the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of 10 days or such longer period as determined by the Director of Public Works, the Village may restore the surface and bill the permittee therefor.
- H. Emergency excavation. In the event of an emergency any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person firm or corporation shall apply for an excavation permit not later than the next business day.
- I. Excavation in new streets limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Village Board an emergency exists which makes it absolutely essential that the permit be issued.
- J. Application for permit. The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Director of Public Works shall determine if sufficient information is submitted.
- K. Exception. The provisions of this section shall not apply to excavation work done under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the Village except that the safety precautions under Subsection C hereof shall be complied with.

§ 289-7. Obstructions and encroachments.

- A. Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or

encumber any street, alley, sidewalk, public grounds, or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.

B. Exceptions. The prohibition of Subsection A shall not apply to the following:

- (1) Signs or clocks attached to buildings which project no more than six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street, or alley.
- (2) Awnings now built and extending over any sidewalk at a height of not less than seven feet above the sidewalk, street or alley. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (3) Public utility encroachments duly authorized by state law or by the Village Board.
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
- (5) Temporary encroachments or obstructions authorized by permit under § 289-8 of this article pursuant to § 66.0425, Wis. Stats.
- (6) Building materials for the period authorized by the Village Board which shall not obstruct more than half of the sidewalk or more than one-third of the traveled portion of the street, and which do not interfere with flow in the gutters.
- (7) Excavations and openings permitted under §§ 289-5 and 289-6 of this Code.

§ 289-8. Street privilege permit.

- A. When required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by this Village Code.
- B. Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director of Public Works, not exceeding \$10,000, conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- C. Fee. The fee for a street privilege permit shall be in the sum of \$250. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Conditions of occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:

- (1) Such temporary obstruction shall cover not more than one-third of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Village Board, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- E. Termination. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.
- F. Removal by Village. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after such notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

§ 289-9. Snow and ice removal.

- A. Owner's responsibility. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Iron Ridge fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be of snow or ice to the width of such sidewalk within 24 hours after the snow has ceased to fall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand.
- B. Village's option to clear sidewalks. In any case where the owner, occupant or person in charge of any building or structure or unoccupied lot shall fail to clear their respective sidewalks of snow and ice as set forth above, then and in that event, the Village may elect to clear said sidewalks as follows:
- (1) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to clear said sidewalk, the Village's intention to clear the same, and the potential costs thereof, no less than 12 hours prior to the Village's clearing said sidewalk.

- (2) The Village shall clear or cause to be cleared all snow and ice from the subject's sidewalk and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter the statement shall be reported to the Clerk who shall enter the charges in the tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other taxes upon real estate or as provided under § 66.0907(3)(f), Wis. Stats.
- C. Deposit of snow on streets or sidewalks. No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles. **[Amended 2-3-2020 by Ord. No. 2-2020]**
- D. Fire hydrant. The owner or occupant of any property which abuts a fire hydrant shall refrain from obstructing the hydrant or access to the hydrant in any way, and shall remove all snow in a two-foot radius around the hydrant within 24 hours of a snowfall and keep the hydrant free of snow at all times. **[Amended by Ord. No. 2-2014]**
- E. Penalty. As an alternative to the remedy provided in Subsection B above or in addition thereto, the Village may impose a penalty for violation of any provision of this section, providing that the person who violates any of the provisions of this section shall forfeit and pay to the Village a forfeiture of not less than \$25 nor more than \$500, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day 24 hours or part thereof during which a violation occurs or continues.

§ 289-10. Terrace areas.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:
TERRACE — Shall have the same meaning as the definition of "boulevard areas" in § 296-2 of this Code. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Noxious weeds; paving. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- C. Responsibility to maintain. Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.
- D. Street rights-of-way. Any tree, shrub, hedge, fence or other obstruction planted or constructed within the right-of-way of any Village street shall be done at the property owner's risk and shall be in accordance with the provisions of Chapter 296, Trees and Shrubs, of the Code of the Village of Iron Ridge. In the event any street is widened or sidewalk constructed, any such planting or obstruction shall be removed at the property owner's expense.

§ 289-11. Vaults.

All vaults under sidewalks in the Village shall be constructed of brick, concrete block, or poured concrete. The surface opening into the street shall be within three feet of the outer edge of the sidewalk, or the curb.

The slab over such vault shall be able to withstand a load of 250 pounds per square foot of slab area. The owner of any lot or parcel of land adjoining such vault shall maintain such vault and slab over in a safe condition and at his own expense.

§ 289-12. Downspouts and eaves of buildings not to drain on sidewalks.

No downspouts from any building shall terminate on or upon or in such position that the contents of such spout be cast upon or flowback or over any public sidewalk in the Village. When the eaves of any building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this section shall be subject to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Village of Iron Ridge.

§ 289-13. Sale or display of merchandise prohibited.

No person shall display, sell, or offer to sell on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

§ 289-14. Requests for improvements.

Requests or petitions by Village property owners for new streets, curb and gutter, and sidewalks shall be presented to the Village Board on or before October 1 to be considered for installation in the following year.

ARTICLE III
Street Use Permits
[Adopted as Title 7, Ch. 8, of the 1986 Code]

§ 289-15. Purpose.

The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances the Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.

§ 289-16. Application.

A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. The application shall set forth the following information regarding the proposed street use:

- A. The name, address and telephone number of the applicant or applicants.
- B. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
- C. The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
- D. The date and duration of time for which the requested use of the street is proposed to occur.
- E. An accurate description of that portion of the street proposed to be used.
- F. The number of persons for whom use of the proposed street area is requested.
- G. The proposed use, described in detail, for which the street use permit is requested.

§ 289-17. Representative at Board meeting.

The person or representative of the group making application for a street use permit shall be present when the Village Board gives consideration to the granting of said street use permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

§ 289-18. Petition.

The application shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than 75% of the residents over 18 years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Iron Ridge, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____, the _____ day of _____, 20_____, for the purpose of _____ and do hereby petition the Village Board of the Village of Iron Ridge to grant a Street Use Permit for us to use the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village Board of the Village of Iron Ridge shall attach to the granting of the requested street use permit.

We designate _____ as the responsible person or persons who shall sign an application for a street use permit on our behalf.

§ 289-19. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

An application for a street use permit for less than three blocks shall be accompanied by a fee of \$50 for the permit. If the application is for three or more blocks, a fee of \$50 shall accompany the application, plus a flat user fee of \$50 if traffic must be rerouted for the street closure. If the application is for an event in which a major activity is the sale or promotion of commercial products or services, the application shall be accompanied by a fee of \$50, plus a \$75 flat user fee per day and the applicant shall agree to pay within 20 days of billing all Village costs incurred by the occasion of the event. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 289-20. Insurance.

The applicant for a street use permit may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the Village of Iron Ridge. The applicant may be required to furnish a performance bond prior to being granted the permit.

§ 289-21. Termination of a street use permit.

A street use permit for an event in progress may be terminated by a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Iron Ridge. The Chief of Police has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Chapter 296**TREES AND SHRUBS**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 4, Ch. 4, of the 1986 Code. Amendments noted where applicable.]

§ 296-1. Statement of policy and applicability.

- A. Intent and purpose. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- B. Application. The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

§ 296-2. Definitions.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

BOULEVARD AREAS — The land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curblines shall be deemed to be a boulevard for the purpose of this chapter. "Boulevard" shall also mean terrace.

CLEAR SIGHT TRIANGLE — A triangle formed by the curblines of two intersecting rights-of-way and a third line connecting a full-view zone at corners of streets, alleys and highways.

MAJOR ALTERATION — Trimming a tree beyond necessary trimming to comply with this chapter.

PERSON — Person, firm, association or corporation.

PUBLIC AREAS — Includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.

PUBLIC NUISANCE — Any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area, infected with a plant disease, infested with injurious insects or pests, injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

PUBLIC TREES AND SHRUBS — All trees and shrubs located or to be planted in or upon Public areas.

SHRUBS — Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

TREE — Any woody plant normally having one stem or trunk bearing its foliage or crown well above ground level to heights of 16 feet or more.

VILLAGE — The Village of Iron Ridge, Wisconsin.

§ 296-3. Authority of Village Forester to enter private premises.

- A. The Director of Public Works shall carry out the provisions of this section. With Board approval, he may designate a municipal employee to perform the duties of Forester under Ch. 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Board by this chapter.
- B. The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this chapter.²⁵

§ 296-4. Abatement of tree disease nuisances.

- A. Dutch elm and other tree diseases a public nuisance. Whereas the Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch elm disease which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch elm disease and the elm bark beetles which carry such disease to be public nuisances.

- B. Definitions. As used in this section, unless otherwise clearly indicated by the context:

PERSON — Person, firm or corporation.

PUBLIC NUISANCE —

- (1) Dutch elm disease.
- (2) Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
- (3) Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or in a weakened condition which harbors any of the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
- (4) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
- (5) Any other deleterious or fatal tree disease.²⁶

PUBLIC PROPERTY — Owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

- C. Inspection.

- (1) The Director of Public Works shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected

25. Editor's Note: Original Sec. 4-4-4, Interference with the Village Forester prohibited, of the 1986 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 296-11C.

26. Editor's Note: The original definition of "person" of the 1986 Code, which immediately preceded this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 296-2.

with the Dutch elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.

- (2) Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture, Trade and Consumer Protection at Madison, for analysis to determine the presence of such nuisances. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable time for the purpose of carrying out any of the provisions of this section.

D. Abatement of nuisances; duty of Forester.

- (1) The Forester, with the approval of the Village Board, shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.
- (3) Notice; hearing.
 - (a) When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than 14 days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
 - (b) If, after hearing held pursuant to this subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this section. The Forester may extend the time allowed the property owner for abatement work but not to exceed 10 additional days.

E. Spraying.

- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, he may cause all trees within a 1,000-foot radius thereto be sprayed with an effective elm bark beetle destroying concentrate or other insecticide.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least 24 hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection E(2) of this section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection D(3).

§ 296-5. Assessment of costs of abatement.

- A. Fifty percent of the cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with §§ 66.0703 or 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
 - (1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
 - (2) Upon receiving the Forester's report, the Village Board shall hold a public hearing on such proposed charges, giving at least 14 days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
 - (3) After such hearing, the Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.

- (4) The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within 30 days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
- (5) The Village hereby declares that in making assessments under this section it is acting under its police power and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

§ 296-6. Permit for planting, maintenance and removal of trees and shrubs.

- A. Permit required. No person, except upon order of the Village Forester, shall plant or remove or do major alterations, as determined by the Forester, on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Clerk as herein provided.
- B. Permit exemptions. No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- C. Permit requirements and conditions. If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and streetlights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Forester issue a permit to the applicant.
- D. Permit form; expiration; inspection. Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.
- E. Permits to public utilities.
 - (1) Whenever a permit is issued under this section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
 - (2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work done associated with trees and shrubs.

§ 296-7. Planting of trees and shrubs.

- A. Planting.
 - (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and boulevards and the manner of planting shall be submitted to the Village Forester for approval

before commencement of such work. The permit application process is required in § 296-6.

- (2) There shall be a minimum distance of 16 feet and a recommended distance of 25 feet to 50 feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
 - (3) Pine or fir trees shall not be planted in a terrace area.
 - (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
- B. Unlawfully planted trees. Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.
- C. Frames. Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

§ 296-8. Trimming.

- A. Trees and shrubs standing in or upon any boulevard, public areas, or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than 14 feet. The Village Forester may waive the provisions of this section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.
- B. The necessity of the pruning may be determined by the Village Forester.
- C. Clearance from sidewalk to lower branches shall not be less than 10 feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than 10 feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
- D. All cuts above one-inch diameter shall be treated with a tree wound compound.

§ 296-9. Trees and shrubbery obstructing view at intersection or view of traffic signs.

- A. Notwithstanding any other provision of this chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- B. It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

- C. Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

§ 296-10. Removal of trees and stumps.

- A. Dangerous, obstructive and infected trees. Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester subject to § 296-14 shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk, who shall thereupon enter such cost as a special charge against the property.
- B. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk or nine inches below grade measured in a straight line with the normal grade of top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 296-11. Prohibited acts.

- A. Damage to public trees. No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace area tree, public tree or shrub, do or cause to be done by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope,

nails, screws, or other device to any tree, except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.

- (6) Cause or encourage any fire or burning near or around any tree.
- B. Excavations. All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of 10 feet from any public tree without a permit from the Village Forester.
 - C. Interference with forester.
 - (1) Interferes with or prevents any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this section.
 - (2) Refuses to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this section.
 - D. Refusal to abate nuisance. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

§ 296-12. Appeal from determinations or orders.

Any person who receives a determination or order under this chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Ch. 68, Wis. Stats., to the Village Board within seven days of receipt of the order and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within 10 days after the hearing has been concluded and file its written decision with the Clerk.

§ 296-13. Adoption of state statutes.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

§ 296-14. Planting of certain species restricted.

- A. Cottonwood and boxelder trees prohibited. No person shall plant within the Village any female tree of the species *Populus deltoides*, commonly called the "cottonwood," or any tree commonly called the "seed-bearing boxelder" or "*Acer negundo*," which may now or hereafter become infested with boxelder bugs, and such trees are hereby declared a nuisance. If any owner planting any such tree shall fail to remove any such tree within 30 days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the fill cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
- B. Planting of certain trees restricted. No person shall hereafter plant any catalpa, Chinese elm, white poplar, Lombardy poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village unless he shall first secure written permission from the Village

Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this subsection.

Chapter 303**VEHICLES, ABANDONED AND JUNKED**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 8, Ch. 4, of the 1986 Code. Amendments noted where applicable.]

§ 303-1. Abandonment of vehicles prohibited; definitions.

- A. Abandonment of vehicles prohibited. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Iron Ridge for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Iron Ridge or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 72 hours, the vehicle shall be deemed abandoned and constitute a public nuisance.
- B. Definitions. For purposes of this chapter, the following definitions shall be applicable:
- STREET — Any public highway or alley, and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular travel.
- UNATTENDED — Unmoved from its location with no obvious sign of continuous human use.
- VEHICLE — A motor vehicle, trailer, semitrailer, or mobile home, whether or not such vehicle is registered under Wisconsin law.
- C. Presumptions. For purposes of this chapter, the following irrebutable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position 72 hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said 72 hours.
 - (2) Any vehicle left unattended for more than 72 hours on any public street or public ground or left unattended for more than 72 hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance, provided that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property outside of public view or if designated as not abandoned by the Chief of Police.
- D. Exceptions. This chapter shall not apply to a vehicle in an enclosed building, or a vehicle stored on a premises licensed for storage of junk or junked vehicles, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

§ 303-2. Removal and impoundment of vehicles.

Any vehicle in violation of this chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of § 303-3.

§ 303-3. Removal, storage, notice, or reclamation of abandoned vehicles.

The provisions of this chapter shall apply to the removal, storage, notice, reclamation or disposal of abandoned vehicles.

- A. Removal.

- (1) Any police officer who discovers any motor vehicles, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Iron Ridge which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle the police officer shall notify the Police Chief or his designee of the abandonment and of the location of the impounded vehicle.
- B. Storage and reclaimer. Any abandoned vehicle which is determined by the Police Chief or his designee to be abandoned shall be retained in storage for a period of 14 days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Police Chief or his designee determines an abandoned vehicle to have a value of less than \$100, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven days and after certified mail notice, as hereinafter priced, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Police Chief or his designee to prove an ownership or secured party interest in said vehicle.
- C. Notice to owner or secured party. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, that the vehicle has been deemed abandoned and impounded by the Village of Iron Ridge; the determined value of the abandoned vehicle or if the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within 14 days of the date of notice, unless the vehicle has been determined to have a value less than \$100 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven days upon the payment of the aforesaid charges; and that the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

§ 303-4. Disposal of abandoned vehicles.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. Class 1 notice, including the description of the vehicle, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale, shall be published before the sale.

§ 303-5. Report of sale or disposal.

Within five days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation Division of Motor Vehicles of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle.

§ 303-6. Owner responsible for impoundment and disposal costs.

§ 303-6

IRON RIDGE CODE

- A. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- B. Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

§ 303-7. Conflict with other provisions.

In the event of any conflict between this chapter and any other provisions of the Village Code, this chapter shall control.

Chapter 309**VEHICLES, ALL-TERRAIN AND UTILITY-TERRAIN**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge 5-6-2019 by Ord. No. 2-2019 . Amendments noted where applicable.]

§ 309-1. Purpose.

The purpose of this chapter is to establish all-terrain and utility-terrain vehicle routes in the Village of Iron Ridge and to regulate the operation of all-terrain and utility-terrain vehicles in the Village.

§ 309-2. Authority.

The Village Board of the Village of Iron Ridge, Dodge County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility-Terrain Vehicle Ordinance under § 23.33(8)(b) and (11), Wis. Stats.

§ 309-3. Adoption.

This chapter adopted on proper notice with a quorum and roll call vote by a majority of the Village Board present and voting, provides the authority of the Village to designate all-terrain and utility-terrain vehicle routes in the Village and to regulate the use of those routes and all-terrain and utility-terrain vehicles in the Village.

§ 309-4. Definitions.

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this section shall be interpreted based on common usage.

ALL-TERRAIN VEHICLE (ATV) — A commercially designed and manufactured motor-driven device that has a weight without fluids of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more low-pressure tires or nonpneumatic tires.

UTILITY-TERRAIN VEHICLE (UTV) — Any of the following:

- A. A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, minitruck, or tracked vehicle, that is designed to be used primarily off of a highway and that has, and was originally manufactured with, all of the following:
 - (1) A weight without fluids of 3,000 pounds or less. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) Four or more low-pressure tires or nonpneumatic tires.
 - (3) A steering wheel.
 - (4) A taillight.
 - (5) A brake light.

- (6) Two headlights.
 - (7) A width of not more than 65 inches.
 - (8) A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - (9) A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- B. A commercially designed and manufactured motor driven device to which all of the following applies:
- (1) It has a weight without fluids of more than 900 pounds but not more than 2,000 pounds.
 - (2) It has a width of 65 inches or less. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) It is equipped with a seat designed to be straddled by the operator.
 - (4) It travels on three or more low-pressure tires or nonpneumatic tires.

VILLAGE — Village of Iron Ridge, the Village Board or any other Village of Iron Ridge official(s) authorized by the Village Board to act on behalf of the Village of Iron Ridge.

§ 309-5. Operation of all-terrain and utility-terrain vehicles. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Pursuant to § 23.33(4)(d), Wis. Stats., except as otherwise provided in § 23.33(4), Wis. Stats., no person may operate an all-terrain or utility-terrain vehicle on the roadway of any highway in the Village except on roadways that are designated all-terrain and utility-terrain vehicle routes by this chapter.

§ 309-6. Designation of all-terrain and utility-terrain vehicle routes. [Amended 5-3-2021 by Ord. No. 2-2021 ; 2-6-2023 by Ord. No. 1-2023]

All roads under the jurisdiction of the Village of Iron Ridge are designated all-terrain and utility-terrain vehicle routes.

§ 309-7. Conditions applicable to all-terrain and utility-terrain vehicle routes.

Pursuant to § 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Village all-terrain and utility-terrain vehicle routes designated by this chapter:

- A. Routes shall be marked with uniform all-terrain and utility-terrain vehicle route signs in accordance with § NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Village all-terrain and utility-terrain vehicle routes:
- (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - (2) Possess any uniform all-terrain or utility-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless

he or she obtained the uniform all-terrain and utility-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- B. Operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted as a part of this chapter by reference, pursuant to § 23.33(11), Wis. Stats.
- C. Operators must abide by all traffic laws unless further restricted by this chapter.
- D. The speed limit for ATVs/UTVs shall be established at 25 miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Village roads. **[Amended 2-6-2023 by Ord. No. 1-2023]**
- E. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.
- F. ATV/UTV operators shall ride single file.
- G. No ATV/UTV may be operated on any designated route without fully functional headlights, taillights and brake lights.
- H. No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction of hours of operation has been specified by the Village and notice of the same is duly posted on the segment.
- I. All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right-of-way.
- J. No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable federal noise and air pollution standards.
- K. No person under the age of 16 may operate an ATV/UTV on any segment of Village road which is a designated ATV/UTV route.
- L. No person under the age of 18 may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- M. Every person who operates an ATV/UTV on a segment of Village road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stats. § 23.33(12).

§ 309-8. Enforcement.

This chapter may be enforced by any Village Board officer or law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of this chapter shall be sent by the Village Clerk to the Department of Natural Resources, the Dodge County Sheriff's Department and any other law enforcement agency serving the Village of Iron Ridge's jurisdiction.

§ 309-9. Violations and penalties.

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

§ 309-10. Maintenance; assumption of risk.

Designation of segments of the Village road system as ATV/UTV routes does not impose upon the Village a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village road. Operators of ATVs/UTVs on Village roads assume all the usual and normal risks of ATV/UTV operation.

§ 309-11. Severability.

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

§ 309-12. When effective.

This chapter is effective on publication or posting. The Village Clerk shall properly publish this chapter as required under § 60.80, Wis. Stats.

Chapter 313**VEHICLES AND TRAFFIC**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 8, Ch. 1, of the 1986 Code. Amendments noted where applicable.]

§ 313-1. State traffic laws adopted.

- A. Statutes adopted. Excepted as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicles traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall within the Village of Iron Ridge, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.
- B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 through 348 of the Wisconsin Statutes, and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

941.01, Negligent Operation of Vehicle Off Highway

941.30, Recklessly endangering safety²⁷

- C. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

§ 313-2. Official traffic signs and control devices; prohibited signs, signals and markers.

- A. Duty of director of public works to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 313-1, require the erection of traffic control devices for enforcement, the Director of Public Works, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Director of Public Works or his designee will carry out the purposes of this chapter and give adequate warning to users

27. Editor's Note: Original Sec. 8-1-1(c), which regarded the year of the statutes incorporated by reference, of the 1986 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III); see now § 1-1L.

of the streets and highways of the Village of Iron Ridge.

- B. Code numbers to be affixed to official traffic control devices. The Director of Public Works or his designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. Prohibited signs and markers in highways. No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the State Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Removal of unofficial signs, markers, signals and traffic control devices. The Director of Public Works or his designee may remove any sign, signal, marking or other device which, is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 313-3. Restrictions on parking; special limitations.

- A. Seventy-two-hour limitation. No person shall park or leave standing any vehicle on any street in the Village for a period of 72 or more consecutive hours in the same location at any time. When any police officer shall find a vehicle standing upon a street in violation of the provisions of this section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this chapter. The police officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- B. Posted limitations.
 - (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346, Wis. Stats., and shall also have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on

any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
 - (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this chapter.
- C. Winter parking restrictions. No person shall park a motor vehicle, trailer, or similar vehicle for longer than 30 minutes on any streets in the Village of Iron Ridge between 1:00 a.m. and 6:00 a.m., from December 1 to March 15 of each year.
- (1) For the purpose of this subsection, "parking" is defined as meaning leaving a vehicle or permitting a vehicle to remain on the street, unattended, but shall not include the temporary stopping of:
 - (a) A vehicle by a doctor making a house call.
 - (b) Business vehicles being used for deliveries or pickups during these hours, whose motor is running.
 - (c) Police, fire or other emergency vehicles so marked.

§ 313-4. Operators to obey traffic control devices.

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 313-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

§ 313-5. Parking of vehicles over 10,000 pounds or 16 feet restricted.

No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of 10,000 pounds gross weight or over 16 feet in length, or having an enclosed area of a height of more than eight feet from the roadway, shall park same upon any street, avenue or public way in the Village between the hours of 6:00 p.m. and 7:00 a.m. One-hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, wares or merchandise; providing, however, that "loading" and "unloading," as used in this section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.

§ 313-6. Miscellaneous parking restrictions.

- A. Parking during snow removal. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one hour from the time such area has been designated and marked with signs or barriers by an agent of the Village indicating no parking due to snow removal. The Village Board hereby declares that an emergency exists during and following a snow storm until the snow from the storm has been removed; therefore, this paragraph shall be controlling over any other ordinance which might in any way conflict.
- B. Street maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Director of Public Works shall post such highways or parts thereof with signs bearing the words "no parking - street maintenance work." Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

§ 313-7. Stopping or parking prohibited in certain specified places; angle parking.

- A. Parking prohibited. No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
- (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within 20 feet of the driveway entrance to a fire station.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the Village limits, any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the Village at any time.
- B. Angle parking. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to and within one foot of the curb except where streets and parking

lots are so marked for angle parking.

- C. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- D. Parking vehicle for repair or to display for sale prohibited. No person shall stand or park a vehicle on any street, alley or municipal parking lot in the Village for the purpose of repairing said vehicle, or to display such vehicle for sale.
- E. Parking restrictions designated. When signs or parking meters are erected in any block giving notice thereof: **[Amended 10-5-2015 by Ord. No. 3-2015 ; 9-1-2016 by Ord. No. 1-2016]**
 - (1) No person shall park a vehicle on the west side of East Avenue between the south edge of the post office building and a point 51 feet thereof for longer than 15 minutes.

§ 313-8. Parking reserved for vehicles of disabled persons.

When official traffic signs indicating such restriction have been erected in accordance with § 313-2 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

§ 313-9. Leaving keys in vehicle prohibited; parking vehicles with motor running.

- A. Leaving keys in vehicle. No person shall permit any motor vehicle in his custody to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle.
- B. Parking vehicles with motor running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than five minutes within 300 feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

§ 313-10. Unattended motorized machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him, to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

§ 313-11. Through streets designated.

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the streets or portions thereof set forth in this section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Director of Public Works in accordance with § 313-2:

Name of Street	Location
Pleasant Street	From west Village limits to and including the east curbline of Main Street
Main Street	From the north curbline of Pleasant Street south to the south Village limits of the Village of Iron Ridge

§ 313-12. Speed limits. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The Village Board of the Village of Iron Ridge hereby determines that the statutory speed limits on the streets or portions thereof set forth in this section are unreasonable, unsafe or imprudent, and modifies such speed limits under authority granted by § 349.11(3) and (7), Wis. Stats., as follows:

- A. A speed of 25 miles per hour for all vehicles from a point 0.2 of a mile south of Albert Street, northerly and westerly to the intersection of Highway 67.
- B. The speed-limit on all other portions of State Trunk Highway 67 within the-corporate limits of the Village of Iron Ridge shall be 55 miles per hour during the hours of darkness and 55 miles per hour at other times as set forth in § 346.57, Wis. Stats.

§ 313-13. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

§ 313-14. Registration record of vehicle as evidence.

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 313-1 and shall be subject to the applicable forfeiture penalty, provided the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

§ 313-15. Accident reports.

The operator of every vehicle involved in an accident shall within 10 days after such accident file with the Police Department a copy of the report required by § 346.70 of the Wisconsin Statutes, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of §§ 346.70(4)(f) and 346.73 of the Wisconsin Statutes, specifically that accident reports filed under this section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by § 346.73, Wis. Stats. Such reports shall not be used as evidence in any trial or proceeding.

§ 313-16. School bus warning lights.

Notwithstanding the provisions of § 346.48(2)(b)2., Wis. Stats., adopted by reference in § 313-1, to the

contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

§ 313-17. Operation of motor vehicles in public parking lots and ramps.

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable. All provisions of § 313-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use of the general public for parking or vehicular travel.

§ 313-18. Disturbance of the peace with a motor vehicle.

No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

§ 313-19. Removal of illegally parked vehicles.

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

§ 313-20. Inoperable, wrecked or discarded vehicles.

- A. Storage prohibited. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public

highway, parking lot or ramp longer than 72 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 313-19.

- B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

§ 313-21. Unauthorized operation of motor vehicles on public or private property. [Amended by Ord. No. 11-2004]

A. Purpose.

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life, and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

B. Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE — For purposes of this section, any vehicle which is self-propelled, and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a "motor vehicle" under this chapter shall not be so defined while:

- (1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided such operation is by persons having legitimate business on such land or sites;
- (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
- (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

OFF-ROAD — Any location which:

- (1) Is not a paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or

- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. "Off-road" shall not include any creek bed, riverbed or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

C. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) It shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.
- (3) Motorized scooters prohibited.
 - (a) Except as provided in Subsection C(3)(b), no person shall operate a motorized scooter on any Village sidewalk, highway, or street within the corporate limits of the Village of Iron Ridge. A motorized scooter is powered by an electric motor or internal combustion engine. Motorized scooters may be operated on private property or private roads and driveways only. Wisconsin Statutes §§ 346.94(12) and 346.78; and 49 CFR 576.4. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (b) This section shall not apply to the following when operated on a city sidewalk:
 - [1] Electric or battery-operated toy vehicles designed as children's toys, motorized wheelchairs, or similar devices designed for elderly, handicapped, or disabled persons.

D. Prohibited use of snowmobile trails. Except as provided in the definition of "motor vehicle" above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

E. Permitted use of low speed vehicles. **[Amended by Ord. No. 9-2007 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (1) Definition. As used in this section, the following terms shall have the meanings indicated:

LOW-SPEED VEHICLE (LSV) — A self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500. Electric golf carts are excluded from this definition.
- (2) Standards. LSVs shall have four wheels, shall have a speed range of at least 20 miles per hour but not greater than 25 miles per hour on paved surfaces; and shall have a gross vehicle weight at rest of less than 2,500 pounds. LSVs shall meet the general test conditions under 49 CFR

571.500, S6, and shall have all of the following items of equipment:

- (a) Headlamps;
 - (b) Front and rear turn signals;
 - (c) Stop lamps;
 - (d) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
 - (e) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
 - (f) Parking brake;
 - (g) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
 - (h) A vehicle identification number (VIN) that complies with federal law (49 CFR 565);
 - (i) A Type 1 or Type 2 seat belt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position.
- (3) Permitted uses. Individuals may operate an LSV on any street within the jurisdictional limits of the Village of Iron Ridge that have posted speed limits of 35 miles per hour or less. The operation of the LSVs as permitted here shall comply in all respects with the Village Municipal Code, and in particular, all Traffic Code provisions.
- (4) Permitted operators. Any person operating an LSV within the jurisdictional limits of the Village of Iron Ridge shall hold a valid Wisconsin driver's license.
- (5) Enforcement. Enforcement of this chapter regulating the operation and use of neighborhood electrical vehicles within the Village of Iron Ridge shall be pursuant to § 313-27 of the Iron Ridge Municipal Code.

§ 313-22. Heavy traffic routes.

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

HEAVY TRAFFIC —

- (1) All vehicles not operating completely on pneumatic tires; and
 - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 10,000 pounds.
- B. Prohibited routes. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this section.

- C. Administration. The Director of Public Works in cooperation with the Police Department shall administer this section. Administration shall include:
- (1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein;
 - (2) Maps. Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners;
 - (3) Construction equipment.
 - (a) The Director of Public Works may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - (b) Village-owned or operated equipment is specifically excluded from the provisions of this section.
- D. Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- E. Routes designated. The following streets in the Village are hereby designated as heavy traffic routes:
- (1) State Highway 67.
 - (2) State Highway 44.
 - (3) County Trunk Highway VV.

§ 313-23. U-turns prohibited.

U-turns are prohibited on Main Street and on any other street where signs prohibiting such turns have been erected by the Director of Public Works.

§ 313-24. Blue warning lights on police vehicles. [Amended by Ord. No. 4-2005]

- A. Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under § 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- B. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under § 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the

highway.

- C. The Village shall give notice of its intent to equip its police vehicles with flashing, oscillating or rotating blue lights as a Class 2 notice under Chapter 985, Wis. Stats., at least 90 days before so equipping the first police vehicle.
- D. A police vehicle under § 340.01(3)(a) may be equipped so that the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used only when the warning lamps authorized above are in use.
 - (1) The Village shall give notice of its intent to equip its police vehicles with pulsating or flashing headlamps as a Class 2 notice under Chapter 985, Wis. Stats., at least 90 days before so equipping the first police vehicle.

§ 313-25. State Administrative Code provisions adopted.

- A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Trans 146, Vehicle Registration and Fuel Trip Permits [Penalties of Wis. Stats. § 341.04 apply].

Trans 305, Standards for Vehicle Equipment

Trans 326, Motor Carrier Safety Requirements for Transportation of Hazardous Materials

Trans 300, Transportation of School Children

Trans 304, Slow Moving Vehicle Emblem

- B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Chapter 347, Wis. Stats., incorporated by reference in § 313-1 of this chapter.
- C. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to nonapplicability of demerit points, shall apply to owners convicted of violation of this section.
- D. Safety checks.
 - (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) Authority of officer. Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order

the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

- (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated; except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- E. Penalty. Penalty for violation of any provision of this section including the provisions of the Wisconsin Administration Code, incorporated herein by reference, shall be as provided in Subsection C of this section, together with the costs of prosecution and applicable penalty assessment.

§ 313-26. Violations and penalties.

- A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by §§ 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Other sanctions.
- (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
 - (2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Village Clerk, except dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- C. Forfeitures for violation of moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 313-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chapters 341 to 348, Wis. Stats. for which an imprisonment penalty or fine may be imposed upon the defendant.

- D. Forfeitures for parking violations.
- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeitures for violation of nonmoving traffic violations adopted by reference in § 313-1 as described in Chapters 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation.
 - (2) Penalty for other parking violations. The penalty for all other parking violations not included under Subsection D(1) above shall be a forfeiture of not less than \$20 nor more than \$100 for the first offense and not less than \$40 nor more than \$200 for the second or any subsequent offense within one year. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$10 nor more than \$10,000. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 313-27. Enforcement.

- A. Enforcement procedures. How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.
- B. Citations.
- (1) Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
 - (2) Parking citations. The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic regulations in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § 313-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) Nonmoving violation and registration program. Pursuant to the provisions of § 345.28(4) of the Wisconsin Statutes, the Village elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the cost established by the Department under § 85.13, Wis. Stats.; such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Village shall charge an additional \$30 to cover the costs of this process. The Village Attorney shall be responsible for complying with the requirements set forth in § 345.28(4), Wis. Stats.
- C. Deposits and stipulations.

(1) Moving traffic offenses.

- (a) Who may make. Persons arrested or cited for violation of moving traffic regulations created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b) of the Wisconsin Statutes whenever the provisions of § 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11 of the Wisconsin Statutes and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Circuit Court and by the Police Department. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under Subsection C(1)(a) must make the deposit required under § 345.26 of the Wisconsin Statutes or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed within five days of the issuance of the citation in lieu of court appearance to the office of the Police Department or Clerk of Circuit Court as directed by the arresting officer.
- (c) Receipt required. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven days to the Clerk of Circuit Court. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(2) Nonmoving traffic offenses.

- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic regulations described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 15 days of the date of the citation to the above named office the amount of \$15. When payment is made as provided in this subsection, no court costs shall be charged. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney.

§ 313-28. Operation of motor vehicles on public streets, public rights-of-ways, public or private parking lots, alleys and ramps. [Added 1-7-2019 by Ord. No. 1-2019]

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license, or who is

operating after revocation or operating after suspension shall operate a motor vehicle on any public streets, public rights-of-way, or any public or private parking lots, alleys or ramps in the Village of Iron Ridge. Violations shall be punishable by the general penalty.

- B. Traffic regulations applicable. All provisions of § 313-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

§ 313-29. Vehicle registration fee. [Added 4-3-2017 by Ord. No. 1-2017]

- A. Authority. This chapter is adopted pursuant to the authority granted by § 341.35, Wis. Stats., as from time to time amended.
- B. Purpose. The purpose of this section is to provide the Village of Iron Ridge a source of revenue to be used to assist with transportation related purposes.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:
MOTOR VEHICLE — An automobile or motor truck registered under § 341.25(1)(c), Wis. Stats., at a gross weight of not more than 8,000 lbs.
- D. Annual registration fee.
- (1) Pursuant to § 341.35 of the Wisconsin Statutes, an annual flat Village registration fee as set forth herein, in the amount of \$10 is hereby imposed on all motor vehicles registered in the State of Wisconsin that are customarily kept in the Village of Iron Ridge.
 - (2) This fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.
 - (3) The Village registration fee shall be paid as provided in § 341.35(5), Wis. Stats.
 - (4) The Village registration fee shall be in addition to state registration fees.
- E. Administration costs. The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of these fees. The method of computing the administrative costs will be reviewed annually by the Wisconsin Department of Transportation, as provided in § 341.35, Wis. Stats.
- F. Exemptions. The following motor vehicles are exempt from the annual Village of Iron Ridge vehicle registration fee:
- (1) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.
 - (2) All vehicles registered by the State of Wisconsin under § 341.26, Wis. Stats., for a fee of \$5.
 - (3) No Village vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current Village registration fee has been paid.
- G. Deposit of fee revenues. All monies under the applicable statute and this chapter remitted to the Village by the Wisconsin Department of Transportation or other applicable agency shall be deposited into the Village's general fund and be used solely for assisting with transportation related purposes.

H. Effective date. The collection of vehicle registration fee shall commence on 8-1-2017.

IRON RIDGE CODE

Chapter 322

WATER UTILITY

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Ord. No. 4-2003 (Title 5, Ch. 2, of the 1986 Code); amended in its entirety 2-3-2020 by Ord. No. 1-2020 . Subsequent amendments noted where applicable.]

ARTICLE I

Rates**§ 322-1. Public fire protection service - F-1. [Amended 6-6-2022 by Ord. No. 1-2022]**

- A. The annual charge for public fire protection service to the Village of Iron Ridge shall be \$89,427.
- B. This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- C. Under § 196.03(3)(b), Wis. Stats., the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.
- D. Fire protection service charges.
 - (1) Monthly public fire protection service charges.
 - (a) Five-eighth-inch meter: \$17.
 - (b) Three-fourth-inch meter: \$17.
 - (c) One-inch meter: \$43.
 - (d) One-and-one-fourth-inch meter: \$63.
 - (e) One-and-one-half-inch meter: \$85.
 - (f) Two-inch meter: \$137.
 - (g) Three-inch meter: \$256.
 - (h) Four-inch meter: \$426.
 - (i) Six-inch meter: \$850.
 - (j) Eight-inch meter: \$1,360.
 - (k) Ten-inch meter: \$2,040.
 - (l) Twelve-inch meter: \$2,700.
 - (2) Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall also be subject to the charges in this schedule according to the size of their primary meter.
- E. Billing: same as Schedule Mg-1.

§ 322-2. Private fire protection service - unmetered - Upf-1.

- A. This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.
- B. Monthly private fire protection service demand charges.

Size of Connection	Charge
2-inch or smaller	\$11
3-inch	\$21
4-inch	\$35
6-inch	\$70
8-inch	\$113
10-inch	\$170
12-inch	\$226
14-inch	\$282
16-inch	\$338

C. Billing: same as Schedule Mg-1.

§ 322-3. General service - metered - Mg-1.

A. Monthly service charges.

Meter Size	Monthly Service Charge
5/8-inch	\$16
3/4-inch	\$16
1-inch	\$22
1 1/4-inch	\$28
1 1/2-inch	\$33
2-inch	\$48
3-inch	\$73
4-inch	\$106
6-inch	\$175
8-inch	\$258
10-inch	\$365
12-inch	\$472

B. Plus volume charges.

- (1) First 33,400 gallons used each month: \$6.15 per 1,000 gallons.
- (2) Next 50,000 gallons used each month: \$5.25 per 1,000 gallons.
- (3) Over 83,400 gallons used each month: \$4.50 per 1,000 gallons.

C. Billing. Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 1% per month will be

added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.

- D. Combined metering. Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

§ 322-4. General service - suburban - Mg-2.

- A. General service water customers residing outside the corporate limits of the Village of Iron Ridge shall be billed at the rates for general metered service provided in Schedule Mg-1, plus a 25% surcharge.
- B. Billing: same as Schedule Mg-1.

§ 322-5. Other charges - OC-1.

- A. Payment not honored by financial institution charge. The utility shall assess a \$30 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.
- B. Billing: same as Schedule Mg-1.

§ 322-6. Public service - Mpa-1.

- A. Metered service. Water used by the Village of Iron Ridge on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1.
- B. Unmetered service. Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Schedule Mg-1, excluding any service charges.
- C. Billing: same as Schedule Mg-1.

§ 322-7. General water service - unmetered - Ug-1.

- A. Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 3,000 gallons of water monthly under Schedule Mg-1, including the service charge for a 5/8-inch meter. If the utility determines that actual usage exceeds 3,000 gallons of water monthly, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1.

- B. This schedule applies only to customers with a one-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.
- C. Billing: same as Schedule Mg-1.

§ 322-8. Seasonal service - Sg-1.

- A. Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.
- B. Seasonal service shall include customers taking service under Schedule Mg-1, Schedule Ug-1, or Schedule Am-1.
- C. Upon reconnection, the utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.
- D. Billing: same as Schedule Mg-1, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

§ 322-9. Bulk water - BW-1.

- A. All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.
- B. Bulk water sales are:
 - (1) Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
 - (2) Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or
 - (3) Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.
- C. A service charge of \$35 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than seven days, the applicable service charge in Schedule Mg-1 will apply after the first seven days.
- D. The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.
- E. Billing: same as Schedule Mg-1.

§ 322-10. Reconnection charges - R-1.

- A. The utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. A utility may not assess a charge for disconnecting a customer.
 - (1) During normal business hours: \$35.
 - (2) After normal business hours: \$50.
- B. Billing: same as schedule Mg-1.

§ 322-11. Water lateral installation charge - Cz-1.

- A. The utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Ch. 66, Wis. Stats.
- B. Billing: same as Schedule Mg-1.

ARTICLE II
Rules and Regulations

§ 322-12. Compliance with rules - X-1.

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

§ 322-13. Establishment of service - X-1.

- A. Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.
- B. Service will be furnished only if:
- (1) The premises have a frontage on a properly platted street or public strip in which a cast-iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule;
 - (2) The property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than six feet below the surface of an established or proposed grade and meets the water utility's specifications; and
 - (3) The premises have adequate piping beyond the metering point.
- C. The owner of a multiunit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.
- D. No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral, provided:
- (1) Individual metered service and disconnection is provided; and
 - (2) It is permitted by local ordinance.
- E. Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.
- F. The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

§ 322-14. Reconnection of service - X-1.

- A. Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.
- B. A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.
- C. If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

§ 322-15. Temporary metered service, meter, and deposits - X-1.

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

§ 322-16. Water for construction - X-1.

- A. When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.
- B. Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

§ 322-17. Use of hydrants - X-1.

- A. In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.
- B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

§ 322-18. Operation of valves and hydrants and unauthorized use of water - penalty - X-1.

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

§ 322-19. Refunds of monetary deposits - X-1.

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

§ 322-20. Service laterals - X-1.

- A. No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.
- B. In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand-tamping the ground filling around the pipe. There should be at least six inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.
- C. All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

§ 322-21. Replacement and repair of service laterals - X-1.

- A. The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.
- B. If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

§ 322-22. Abandonment of service - X-1.

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

§ 322-23. Charges for water wasted due to leaks - X-1.

See § PSC 185.35, Wis. Adm. Code, or Schedule X-4, if applicable.

§ 322-24. Thawing frozen service laterals - X-1.

See § PSC 185.88, Wis. Adm. Code, or Schedule X-4, if applicable.

§ 322-25. Curb stop boxes - X-1.

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

§ 322-26. Installation of meters - X-1.

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

§ 322-27. Repairs to meters - X-1.

- A. Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.
- B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

§ 322-28. Service piping for meter settings - X-1.

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises, at his/her expense, shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

§ 322-29. Turning on water - X-1.

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion, must leave the water turned off.

§ 322-30. Sprinkling restrictions and emergency water conditions - X-1.

- A. Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.
- B. See § PSC 185.37, Wis. Adm. Code.

§ 322-31. Failure to read meters - X-1.

- A. Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and

either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

- B. If the meter is damaged (see "Surreptitious use of water") or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.
- C. See § PSC 185.33, Wis. Adm. Code.

§ 322-32. Complaint meter tests - X-1.

See § PSC 185.77, Wis. Adm. Code.

§ 322-33. Inspection of premises - X-1.

- A. During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.
- B. See § 196.171, Wis. Stats.

§ 322-34. Vacation of premises - X-1.

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

§ 322-35. Deposits for residential service - X-1.

See § PSC 185.36, Wis. Adm. Code.

§ 322-36. Deposits for nonresidential service - X-1.

See § PSC 185.361, Wis. Adm. Code.

§ 322-37. Deferred payment agreement - X-1.

See § PSC 185.38, Wis. Adm. Code, or Schedule X-4, if applicable.

§ 322-38. Dispute procedures - X-1.

See § PSC 185.39, Wis. Adm. Code.

§ 322-39. Disconnection and refusal of service - X-1.

- A. See § PSC 185.37, Wis. Adm. Code.

- B. The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision: If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements: If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the water utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.

3. Payment of all future water utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

(WATER UTILITY NAME)

§ 322-40. Collection of overdue bills - X-1.

An amount owed by the customer may be levied as a tax as provided in § 66.0809, Wis. Stats.

§ 322-41. Surreptitious use of water - X-1.

- A. When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:
 - (1) The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.
 - (2) The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.
 - (3) The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.
- B. See §§ 98.26 and 943.20, Wis. Stats.

§ 322-42. Repairs to mains - X-1.

- A. The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.
- B. See § PSC 185.35, Wis. Adm. Code. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 322-43. Duty of water utility with respect to safety of the public - X-1.

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.

§ 322-44. Handling water mains and service laterals in excavation trenches - X-1. [Amended at time

of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Contractors must call Digger's Hotline and ensure a locate is done to establish the existence and location of all water mains and service laterals as provided in § 182.0175, Wis. Stats. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six hours.

§ 322-45. Protective devices - X-1.

- A. Protective devices in general. The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high- and/or low-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief valves. On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.
- C. Air chambers. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

§ 322-46. Cross-connections - X-1. [Amended 8-30-2021 by Ord. No. 3-2021]

- A. Definition of cross-connection. As used in this section, the following terms shall have the meanings indicated:

CROSS-CONNECTION — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Iron Ridge's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.
- B. Unprotected cross-connections prohibited. No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections shall be protected as required in Ch. SPS 382, Wisconsin Administrative Code.
- C. Inspection. The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross-connections. As an alternative, the water utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross-connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross-connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection F of this section.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- D. Right of entry. Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross-connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection F of this section. If entry is refused, a special inspection warrant under § 66.0119, Wis. Stats., may be obtained.
- E. Provision of requested information. The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Subsection F of this section.
- F. Discontinuation of water for violation. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection G of this section. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.
- G. Emergency discontinuance. If it is determined by the water utility that an unprotected cross-connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 322-47. Water main extension rule - X-2.

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under § 66.0703, Wis. Stats., will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection A.
 - (2) Part of the contribution required in Subsection B(1) will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection A for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection A, nor will it exceed the total assessable cost of the original extension.

- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection A.

§ 322-48. Water main installations in platted subdivisions - X-3.

- A. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.
- B. If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.
- C. If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

Part III: Land Use Legislation

Chapter 335

COMPREHENSIVE PLAN

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge 6-1-2015 by Ord. No. 2-2015 . Amendments noted where applicable.]

§ 335-1. Statutory authorization.

Pursuant to §§ 60.22(3) and 62.23(2) and (3), Wisconsin Statutes, the Village of Iron Ridge is authorized to prepare and adopt a Comprehensive Plan as defined in §§ 66.1001(1)(a) and 66.1001(2), Wisconsin Statutes.

§ 335-2. Adoption of procedures for public participation.

The Village Board of the Village of Iron Ridge has adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan as required by § 66.1001(4)(a), Wisconsin Statutes.

§ 335-3. Resolution recommending adoption of Comprehensive Plan.

The Village of Iron Ridge Plan Commission, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Village Board the adoption of the amended document entitled "Village of Iron Ridge Year 2030 Comprehensive Plan" containing all of the elements specified in § 66.1001(2), Wisconsin Statutes.

§ 335-4. Public participation.

The Village of Iron Ridge has provided numerous opportunities for public involvement in accordance with the public participation strategy adopted by the Plan Commission including numerous public meetings with respect to preparation in the "Village of Iron Ridge Year 2030 Comprehensive Plan," a public hearing on June 1, 2015, in compliance with the requirements of § 66.1001(4), Wisconsin Statutes.

§ 335-5. Adoption of Comprehensive Plan.

The Village Board of the Village of Iron Ridge does, by the enactment of this chapter, formally adopt the amended document entitled "Village of Iron Ridge Year 2030 Comprehensive Plan" pursuant to § 66.1001(4)(c), Wisconsin Statutes.

§ 335-6. Effective date.

This chapter shall take effect upon passage by a majority vote of the members-elect of the Village Board and publication/posting as required by law.

IRON RIDGE CODE

Chapter 342

FLOODPLAIN ZONING

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge 4-6-2009 . Amendments noted where applicable.]

ARTICLE I

Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions**§ 342-1. Statutory authorization. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

This chapter is adopted pursuant to the provisions of § 62.23, Wis. Stats.

§ 342-2. Finding of fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

§ 342-3. Statement of purpose.

This chapter is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds for flood-control projects;
- C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D. Minimize business interruptions and other economic disruptions;
- E. Minimize damage to public facilities in the floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land and home buyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

§ 342-4. Title.

This chapter shall be known as the "Floodplain Zoning Ordinance for Village of Iron Ridge, Dodge County, Wisconsin."

§ 342-5. General provisions.

- A. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
- B. Official Maps and revisions. **[Amended December 2013]**
 - (1) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Iron Ridge Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance

Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Clerk, Village of Iron Ridge. If more than one map or revision is referenced, the most restrictive information shall apply.

- (2) Official Maps: Based on the FIS.
 - (a) Flood Insurance Rate Maps (FIRM), panel number 55027C0418F and 55027C0420F dated April 19, 2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) date May 19, 2014, Volume Number 55027CV000C.
- C. Establishment of districts. The regional floodplain areas are divided into three districts as follows:
 - (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
 - (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
 - (3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
- D. Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1) or (2) below. If a significant difference exists, the map shall be amended according to Article VIII. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to § 342-27C and the criteria in Subsection D(1) and (2) below.
 - (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department. Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to § 342-31E.
- E. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).
- F. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.
- G. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State

agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies.

H. Abrogation and greater restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under §§ 59.69, 59.692 or 59.694, Wis. Stats., for counties; § 62.23, Wis. Stats., for cities; § 61.35, Wis. Stats., for villages; or § 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

I. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter required by Ch. NR 116, Wis. Adm. Code is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

J. Warning and disclaimer of liability. The flood-protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of or a cause of action against the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

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

L. Annexed areas for cities and villages. The Dodge County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

M. General development standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include

regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

ARTICLE II

General Standards Applicable to all Floodplain Districts**§ 342-6. Hydraulic and hydrologic analyses.**

- A. Except as allowed in Subsection C below, no floodplain development shall:
- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- B. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection C are met.
- C. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with Article VIII. Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

§ 342-7. Watercourse alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

§ 342-8. Development requiring Department of Natural Resources permit.

Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other Floodplain Zoning Maps or this chapter are made according to Article VIII.

§ 342-9. Public or private campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Agriculture, Trade and Consumer Protection. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. A land use permit for the campground is issued by the zoning administrator.
- C. The character of the river system and the elevation of the campground is such that a seventy-hour warning of an impending flood can be given to all campground occupants.

- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection D to remain in compliance with all applicable regulations, including those of the Department of Agriculture, Trade and Consumer Protection and all other applicable regulations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- F. Only camping units are allowed.
- G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article III or IV for the floodplain district in which the structure is located.
- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- L. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood-protection elevation.

ARTICLE III
Floodway District (FW)

§ 342-10. Applicability.

This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to § 342-20.

§ 342-11. Permitted uses.

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if they are not prohibited by any other ordinance; they meet the standards in §§ 342-12 and 342-13, and all permits or certificates have been issued according to § 342-25:

- A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 342-12D.
- D. Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ 342-12 and 342-13.
- E. Extraction of sand, gravel or other materials that comply with § 342-12D.
- F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
- G. Public utilities, streets and bridges that comply with § 342-12C.

§ 342-12. Standards for developments in floodway areas.

- A. General.
 - (1) Any development in floodway areas shall comply with Article II and have a low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to § 342-6:
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) An analysis calculating the effects of this proposal on regional flood height.
 - (3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection A(2) above.

- B. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- (1) The structure is not designed for human habitation and does not have a high flood damage potential;
 - (2) It must be anchored to resist flotation, collapse, and lateral movement;
 - (3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood-protection elevation; and
 - (4) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
- C. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:
- (1) Adequate floodproofing measures are provided to the flood-protection elevation; and
 - (2) Construction meets the development standards of § 342-6.
- D. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:
- (1) The requirements of § 342-6 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other requirements of this section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.

§ 342-13. Prohibited uses.

All uses not listed as permitted uses in § 342-11 are prohibited, including the following uses:

- A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;
- F. Any solid or hazardous waste disposal sites;

- G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code;
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV
Floodfringe District (FF)

§ 342-14. Applicability.

This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to § 342-20.

§ 342-15. Permitted uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in § 342-16 are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in § 342-25 have been issued.

§ 342-16. Standards for development in floodfringe areas.

- A. Section 342-6 shall apply in addition to the following requirements according to the use requested.
- B. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
- (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood-protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood-protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection B(4);
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection B(3) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation if:
 - (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - (b) The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Accessory structures or uses.
- (1) Except as provided in Subsection C(2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

- (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of §342-12B(1), (2), (3) and (4) and § 342-16F below.
- D. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of § 342-16B. Subject to the requirements of § 342-16F, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - E. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood-protection elevation using fill, levees, floodwalls, or other floodproofing measures in § 342-29. Subject to the requirements of § 342-16F, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - F. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood-protection elevation or floodproofed in compliance with § 342-29. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
 - G. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with § 342-29 to the flood-protection elevation;
 - (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
 - H. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to § 342-29, to the flood-protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - I. Wells. All wells shall be floodproofed, pursuant to § 342-29, to the flood-protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
 - J. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
 - K. Deposition of materials. Any deposited material must meet all the provisions of this chapter.
 - L. Manufactured homes.
 - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- (a) Have the lowest floor elevated to the flood-protection elevation; and
 - (b) Be anchored so they do not float, collapse or move laterally during a flood.
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in § 342-16B.
- M. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 342-16L(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE V
General Floodplain District (GFP)

§ 342-17. Applicability.

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

§ 342-18. Permitted uses.

- A. Pursuant to § 342-20, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
- B. Those uses permitted in floodway (§ 342-11) and floodfringe areas (§ 342-15) are allowed within the general floodplain district, according to the standards of § 342-19, provided that all permits or certificates required under § 342-25 have been issued.

§ 342-19. Standards for development in the General Floodplain District.

- A. Article III applies to floodway areas, Article IV applies to floodfringe areas. The rest of this chapter applies to either district.

§ 342-20. Determining floodway and floodfringe limits.

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
- B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; sizes, locations and layouts of all proposed and existing structures on the site; locations and elevations of streets, water supplies, and sanitary facilities; soil types and other pertinent information;
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- C. Transmit one copy of the information described in Subsections A and B to the Department regional office along with a written request for technical assistance to establish regional flood elevations and,

where applicable, floodway data. Where the provisions of § 342-25B(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

ARTICLE VI
Nonconforming Uses

§ 342-21. General.

- A. **Applicability.** If these standards conform with § 59.69(10), Wis. Stats., for counties or § 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.
- B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon shall conform to the applicable requirements of this chapter.
 - (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed values, the costs of all modifications or additions which have been permitted, and the percentages of the structures' total current values those modifications represent.
 - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 342-16B. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood-protection elevation are excluded from the 50% provisions of this subsection.
- C. **Damage and destruction.**
- (1) Except as provided in Subsection C(2), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- (2) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- D. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with § 342-12A, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § 342-29 are used.

§ 342-22. Floodway areas.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of § 342-21;
 - (3) Will not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to § 342-29, by means other than the use of fill, to the flood-protection elevation;
 - (5) If any part of the foundation below the flood-protection elevation is enclosed, the following standards shall apply:
 - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (b) The parts of the foundation located below the flood-protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood-protection elevation; and
 - (d) The use must be limited to parking or limited storage.
- B. No new on-site sewage disposal system or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.
- C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

§ 342-23. Floodfringe areas.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood-protection elevation in compliance with the standards for that particular use in § 342-16, except where § 342-23B is applicable.
- B. Where compliance with the provisions of Subsection A would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in § 342-27, may grant a variance from those provisions of Subsection A for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood-protection elevation may be permitted if: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two feet;
 - (5) Flood velocities will not exceed two feet per second; and
 - (6) The structure will not be used for storage of materials as described in § 342-16F.
- C. If neither the provisions of Subsection A or B above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed 60 square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- D. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- E. All new wells or addition to or replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE VII
Administration

§ 342-24. Administration of this chapter.

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under §§ 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this chapter.

§ 342-25. Zoning Administrator.

A. The Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions, such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - (c) Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
 - (d) All substantial damage assessment reports for floodplain structures.
- (5) Submit copies of the following items to the Department regional office:
 - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of any case-by-case analyses, and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken.
 - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments. Note: Information on conducting substantial damage assessments is available on the DNR website: <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>
- (6) Investigate, prepare reports, and report violations of this chapter to the Plan Commission and Municipal Attorney for prosecution. Copies of the reports shall also be sent to the Department regional office. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.**

III]

- (7) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- B. Land use permit. A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:
- (1) General information.
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification.
 - (2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot;
 - (b) Location of the ordinary high water mark of any abutting navigable waterways;
 - (c) Location of any structures with distances measured from the lot lines and street center lines;
 - (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (e) Location and elevation of existing or future access roads;
 - (f) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
 - (g) The elevations of the lowest floors of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article III or Article VI are met; and
 - (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 342-6. This may include any of the information noted in § 342-12A.
 - (3) Data requirements to analyze developments.
 - (a) The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in § 236, Wis. Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - [1] An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

- [2] A map showing location and details of vehicular access to lands outside the floodplain; and
- [3] A surface drainage plan showing how flood damage will be minimized.
- (b) The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.
- (4) Expiration. All permits issued under the authority of this chapter shall expire 365 days after issuance.
- C. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
 - (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of § 342-29.
- D. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

§ 342-26. Plan Commission.

- A. The Village of Iron Ridge Plan Commission shall:
 - (1) Oversee the functions of the office of the zoning administrator; and
 - (2) Review and advise the governing body on all proposed amendments to this chapter, maps and text.
- B. This Plan Commission shall not. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (1) Grant variances to the terms of this chapter in place of action by the Board of Appeals; or
 - (2) Amend the text or Zoning Maps in place of official action by the governing body.

§ 342-27. Board of Appeals. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

The Board of Appeals, created under § 59.694, Wis. Stats., for counties or § 62.23(7)(e), Wis. Stats.,

for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

A. Powers and duties. The Board of Appeals shall:

- (1) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (2) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.
- (3) Variances. Hear and decide, upon appeal, variances from this chapter's standards.

B. Appeals to the Board.

- (1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- (2) Notice and hearing for appeals including variances.
 - (a) Notice. The Board shall:
 - [1] Fix a reasonable time for the hearing;
 - [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - [3] Assure that notice shall be mailed to the parties in interest and the Department regional office at least 10 days in advance of the hearing.
 - (b) Hearing. Any party may appear in person or by agent. The Board shall:
 - [1] Resolve boundary disputes according to § 342-27C.
 - [2] Decide variance applications according to § 342-27D.
 - [3] Decide appeals of permit denials according to § 342-28.
- (3) Decision. The final decision regarding the appeal or variance application shall:
 - (a) Be made within a reasonable time;
 - (b) Be sent to the Department regional office within 10 days of the decision;
 - (c) Be a written determination signed by the Chairman or Secretary of the Board;
 - (d) State the specific facts which are the basis for the Board's decision;
 - (e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny

the variance application;

- (f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- C. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - (3) If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Article VIII.
- D. Variance.
- (1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of this chapter's provisions will cause unnecessary hardship;
 - (b) The hardship is due to adoption of this chapter and unique property conditions not common to adjacent lots or premises. In such case, this chapter or the map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this chapter in § 342-3.
 - (2) In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - (a) The variance may not cause any increase in the regional flood elevation;
 - (b) Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;
 - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this chapter.
 - (3) A variance shall not:
 - (a) Grant, extend or increase any use prohibited in the zoning district.
 - (b) Be granted for a hardship based solely on an economic gain or loss.
 - (c) Be granted for a hardship which is self-created.

- (d) Damage the rights or property values of other persons in the area.
 - (e) Allow actions without the amendments to this chapter or map(s) required in § 342-31.
 - (f) Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.
- (4) When a floodplain variance is granted, the Board shall notify the applicant, in writing, that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

§ 342-28. To review appeals of permit denials.

- A. The Plan Commission (§ 342-26) or Board shall review all data related to the appeal. This may include: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (1) Permit application data listed in § 342-25B.
 - (2) Floodway/floodfringe determination data in § 342-20.
 - (3) Data listed in § 342-12A(2) where the applicant has not submitted this information to the zoning administrator.
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- B. For appeals of all denied permits, the Board shall:
- (1) Follow the procedures of § 342-27;
 - (2) Consider Plan Commission recommendations; and **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation, the Board shall:
- (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reasons for denial exist.

§ 342-29. Floodproofing.

- A. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood-protection elevation.
- B. Floodproofing measures shall be designed to:
- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

- (2) Protect structures to the flood-protection elevation;
- (3) Anchor structures to foundations to resist flotation and lateral movement; and
- (4) Ensure that structural walls and floors are watertight to the flood-protection elevation, and the interior remains completely dry during flooding without human intervention.

C. Floodproofing measures could include:

- (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (2) Adding mass or weight to prevent flotation.
- (3) Placing essential utilities above the flood-protection elevation.
- (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (5) Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

§ 342-30. Public information.

- A. Place marks on structures to show the depth of inundation during the regional flood.
- B. All maps, engineering data and regulations shall be available and widely distributed.
- C. All real estate transfers should show what floodplain zoning district any real property is in.

ARTICLE VIII
Amendments

§ 342-31. General.

The governing body may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- A. Any change to the Official Floodplain Zoning Map, including the floodway line or boundary of any floodplain area.
- B. Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.
- C. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood-protection elevation and is contiguous to land lying outside the floodplain.
- D. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- E. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- F. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA. Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

§ 342-32. Procedures.

Amendments to this chapter may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats., for cities and villages, or § 59.69, Wis. Stats., for counties. Such petitions shall include all necessary data required by §§ 342-20 and 342-25B.

- A. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats., for cities and villages or § 59.69, Wis. Stats., for counties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. No amendments shall become effective until reviewed and approved by the Department.
- C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- D. For amendments in areas with no water surface profiles, the Plan Commission or Board shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. [See § 342-5D.] **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE IX
Enforcement and Penalties

§ 342-33. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

ARTICLE X
Terminology

§ 342-34. Word usage.

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

§ 342-35. Definitions.

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

A ZONES — Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ACCESSORY STRUCTURE OR USE — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT — Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING — See "structure."

BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

CAMPGROUND — Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.

CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS or CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK — An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DEVELOPMENT — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRY LAND ACCESS — A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT — Any fill, structure, equipment, building, use or development in the floodway.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A parcel of land divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY — The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD HAZARD BOUNDARY MAP — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM) — A map of a community on which the Federal Insurance and Mitigation Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

FLOOD INSURANCE STUDY — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- A. The overflow or rise of inland waters;
- B. The rapid accumulation or runoff of surface waters from any source;

- C. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- D. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD PROFILE — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")

FLOOD STORAGE — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODFRINGE — That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

FLOODPLAIN — Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND — A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT — Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPROOFING — Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOODWAY — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD DAMAGE POTENTIAL — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE — Any structure that is either:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

MANUFACTURED HOME — A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE RECREATIONAL VEHICLE — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MUNICIPALITY or MUNICIPAL — The Village of Iron Ridge, Dodge County, Wisconsin, or the governmental units enacting, administering and enforcing this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

NAVD or NORTH AMERICAN VERTICAL DATUM — Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood-protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

OBSTRUCTION TO FLOW — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map adopted and made part of this chapter as described in § 342-5B, which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH WATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING — That base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed

and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION — Has the meaning given in § 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

VARIANCE — An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this chapter.

VIOLATION — The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE PROFILE — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

IRON RIDGE CODE

Chapter 350

MOBILE HOME COMMUNITIES

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 2 of the 1986 Code. Amendments noted where applicable.]

ARTICLE I
Administration and Compliance

§ 350-1. Short title.

This chapter shall be known and may be cited as the "Village of Iron Ridge, Dodge County, Wisconsin, Mobile Home Community Code."

§ 350-2. Findings and policy.

- A. The Village Board, hereafter referred to as "governing body," of the Village of Iron Ridge, Dodge County, Wisconsin, hereinafter referred to as the "Village," finds that properly planned and operated mobile home communities:
- (1) Promote the safety and health of the residents of such communities and of other nearby communities;
 - (2) Encourage economical and orderly development of such communities and other nearby communities.
- B. It is, therefore, declared to be the policy of this Village to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the standards and regulations necessary to accomplish these purposes.

§ 350-3. Definitions.

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

ACCESSORY STRUCTURE — Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

BUILDING — A roofed structure erected for permanent use.

COMMON AREA — Any area or space designed for joint use of tenants occupying mobile home developments.

COMMON MANAGEMENT — The person who owns or has charge, care or control of the mobile home development.

COMMUNITY SYSTEM — (Water or Sewerage) A central system which serves all living units and is not publicly owned.

DENSITY — The number of mobile homes or mobile home stands per gross acre.

DRIVEWAY — A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.

DWELLING — Same as "living unit."

EASEMENT — A vested or acquired right to use land, other than as a tenant, for specific purposes; such right being held by someone other than the owner who holds title to the land.

ENFORCING AGENCY — The Village Board or other authorized representative of the Village charged with the duty to enforce the provisions of this chapter.

HOUSING — Living units, dwellings and/or other structures that shelter or cover.

LICENSE — A written document issued by the enforcing agency allowing a person to operate and

maintain a mobile home development under the provisions of this chapter.

LIVING UNIT — A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOT AREA — The total area reserved for exclusive use of the occupants of a mobile home.

LOT LINE — A line bounding the lot as shown on the accepted plot plan.

MOBILE HOME — A mobile home as defined by § 66.0435, Wis. Stats.

MOBILE HOME COMMUNITY — A mobile home development and related utilities and facilities, including the mobile home and all of the people living within the development.

MOBILE HOME DEVELOPMENT — A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of developments intended for the sale of individual lots or parcels for the placement of mobile homes shall not be included within the definition of a mobile home development, with the exception of § 350-10, and shall not be subject to the provisions of this chapter, but shall conform to other applicable land use control measures of the Village.

MOBILE HOME LOT — A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

MOBILE HOME STAND — That part of an individual mobile home lot which has been reserved for the placement of a mobile home.

OCCUPIED AREA — That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

PERMANENT BUILDING — A building, except a mobile home accessory structure.

PERMIT — A written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development.

PERSON — Any individual, firm, trust, partnership, public or private association or corporation.

PLAT — Any map, plan or chart of a city, Village, town, section or subdivision, indicating the location and boundaries of individual properties.

PLOT — A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or metes and bounds.

POWER SUPPLY ASSEMBLY — The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plugs, caps and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.

PRIVATE STREET — A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

PROPERTY — A plot with any buildings or other improvements located thereon.

PROPERTY LINE — A recorded boundary of a plot.

PUBLIC STREET — A public way which affords principal means of access to abutting properties.

PUBLIC SYSTEM — (Water or Sewerage) A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of a state.

RIGHTS-OF-WAY — The area, either public or private, over which the right of passage exists.

SERVICE BUILDING — A building housing toilet, lavatory and such other facilities as may be required by this regulation.

SERVICE EQUIPMENT — The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.

SEWER CONNECTION — A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.

SEWER RISER PIPE — That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SHALL — Indicates that which is required.

SHOULD — Indicates that which is recommended but not required.

SITE — A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or by metes and bounds.

WATER CONNECTION — A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

WATER RISER PIPE — That portion of the water supply system serving the mobile home development, which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

§ 350-4. Permits.

- A. Permit required. It shall be unlawful for any person to construct, alter or extend any mobile home development within the Village unless he holds a valid permit issued by the Village Board in the name of such person for the specific construction, alteration or extension proposed.
- B. Permit applications. All applications for permits shall contain the following:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the mobile home development.
 - (3) Complete engineering plans and specifications of the proposed development showing but not limited to the following:
 - (a) The area and dimensions of the tract of land;
 - (b) The number, locations, and sizes of all mobile home lots;
 - (c) The locations and widths of roadways and walkways;
 - (d) The locations of water and sewer lines and riser pipes;
 - (e) Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - (f) Plans and specifications of all buildings constructed or to be constructed within the mobile home development; and

- (g) The location and details of lighting and electrical systems.
- C. Fee. All applications shall be accompanied by the deposit of a fee of \$500. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Issuance of permit. When, after review and recommendation of the application by the Plan Commission, the Village Board is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.
- E. Denial of permit. Any person whose application for a permit under this chapter has been denied may request and shall be granted a hearing on the matter before the Village Board under the procedure provided by this chapter.

§ 350-5. Licenses.

- A. It shall be unlawful for any person to administer any mobile home community in the Village unless he holds a valid license issued annually by the Village Board in the name of such person for the specific mobile home community. All applications for licenses shall be made to the Village Board, who shall issue a license upon compliance by the applicant with provisions of this chapter.
- B. Every person holding a license shall give notice in writing to the Village Clerk within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home community. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home community. Upon application, in writing, for transfer of the license and payment of \$100, the license shall be transferred if the mobile home community is in compliance with the applicable provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by deposit of a fee of \$500 for each 50 spaces or fraction thereof, or a fee of \$1,000 for over 50 spaces up to a maximum of 100 spaces, and shall contain the name and address of the applicant, the location and legal description of the mobile home community, and showing all mobile home stands, structures, roads, and other service facilities. If the application is approved, the deposit fee shall be the first year's license fee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the Village Board under the procedure provided by § 350-7B of this chapter.
- E. Whenever, upon inspection of any mobile home community, the Plan Commission or Village Board finds that conditions or practices exist which are in violation of this chapter, the enforcing agency shall give notice in writing in accordance with § 350-7A to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Village Board, the license shall be suspended. At the end of such period, officials of the Village shall reinspect such mobile home community, and if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension such person shall immediately cease administration of such mobile home community except as provided in § 350-7B.

§ 350-6. Inspection.

- A. The Building Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.
- B. The authorized officials of the Village of Iron Ridge shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
- C. Village officials shall have the power to inspect the register containing a record of all residents of the mobile home community.
- D. It shall be the duty of every resident of a mobile home community to give the management thereof or his designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

§ 350-7. Notices, hearings and orders.

- A. Whenever the Village Board determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Village Board shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time for the performance of any act it requires;
 - (4) Be served upon the owner or his agent as the case may require, provided such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last-known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter shall take the remedial action required to effect compliance with the provisions of this chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to § 350-7A herein, the license or permit shall be subject to revocation or suspension pursuant to § 66.0435(2)(d), Wis. Stats. The holder of the license or permit shall be entitled to a public hearing on the issue of revocation or suspension; shall be given 10 days' notice in writing of such hearing; and shall be entitled to appear and be heard as to why such license shall not be revoked. The holder of such permit or license shall have such rights to appeal revocation or suspension of his permit or license as shall be provided by law.

§ 350-8. Exemptions or variances.

- A. Where the Village Board, after recommendation from the Plan Commission, finds that compliance with provisions of this chapter would result in exceptional or undue hardship, an exemption may be granted by the Village Board without impairing the intent and purpose of this chapter. The Village Board may waive or modify any requirement in these sections to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing, the intent and purpose of this chapter or the desirable general development of the community in accordance with

the master plan of the Village. Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time. Either a period of time hereinafter referred to as a "minimum period" not to exceed one year or a period of time hereinafter referred to as a "maximum period" not to exceed two years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the terrain of the site, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, unique hardships arising from a literal application of the terms of this chapter, and other similar factors.

- B. Such period shall begin after the Village Board has given notice of a certain and specific deviation from this chapter to the person to whom the permit or certification was issued.
- C. Gradual improvements to a higher degree of conformity shall be permitted, provided that there shall be complete conformity at the end of a period prescribed by the Village Board.

§ 350-9. Violations and penalties; severability.

- A. Except as otherwise specifically provided for herein, any person who violates any provision of this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$1,000 and pay the costs of prosecutions, and each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.
- B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this chapter.

§ 350-10. Location outside mobile home developments.

- A. Prohibition. Except as otherwise provided in this chapter, it shall be unlawful for any person to maintain or inhabit any mobile home or trailer outside of a licensed mobile home community/park complying with the requirements of this chapter on any street, alley, or highway, or other public place, or on any parcel of land owned by any person, firm or corporation within the Village of Iron Ridge, Dodge County, Wisconsin, provided that emergency or temporary stopping or parking is permitted on any street, alley or highway subject to other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations of the Village of Iron Ridge.
- B. Exception. This section shall not prevent the keeping of an automobile trailer or house car within the Village for not more than 72 hours, except as hereinafter provided, on condition that during such time adequate water supply and adequate toilets are available at all times to the occupants. This exception is especially intended to provide for occupants of automobile trailers and mobile homes, who may be guests of citizens where an adequate water supply and toilet facilities are available to the guests in the homes of their hosts, but in no case shall this exemption extend beyond the seventy-two-hour limitation. Any automobile trailer or mobile home which is parked in the Village merely for storage purposes shall also be excepted from this section. This section shall not prevent the parking of unoccupied mobile homes for the purposes of inspection and sales.
- C. Use of travel trailer as living quarters. No automobile trailer shall be used for living quarters upon any street, alley, or public way in the Village of Iron Ridge.
- D. Prohibited electrical connections. No person, firm, or corporation shall make any electrical connection for any trailer or mobile home to any building or other source of electricity without permit

and approval of the Electrical Inspector.

ARTICLE II
Development Standards

§ 350-11. General requirements.

- A. Urban service area. A mobile home development shall be located only upon property served by public sewer and water facilities.
- B. Park to be used for residential purposes only. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of the mobile home located on a mobile home stand and connected to the pertinent utilities.
- C. Land suitability. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other threats to the public health, safety and welfare, and no portion which would expose persons or property to hazards.

§ 350-12. Objectives.

Site planning improvements shall provide for:

- A. Facilities and amenities appropriate to the needs of the occupants.
- B. Safe, comfortable and sanitary use by the occupants under all weather conditions.
- C. Practical and efficient operation and maintenance of all facilities.

§ 350-13. Density.

- A. No mobile home shall be parked in a mobile home community outside of a designated space.
- B. The minimum size of a mobile home park shall be 10 acres.
- C. The maximum number of mobile homes per acre shall be 10.
- D. Minimum dimensions of a mobile home lot shall be 50 feet wide by 85 feet long.
- E. The spaces shall face or abut on a driveway of not less than 30 feet in width giving easy access from all units to a public street.

§ 350-14. Recreation area: public land dedication.

- A. All owners of mobile home developments shall dedicate to the Village of Iron Ridge land or fees in lieu of land, for park, school or other public uses, other than streets or drainage ways. The public land dedication shall in all respects comply with the requirements of Chapter 358, Subdivision of Land, of the Code of the Village of Iron Ridge.
- B. Whenever a tract of land to be developed into a mobile home community embraces all or any part of an arterial street, drainageway or other public way which has been designated in the master plan, or master plan component, of the Village of Iron Ridge, said public way shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan or

map.

§ 350-15. Required setbacks, buffer strips and screening.

- A. All mobile homes shall be located at least 40 feet from the exterior property boundary line except where greater distances are required by Village zoning regulations. All mobile homes shall be set back at least 25 feet from the right-of-way line of any internal public or private street system of the park (development).
- B. There shall be a minimum distance of 30 feet between the mobile home stand and the abutting street.
- C. All mobile home developments shall be provided with screening such as fences or natural growth having a minimum height of five feet along the property boundary line separating the development and adjacent land uses.

§ 350-16. Improvements.

Before final approval of any mobile home community located within the Village, the developer shall install street and utility improvements as hereinafter provided. The developer shall at the time of Village Board approval of the mobile home community development enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond meeting the approval of the Village Board or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be approved by the Village Board, as a guarantee that such improvements will be completed by the developer or his subcontractors not later than one year from the date of the approval of the mobile home community plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition, contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Village Board.

§ 350-17. Street arrangement.

- A. In any new mobile home community the street layout shall conform to the arrangement, width and location indicated on the master plan of the Village, or as determined by the Village Board and Village Engineer. In areas for which such plans have not been completed, the street layout shall recognize the functional, classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The mobile home community shall be designed so as to provide each lot with satisfactory access to a public street.
- B. "Collector streets," as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas in the mobile home community and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- C. "Minor streets," as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- D. "Proposed streets" shall extend to the boundary lines of the tract being developed unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension

is not necessary or desirable for the coordination of the layout of the mobile home community or for the advantageous development of the adjacent tracts.

- E. "Reserve strips" shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- F. "Street names" shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

§ 350-18. Limited-access highway and railroad right-of-way treatment.

Wherever the proposed mobile home community contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment.

- A. When lots within the proposed mobile home community back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted parcels but shall have the following restriction lettered on the face of the mobile home community plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- B. Streets parallel to a limited-access highways or railroad rights-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- C. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

§ 350-19. Street design standards.

The design standards for streets, street intersections, and blocks shall be as specified in Chapter 358, Subdivision of Land, of the Code of the Village of Iron Ridge.

§ 350-20. Lot size and dimension.

- A. Lot size. The size, shape, and orientation of lots shall be appropriate for the location of the mobile home development and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing site and a proper architectural setting for the use contemplated. The density requirements of § 350-13 shall be complied with.
- B. Lot line design. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow corporate boundary lines rather than cross them.
- C. Double frontage. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- D. Mobile home stands. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. Construction specifications of the mobile home stands shall be as determined by the Village Engineer. Anchors or tie-downs shall be provided, such as cast-

in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of at least 20 feet. Each device shall be able to adequately sustain the weight of the mobile home, its contents and inhabitants.

- E. Driveways. Paved drives, parking areas and walkways shall be provided on lots where necessary for convenient access to mobile homes. Such driveways shall comply with the provisions governing construction of driveways in this Code of Ordinances.
- F. Parking spaces. There shall be a minimum of two surfaced automobile parking spaces for each mobile home space.
- G. Corner lots. Corner lots shall have an extra width of 10 feet to permit adequate setbacks from side streets.

§ 350-21. Utility easements.

- A. Utilities. The Village Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers, and gas, water and other utility lines. All utilities shall be underground unless excepted by the Village Board.
- B. Drainage easements. Where a mobile home development is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Village Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Village Board; and parallel streets or parkways may be required in connection therewith. Where necessary stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Board.

§ 350-22. Required improvements.

- A. Survey monuments. Survey monuments, street grading, surfacing, curb and gutter and sidewalks shall comply with the provisions of Chapter 358, Subdivision of Land, of the Code of the Village of Iron Ridge.
- B. Sanitary sewage disposal systems.
 - (1) The mobile home community developer shall make adequate sewage disposal systems available to each lot with the mobile home park.
 - (2) Mobile home parks shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board and the Village Engineer.
- C. Stormwater drainage facilities. The developer shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets; storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and

specifications approved by the Village Board and the Village Engineer.

D. Water supply facilities.

- (1) The developer shall make adequate domestic water supplies available to each lot within the mobile home park.
- (2) Where public water service is available, the developer shall construct water mains in such a manner as to make adequate water service available to each lot within the mobile home community. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board and the Village Engineer.
- (3) If at the time of final platting, public water service is not available, but will become available within a period of five years from the date of the approval of the park, the Village Board may require the developer to install or cause to be installed water laterals to the street lot line.

E. Other utilities.

- (1) The developer shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the mobile home park. All new electrical distribution television cables, and telephone lines from which lots are individually served shall be underground unless the Village Board specifically allows overhead poles for the following reasons:
 - (a) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (b) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the mobile home park shall be approved by the Village.

F. Street lamps. The developer shall install ornamental streets lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Engineer and Village Board.

G. Street trees. The developer shall plant at least one tree of a species acceptable to the Village and of at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Village Board.

H. Erosion control. The developer shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented.

I. Partition fences. When the land included in the mobile home park abuts upon or is adjacent to land used for farming or grazing purposes, the developer shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the mobile home development

map.

- J. Street name signs and posts. The developer shall install or cause to be installed street name signs at all street intersections. Plans and specifications for the street name signs and posts shall be approved by the Village Board.

§ 350-23. Fire extinguishers required.

Each mobile home occupied as a place of human habitation under any of the provisions of this chapter shall be equipped with a fire extinguisher, conveniently attached thereto. Such extinguisher to be of one unit of fire protection capacity, and of a type suitable for extinguishing Class A or Class B fires, approved by the Fire Department.

§ 350-24. Compliance with Plumbing, Electrical and Building Codes.

All plumbing, electrical, building and other work done on or at any mobile home park licensed under this chapter shall be in accordance with the ordinances of the Village of Iron Ridge, and the requirements of the state plumbing, electrical and building codes and the regulations of the State Board of Health. Licenses and permits granted under this chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

§ 350-25. Trailer courts and campgrounds.

- A. The standards of this chapter for approval and maintenance of mobile home parks shall be applicable to trailer courts and campgrounds, where not inconsistent with this section.
- B. In granting a permit for the development or improvement of a trailer court or campgrounds, the Plan Commission and Village Board shall make the following determinations:
- (1) The minimum size of a travel trailer park or campground shall be five acres.
 - (2) The maximum number of travel trailers or campsites shall be 15 per acre.
 - (3) Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long.
 - (4) Each travel trailer site or campsite should be separated from other travel trailer spaces or camp spaces by a yard not less than 15 feet wide.
 - (5) There shall be two automobile parking spaces for each trailer site and one for each campsite.
 - (6) There shall be a minimum yard setback of 40 feet from all exterior lot lines of the travel trailer park or campground.
 - (7) It shall conform to the requirement of Chapter ATCP 79, Wisconsin Administrative Code, which shall apply until amended and then apply as amended. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE III
Community Maintenance Regulations

§ 350-26. Responsibilities of the management.

- A. The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The management shall notify the community residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
- C. The management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- D. The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community.
- E. The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the community.

§ 350-27. Responsibilities of the resident.

- A. The resident shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.
- B. The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management.
- C. Pets, if permitted in the community, shall be governed by appropriate Village ordinances.
- D. Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:
 - (1) The storage area shall be provided with a base of impervious material.
 - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - (3) The storage area shall be enclosed by skirting.
- E. The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.

§ 350-28. Accessory structures.

- A. Accessory structures remain as per definition dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structure shall be erected, constructed and occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable state or local standards and

as specified in this chapter.

- B. Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.
- C. Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.
- D. Construction and electrical installations shall comply with the applicable regulations of the municipality.
- E. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.
- F. Accessory buildings shall not exceed 600 square feet and there shall be no more than one per lot.

§ 350-29. Mobile home placement and anchorage.

- A. The mobile home shall be properly placed on its foundation and its stability shall be affirmed.
- B. The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices. Mobile homes shall be anchored in accordance with the minimum standards set out in the United States Department of Commerce, National Bureau of Standards, book known as "NBS Building Science Series 107, Soil and Rock Anchors for Mobile Homes - a State of the Art Report," issued October, 1979. The minimum standards recommended in Section 2.3 of that book shall apply, unless local conditions make it impossible to comply with those standards, in which case other techniques recommended elsewhere in the book shall apply.

§ 350-30. Solid waste handling.

- A. The storage, collection and disposal of refuse in the mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- B. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

§ 350-31. Insect and rodent control.

- A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Village.
- B. The mobile home community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- C. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
- D. Where the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

- E. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Chapter 358**SUBDIVISION OF LAND**

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 3, of the 1986 Code. Amendments noted where applicable.]

§ 358-1. Introduction and purpose.

- A. Introduction. In accordance with the authority granted by § 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Iron Ridge does hereby ordain as follows:
- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
 - (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- B. Purpose. The purpose of this chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the streets, to foster the orderly layout and use of land; to ensure safety from fire, flooding, panic and other dangers, to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population, to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village.

§ 358-2. Definitions.

The following definitions shall be applicable in this chapter.

ALLEY — A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET — A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.

COLLECTOR STREET — A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

COMMISSION — The Village Plan Commission created by the Board of Trustees of the Village of Iron Ridge pursuant to § 62.23 of the Wisconsin Statutes.

COMPREHENSIVE PLAN — The extensively developed plan, also called a "master plan," adopted by the Commission and certified to the Village Board pursuant to § 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the building line ordinances and capital improvement programs shall also be considered a part of the Comprehensive Plan.

COUNTY PLANNING AGENCY — The Committee created by the County Board of Supervisors pursuant to § 59.69 of the Wisconsin Statutes and authorized to plan land use within the county.

CUL-DE-SAC — A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND — Where the title of any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.

EASEMENT — The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1 1/2 miles of a fourth class city or a Village and within three miles of all other cities.

FRONTAGE STREET — A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip, or other facility for which the Village or Town may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET — A street of little or not continuity designed to provide access to abutting property and leading into collector streets.

LOT — A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

LOT AREA — The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.

LOT LINES — The peripheral boundaries of a lot as defined herein.

LOT WIDTH — The width of a parcel of land measured along the front building line.

LOT, CORNER — A lot abutting intersecting streets at their intersection.

LOT, REVERSED CORNER — A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

MAJOR THOROUGHFARE — A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkways, as well as arterial streets.

MARGINAL ACCESS STREET — A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.

MINOR STREET — A street used, or intended to be used, primarily for access to abutting properties.

MINOR SUBDIVISION — The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites.

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

PEDESTRIAN PATHWAY — A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

PLAT — The map, drawing or chart on which the subdivider's plan of subdivision is presented to the Village Board for approval.

REPLAT — The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

SHORELANDS — Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds, and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SUBDIVIDER — Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

SUBDIVISION — The division of a lot, outlot, parcel, or tract of land by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites; or where the act of division creates five or more parcels or building sites by successive division within a period of five years, whether done by the original owner or a successor owner.

WETLANDS — Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

§ 358-3. General provisions.

- A. Compliance. No person shall divide any land located within the jurisdictional limits of this chapter which results in a subdivision, land division, or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:
- (1) The provisions of Chapter 236 and § 82.18, Wis. Stats.
 - (2) The rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, for subdivisions not served by public sewer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) The rules of the Department of Transportation contained in Ch. Trans 233, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for floodplain management program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Village Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building, and official mapping ordinances.
- B. Jurisdiction. Jurisdiction of this chapter shall include all lands within the corporate limits of the

Village as well as the unincorporated area within 1 1/2 miles of the corporate limits as provided in §§ 236.10 and 62.32, Wis. Stats. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed 10 years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
- C. Certified survey. Any division of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.
- D. Permits. No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this chapter until the provisions and requirements of this chapter have been met.

§ 358-4. Procedure for submitting subdivisions.

- A. Preliminary meetings. Before filing a preliminary plat or certified survey, the subdivider is encouraged to consult with the Village Board for advice regarding general subdivision requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Preliminary plat review within the Village.
- (1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the application with the Village Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired.
 - (2) The Village Clerk shall, within two days after filing, transmit four copies to the County Planning Agency; two copies to the Department of Administration; additional copies to the Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for such service has not been made; and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as "objecting agencies." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (3) The Plan Commission, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected Village Boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Commission within 15 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and Comprehensive Plan components which affect it.

C. Preliminary plat approval within the Village. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)**]

- (1) The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Department of Administration shall have 30 days in which to act. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, or the Department of Administration fails to act within 30 days, it shall be deemed to have no objection to the plat.
- (2) The Commission, within 90 days of the date of filing of preliminary plat with the Village Clerk, shall approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Commission's permanent file.
- (3) Failure of the Plan Commission to act within 90 days shall constitute an approval.
- (4) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission at the time of its submission.

D. Final plat review within the Village.

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Village Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired.
- (2) The Village Clerk shall, within two days after filing, transmit four copies to the County Planning Agency; two copies to the Department of Administration; additional copies to the Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for service has not been made; and the original final plat and adequate copies to the Commission. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred

to as "objecting agencies." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (3) The Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, comprehensive plans and Comprehensive Plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the Village Board.
- E. Partial platting. The final plat may, if permitted by the Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time. Approval of a final plat shall be valid for only a portion of the preliminary plat for one year from the date of such final plat approval. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- F. Final plat approval within the Village.
- (1) The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Department of Administration shall have 30 days in which to act. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, or the Department of Administration fails to act within 30 days, it shall be deemed to have no objection to the plat. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat or may extend the time for submission of the final plat. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) The Commission shall, within 30 days of the date of filing of the final plat with the Village Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board.
 - (4) The Commission shall, when it determines to recommend approval, of a plat, give at least 10 days' prior written notice of its intention to the Clerk of any municipality within 1,000 feet of the plat.
 - (5) The Village Board shall, within 60 days of the date of filing the original final plat with the Village Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the final plat unless the Village Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days the timeframe prescribed in Subsection F(1) or, if filed, have been met. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (6) Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (7) Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the

Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered for record within 12 months after the date of the last approval of the plat and within 36 months after the first approval. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- (8) Copies. The subdivider shall file 10 copies of the final plat with the Village Clerk for distribution to the approving agencies and other affected agencies for their files.
- G. Plats within the extraterritorial plat approval jurisdiction.
- (1) When the land to be subdivided lies within 1 1/2 miles of the corporate limits of the Village, the subdivider shall proceed as specified in Subsections A through F except:
 - (2) Transmittal responsibility lies with the Village Clerk, Town Clerk or County Planning Agency to whomever the plat is first submitted; and the subdivider shall indicate which one in his application.
 - (3) Approved agencies include the Commission or Village Board, Town Board and the County Planning Agency; and the subdivider must comply with the land division ordinances of these agencies.
 - (4) Subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.
 - (5) All improvement requirements specified by the Town Board or any special improvement district in matters over which they have jurisdiction shall be met before filing of the final plat.

§ 358-5. Replat.

- A. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed as specified in Subsections A through G of § 358-4.
- B. The Village Clerk shall schedule a public hearing before the Commission when a preliminary plat of a replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

§ 358-6. Minor subdivisions.

- A. Certified survey required. When it is proposed to divide land into not more than four parcels or building sites, the subdivider may subdivide by use of a certified survey map.
- B. Letter of intent. The subdivider shall submit to the Village Clerk a letter of intent. The letter of intent shall specify:
 - (1) The name and address of the owner of the property under consideration.

- (2) The name and address of the subdivider.
 - (3) The name and address of the surveyor who will be doing the work.
 - (4) The names and addresses of all prospective buyers.
 - (5) The location and size of the property.
 - (6) The present use of the land.
 - (7) The intended future use of the land.
 - (8) The estimated timetable of development.
- C. Sketch map. Accompanying the letter of intent, for areas outside the floodplain, the subdivider shall submit a sketch map at a scale of one inch equals 200 feet or other appropriate scale. More than one sketch map may be used to show the required information, but they shall be of the same scale and no one map shall be larger than 8 1/2 inches by 11 inches. Each submission shall include all contiguously owned land, except the sketch need not show more than 20 times the area of the intended certified survey. This sketch map shall show the following information:
- (1) North arrow, date, and scale.
 - (2) Reference to a section corner.
 - (3) Approximate dimensions of the parcels and easements.
 - (4) The locations of existing buildings, water wells, sewerage systems, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Setback or building lines required by any approving agency.
 - (6) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.
- D. Floodplain areas. The Commission may require that two-foot contour maps prepared by a professional land surveyor or engineer be the basis of the sketch in floodplain areas. In addition, the information required above will also be required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- E. Proposed layout. The Plan Commission may require a proposed subdivision layout of all or part of the contiguously owned land, even though division is not planned at the time.
- F. Additional information. The Plan Commission may require contour maps and individual lot percolation tests and soil borings prior to tentative approval where limiting conditions are suspected.
- G. Tentative approval. The Plan Commission may grant tentative approval based on the letter of intent and sketch map pending submission of the certified survey map. Tentative approval shall assure final approval if the certified survey submitted within the six months is substantially the same plan and all requirements for division are met.
- H. Certified survey. The subdivider shall cause a certified survey map to be prepared in accordance with § 358-9 of this chapter and submit then 10 copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Village Clerk. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations,

comprehensive plans, and Comprehensive Plan components which affect it. The Commission shall approve, approve conditionally, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Commission shall cause the Village Clerk to so certify on the face of a copy of the map and return it to the submitter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- I. Recordation. The subdivider shall record the map with the County Register of Deeds within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map by Commission. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 358-7. Technical requirements for preliminary plats.

- A. General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a professional land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, scale and North point.
 - (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat, even though only a portion of said area is proposed for immediate development. The Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- B. Plat data. All preliminary plats shall show the following:
 - (1) Exact lengths and bearings 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) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracts and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
 - (5) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established center line elevations.

- (6) Location, size and invert elevation of any existing sanitary or storm sewer, culverts, and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to national map accuracy standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks clearly and completely described. Where in the judgment of the Commission undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom, at the date of the survey.
- (12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (14) Locations and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Ch. SPS 385 of the Wisconsin Administrative Code and delineation of areas with three-foot and six-foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (15) Locations and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Ch. SPS 385 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (16) Location, width and names of all proposed streets and public rights-of-ways, such as alleys and easements.
- (17) Approximate dimensions of all lots together with proposed lot and block numbers.
- (18) Locations and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

- (19) Approximate radii of all curves.
 - (20) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (22) Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- C. Soil and water conservation.
- (1) Erosion control. The Plan Commission upon determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications.
 - (2) Tree cutting. Tree cutting and shrubbery clearing shall not exceed 30% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve the improve scenic qualities; and during foliage, substantially screen any development from stream or lake users.
 - (3) Paths and trails. Paths and trails shall not exceed 10 feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
 - (4) Earth movements. Earth movements, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb natural fauna, flora, watercourse, water regimen and topography.
 - (5) Review. Review of such cutting, clearing and movement may be requested of the County Soil and Water Conservation District Supervisors, the state area Fish and Game Managers, and the state area Forester by the Commission as they deem appropriate.
- D. Street plans and profiles. The Plan Commission may require that the subdivider 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. All elevations shall be based upon the same datum as above and plans and profiles shall meet the approval of the Commission.
- E. Covenants. The Commission 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.
- F. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

§ 358-8. Technical requirements for final plats.

- A. General. A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20 of the Wisconsin Statutes. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Additional information. The plat shall show correctly on its face, in addition to the information required by § 236.20 of the Wisconsin Statutes, the following:
- (1) Exact street width along the line of any obliquely intersecting street.
 - (2) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, a vertical distance of two feet above the elevation of the maximum flood of record.
 - (3) Location of individual lot soil boring and percolation tests as required by Ch. SPS 385 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the plat. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (4) Railroad rights-of-way within and abutting the plat.
 - (5) Setbacks or building lines required by any approving or reviewing agency.
 - (6) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
 - (7) Special restrictions required by the Commission and other approving or objecting agency relating to access control along public ways, the provision of planting strips, or shorelands or floodlands.
 - (8) Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request in writing such information from the subdivider.
- C. Deed restrictions. The Commission may require the deed restrictions be filed with the final plat.
- D. Survey accuracy. A qualified person shall examine all final plats within the Village's jurisdiction and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
- E. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15 of the Wisconsin Statutes.
- F. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- G. Certificates. All final plats shall provide all the certificates required by § 236.21 of the Wisconsin

Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 358-9. Technical requirements for certified survey maps.

- A. General. A certified survey map prepared by a professional land surveyor shall be required for all minor subdivisions. The certified survey map and minor subdivision shall comply in all respects with the subdivision ordinances of the Village of Iron Ridge and requirements of § 236.34 of the Wisconsin Statutes. **[Amended by Ord. No. 3-1995 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Additional information. The map shall show correctly on its face, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following:
- (1) Date of map.
 - (2) Graphic scale.
 - (3) Name and address of the owner, subdivider and surveyor.
 - (4) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
 - (6) Acreage included in each parcel.
 - (7) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or, where such date is not available, a vertical distance of two feet above the elevation of the maximum flood of record.
 - (8) Location of individual lot soil boring and percolation tests, as required by Ch. SPS 385, Wis. Adm. Code, for all lots not served by public sewer. The results of the tests shall be submitted with the map. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (9) Setbacks or building lines required by any approving or reviewing agency.
 - (10) All lands reserved for future public acquisition.
 - (11) Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing, such information from the subdivider as information on shoreline and bottom characteristics.
- C. State plane coordinate system. Where the Map is located within a quarter corner section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners section relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

- D. Certificates. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The Commission, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- E. Recordation. The certified survey map shall only be recorded with the county register of deeds after the certificates of the Commission and the surveyor are placed on the face of the map.

§ 358-10. Design standards: streets.

- A. Compliance with statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of the code section are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the Official Map of the Village.
- C. Sufficient frontage. All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- D. Compliance with Official Map. Layout of streets shall conform to the Official Map.
- E. Areas not covered by Official Map. In areas not covered by the Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- F. Street classifications. Streets shall be classified as indicated below.
 - (1) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (2) Minor streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (3) Proposed streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for advantageous development of the adjacent tracts.
 - (4) Reserve strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.

- (5) Alleys. Alleys shall be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
 - (6) Arterial streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practical, continuous and in alignment with existing or planned streets with which they are to connect.
- G. Extraterritorial streets. Streets located in the extraterritorial plat jurisdiction of the Village of Iron Ridge must also comply with the minimum town road standards of § 82.50, Wis. Stats.
 - H. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be sub-divided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.
 - I. Minor streets. Minor streets shall be so laid out so as to discourage their use by through traffic.
 - J. Number of intersections. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
 - K. Frontage roads. Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
 - L. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
 - M. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
 - N. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
 - O. Street grades.
 - (1) Unless necessitated by exceptional topography subject to the approval of the Commission, the maximum center line grade of any street or public way shall not exceed the following:
 - (a) Arterial streets: 6%.
 - (b) Collector streets: 8%.

- (c) Minor streets, alleys and frontage streets: 10%.
 - (d) Pedestrianways: 12% unless steps of acceptable design are provided.
 - (e) The grade of any street shall in no case exceed 12% or be less than 0.5%.
- (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major streets, and 1/2 this minimum for all other streets.
- P. Radii of curvature. When a continuous street center line deflects at any one point by more than 10° , a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
- (1) Arterial streets and highways: 500 feet.
 - (2) Collector streets: 300 feet.
 - (3) Minor streets: 100 feet.
- Q. Vertical curves. All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to 30 times the algebraic difference in grade for major thoroughfares and 20 times this algebraic difference for all other streets.
- R. Half streets. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider. The platting of half streets should be avoided where possible.
- S. Street intersections.
- (1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (2) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
 - (3) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
 - (4) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
 - (5) Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- T. Limited-access highway and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a limited-access highway or railroad right-of-way, the design shall provide the following treatment:
- (1) Subdivision lots. When lots within the proposed subdivision back upon the right-of-way of an

existing or proposed limited-access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) Commercial and industrial districts. Commercial and industrial districts shall have provided, on each side of the limited-access highway or railroad, streets approximately parallel to and at a suitable from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited-access highway. Streets parallel to a limited-access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
- (5) Sales of land abutting on private way. No person shall sell any parcel of land of five acres or less in size if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser, in writing, of the fact that the road is not a public road and is not required to be maintained by town, county, or Village.

U. Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission.

V. Street design standards. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan, Comprehensive Plan component, Official Map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

- (1) Urban section.

Type of Street	ROW Width to Be Reserved (feet)	ROW Width to Be Dedicated (feet)	Pavement Width (Face of Curb to Face of Curb) (feet)
Arterial streets	120	80	Dual 36
Collector streets	80	80	48
Minor streets and culs-de-sac	60	60	36
Alleys	25	25	20
Pedestrianways	10	10	5
Frontage streets	50	50	32

(2) Rural section.

Type of Street	ROW Width to Be Reserved (feet)	ROW Width to Be Dedicated (feet)	Pavement Width (Face of Curb to Face of Curb) (feet)
Arterial streets	120	80	Dual 24, 10 outside shoulders 4 inside shoulders (20 median)
Collector streets	80	80	24, 10 outside shoulders 22, 8

- (a) Both urban and rural street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. The Commission may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than 150 feet (measured at the street setback line). If the average lot width is in excess of 150 feet, the subdivider may conform to the rural street section standards.
- (3) Culs-de-sac. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 40 feet.
- (4) Temporary dead-ends or culs-de-sac. All temporary dead-ends shall have a maximum length of 800 feet and a temporary cul-de-sac shall have a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 40 feet.
- W. Stream or lake shores. Stream or lake shores shall have 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by § 236.16(3) of the Wisconsin Statutes.

§ 358-11. Design standards: streets.

- A. Compliance with statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of the code section are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the Official Map of the Village.
- C. Sufficient frontage. All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- D. Compliance with Official Map. Layout of streets shall conform to the Official Map.
- E. Areas not covered by Official Map. In areas not covered by the Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed use of the land to be served

by such streets.

- F. Street classifications. Streets shall be classified as indicated below.
- (1) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (2) Minor streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (3) Proposed streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

§ 358-12. Design standards: block design.

- A. Length. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 600 feet in length.
- B. Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- C. Pedestrian pathways. Pedestrian pathways, not less than 10 feet wide, may be required by the Plan Commission through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- D. Trees. The Plan Commission may require that certain species of trees be planted on both sides of all streets.

§ 358-13. Design standards: lots.

- A. Sizes, shapes and orientations of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by Chapter 365, Zoning.
- B. Areas and dimensions of lots shall conform to the requirements of Chapter 365, Zoning, and in areas not served by sewer shall, in addition, conform to the requirements of the State Department of Safety and Professional Services and the County Sanitary Ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

- C. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- D. Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- E. Corner lots for residential use shall have extra width of 10 feet to permit building setback from both streets.
- F. Every lot shall abut or face a public street for a distance of at least 30 feet at the property line on a public street.
- G. Butt lots will be permitted by the Plan Commission only in exceptional cases.
- H. Side lot lines shall be substantially at right angles to or radial to abutting curved street lines. Lot lines shall follow municipal boundary lines rather than cross them.
- I. In case a tract is divided into parcels of more than 1 1/2 acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this chapter and with Chapter 365, Zoning.
- J. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- K. Widths of lots shall conform to the requirements of Chapter 365, Zoning, and in no case shall a lot be less than 60 feet in width at the building setback line.
- L. Lands lying between the meander line, established in accordance with § 236.20(2)(g) of the Wisconsin Statutes, and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, out-lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in § 236.16(4) of the Wisconsin Statutes.
- M. Setbacks.
 - (1) Where not controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as may be required by the Commission and shall be based on requirements set forth in this section.
 - (2) All residential lots shall have a setback from the front lot line of not less than 25 feet.
 - (3) Corner residential lots shall have a setback from the side street line of not less than 15 feet.

§ 358-14. Flood protection.

- A. Filling of all lots in each subdivision is required to a point not less than one foot below the flood protection elevation for the particular area as specified on the flood profile appended to Chapter 342, Floodplain Zoning.

- B. Areas to be filled shall also include all street rights-of-way and other, appropriate areas, such as park and open space lands, so that they bear a reasonable relationship to adjoining properties.

§ 358-15. Drainage system.

- A. Drainage system required. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the Village Engineer.
- B. Drainage system plans.
- (1) The subdivider shall submit to the Village Engineer and Plan Commission a report on the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream of below the proposed subdivision. The report shall also include:
 - (a) Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
 - (b) Quantities of flow at each inlet or culvert.
 - (c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.
- C. Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
- (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one or more of the following methods:
 - (a) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - (b) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - (c) Draining across rear or side lot lines may be permitted, provided that drainage onto

adjoining properties is skillfully controlled.

- (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of 2%, and provisions shall be made to prevent excessive drainage onto adjacent properties.
 - (4) The topsoil stripped by grading shall not be removed from the site and shall be uniformly spread over the lots when rough grading is finished.
- D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section.
- (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) Off-street drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.
- E. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally, ditches or channels with grades up to 1% shall be seeded; those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)

§ 358-16. Extra-size or off-site improvements.

- A. Design capacity. All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- B. Extra-size improvements. Where, in the opinion of the Planning Commission and ratified by the Village Board, improvements in excess of the size needed to service the proposed subdivision are required, the subdivider shall pay the total cost of improvements required to serve his subdivision. The additional costs of materials which result from the extra-size improvements are the responsibility of the Village and shall be reimbursed to the subdivider upon completion. Thus, when conditions within the whole drainage area will require eighteen-inch sanitary sewer, for the example, and a twelve-inch sewer will adequately service the subdivision involved, the subdivider shall construct the eighteen-inch utility and bill the Village for the difference in material costs between a twelve-inch and an eighteen-inch sewer pipe.
- C. Off-site extensions. When streets or utilities are not available at the boundary of proposed subdivision, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
 - (1) Extensions of utilities onto the property involved shall be adequate to serve the total

development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.

- (2) If the Village or its duly authorized representative finds that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land, and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
- D. Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board.

§ 358-17. Nonresidential subdivisions.

A. General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in Chapter 365, Zoning. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established in the Comprehensive Plan, the Official Map, and Chapter 365, Zoning.

B. Standards. In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the types and volumes of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water sewer and stormwater drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently

landscaped buffer strip when necessary.

- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

§ 358-18. Requirements and design standards for public improvements.

- A. Improvements completed. All improvements required under this chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Village Clerk for approval by the Plan Commission and Village Board. In lieu of construction of any of the public improvements, the owner may furnish a surety bond as provided in Subsection B of this section.
- B. Financing. Before a final plat is approved by the Plan Commission and Village Board, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:
 - (1) The subdivider shall pay for the cost of all improvements required in the subdivision by the Village Board and Plan Commission.
 - (2) Guaranteed completion of the required improvements within a two-year period.
 - (3) Payment by the subdivider for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.
 - (4) The Village may elect to install any of the required improvements under the terms of a cash escrow agreement.
 - (5) The performance bond or cash escrow agreement shall be equal to 1 1/4 times the Engineer's estimated cost of the required improvements.
 - (6) If the required improvements are not complete within the two-year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the bond period for an additional period not to exceed two years,
- C. Survey monuments. The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15 of the Wisconsin Statutes.
- D. Grading.
 - (1) Cut and filled lands shall be graded by the subdivider to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.
 - (2) After the installation of temporary block corner monuments by the subdivider and approval of street grades by the Commission, the subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Commission. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
 - (3) Where electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

- E. Surfacing. After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the Comprehensive Plan or Comprehensive Plan components of the Village. Said surfacing shall be done in accordance with plans and standard specifications approved by the Plan Commission.
- F. Curb and gutter. After the installation of all utility and stormwater drainage improvements, concrete curbs and gutters shall be constructed by the subdivider in accordance with plans and standard specifications approved by the Plan Commission. This requirement may be waived where a permanent rural street has been approved by the Commission. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- G. Rural street sections. When permanent rural street sections have been approved by the Plan Commission, the subdivider shall finish grading all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Commission.
- H. Sidewalks.
- (1) The subdivider shall construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Commission may permit the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of 100 feet or more fronting on said street and may waive the construction of sidewalks on collector and minor streets that serve lots having an average width of 150 feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Commission.
 - (2) Wider-than-standard sidewalks may be required by the Commission in the vicinity of schools, commercial areas and other places of public assemblage; and the Commission may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- I. Public sanitary sewerage and private sewage disposal systems.
- (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified in applicable ordinances. The Commission may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Commission.
 - (2) Subdivider shall assume the total cost of installing sanitary sewers of a sufficient size necessary to serve the proposed subdivision. If, in the opinion of the Plan Commission and ratified by the Village Board, sanitary sewer larger than eight inches in diameter is required for development outside of the proposed subdivision, then the excess cost of materials will either be borne by the Village or assessed against the total tributary drainage area. The Village will accept only sanitary sewer mains located in street rights-of-way, and any other exception must have prior

approval by both the Plan Commission and the Village Board before construction begins.

J. Stormwater drainage facilities.

- (1) The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels as required by the Plan Commission. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow. The type of facilities required, the design criteria, and the sizes and grades shall be determined by the Commission.
- (2) Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property; and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Plan Commission. Such facilities may, at the request of the Commission, include water retention structures and settling basins so as to prevent erosion and sedimentation.
- (3) Unpaved road ditches and street gutters shall be shaped and seeded or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices in accordance with plans approved by the Commission.
- (4) The subdivider shall assume the total cost of installing storm sewers of a sufficient size necessary to serve the proposed subdivision. If, in the opinion of the Plan Commission and ratified by the Village Board, storm sewer larger than 24 inches in diameter is required for development outside of the proposed subdivision, then the excess cost of materials will either be borne by the Village or assessed against the total tributary drainage area.

K. Public water supply facilities.

- (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Commission.
- (2) The subdivider shall assume the cost of installing all water mains eight inches in diameter or less in size. If greater than eight-inch diameter water mains are required, the excess cost of such mains over and above the cost of a eight inch main shall be borne by the Village. The Village will accept only mains located in street rights-of-way, and any other exception must have prior approval by both the Plan Commission and Village Board before construction begins.

L. Other utilities.

- (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
- (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and

transmission lines required to service the plat shall be approved by the Commission.

- M. Street lamps. The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Plan Commission.
- N. Street signs. The subdivider shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Plan Commission.
- O. Sediment control.
 - (1) The subdivider shall plant those grasses, trees, and vines, of a species and size specified by the Commission, necessary to prevent soil erosion and sedimentation.
 - (2) The Commission may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- P. Modification of improvements required. The Commission may waive or modify any requirement in this section in accordance with the provisions of § 358-23 of this chapter.

§ 358-19. Construction of required improvements.

- A. Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and the Plan Commission has given written authorization.
- B. Building permits. No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.
- C. Plans. The following plans and accompanying construction specifications may be required by the Plan Commission before construction or installation of improvements is authorized:
 - (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - (6) Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required.

- D. Inspection. The subdivider prior to commencing any work within the subdivision, shall make arrangements with the Plan Commission to provide for adequate inspection. Authorized inspectors shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.
- E. Erosion control.
- (1) The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Plan Commission.
 - (2) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - (3) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (4) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - (5) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
- F. Existing flora.
- (1) The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, soil absorption waste disposal areas, paths and trails.
 - (2) Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

§ 358-20. Fees.

- A. General. The subdivider shall pay the Village all fees as hereinafter required and at the times specified.
- B. Application fee. The subdivider shall pay a fee amounting to \$50 for each lot or parcel within the preliminary plat or certified survey to the Village Treasurer at the time of application for approval of any preliminary plat. This fee will assist in defraying the costs of review of the preliminary plat, final plat, and plans and specifications for improvements. This fee is nonrefundable. A reapplication of any preliminary plat or certified survey which has been previously reviewed will be subject to the original application fee requirements specified above. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- C. Inspection fee. The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for such inspection as the Plan Commission deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.
- D. Public site fee.

- (1) If the Plan Commission waives the requirement for dedication of public lands as provided in § 236.45(6), Wis. Stats., any fee imposed will be established following § 66.0617, Wis. Stats., procedure for impact fees. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) Public site fees shall be placed in a separate Service District Fund by the Village Treasurer to be used only for the acquisition of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.
- E. Engineering fee.
- (1) The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for all engineering work incurred by the Village in connection with the plat.
 - (2) Engineering work shall include the preparation of construction plans and standard specifications. The Commission may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
 - (3) Inspection, checking and reviewing work has fees provided for in Subsection C above.
- F. Administrative fee.
- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat.
 - (2) Legal work shall include the drafting of contracts between the Village and the subdivider.
- G. Modification of fees. The Plan Commission may waive or modify any requirement in this section in accordance with the provisions of § 358-23 of this chapter.

§ 358-21. Easements.

- A. Utility easements. The Plan Commission, on the recommendation of other appropriate agencies of the Village shall require utility easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- B. Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or
 - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary, to comply with this section;
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with

landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark, or in the absence of such specification, not less than 30 feet.

- C. Easement locations. Such easements shall be at least 12 feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

§ 358-22. Public sites and open spaces.

- A. Purpose. The requirements of this section are established to ensure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows. It has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.
- B. Design. In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan, if applicable, shall be made a part of the design. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and woodland, prairie and wetland plant and animal communities.
- C. Dedication of lands for streets and public ways. Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map of the Village of Iron Ridge, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in § 358-10 of this chapter.
- D. Dedication of lands for playgrounds, parks, public lands.
- (1) The subdivider shall designate on every new preliminary plat an area of land suitable for playground, park, or school purposes, and shall dedicate said lands to the public at the rate of one acre for each 26 proposed dwelling units; or the Plan Commission may waive the requirement for dedication of land, except when said dedication involves lands designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map of the Village of Iron Ridge. In lieu of dedication, the Plan Commission shall levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in § 358-20.
 - (2) Whenever proposed public lands other than streets or drainageways, designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map of the Village of Iron Ridge, is embraced, all or part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 26 proposed dwelling units; and said proposed public lands, other than streets or drainageways, in excess of the rate established shall be reserved for a period not to exceed two years unless extended by mutual agreement for purchase by the public agency

having jurisdiction; or all said proposed public lands, other than streets or drainageways, shall be reserved by the subdivider for a period not to exceed two years unless extended by mutual agreement for acquisition by the Village at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in § 358-20 of this chapter.

- (3) Proposed public lands designated in the Comprehensive Plan, Comprehensive Plan Component, or on the Official Map of the Village of Iron Ridge, lying outside the corporate limits of the Village but within the jurisdictional area of these regulations, shall be reserved for acquisition by the town or county at undeveloped land costs.

E. Development of area.

- (1) When parkland is dedicated, the subdivider is required to bring the dedicated land up to the contours established in the approved street and utility plans, topsoiled with a minimum of four inches of quality topsoil, seeded as specified by the Director of Public Works, fertilized with 16-6-6 fertilizer at the rate of seven pounds per 1,000 square feet and mulched as specified in the Standard Specifications for Road and Bridge Construction Section 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that subdivision unless otherwise authorized by the Plan Commission.
- (2) It shall be the duty of the Village to maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the sub-divided parcels, in which case he shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village.

§ 358-23. Variations and exceptions.

- A. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Commission may waive or modify any requirements to the extent deemed just and proper.
- B. The Plan Commission shall not grant variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

- C. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the community in accordance with the Comprehensive Plan or Comprehensive Plan Component of the Village. A three-fourths vote of the entire membership of the Plan Commission shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the Commission.
- D. The Plan Commission may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

§ 358-24. Enforcement; violations and penalties.

- A. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this chapter not of record as of the effective date of this Code until the provisions and requirements of this chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.
- B. Penalties.
 - (1) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$100 nor more than \$1,000 and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in § 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in § 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in § 236.32, Wis. Stats.
 - (5) Assessor's plat made under § 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e) 10 to 15 of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

IRON RIDGE CODE

Chapter 365

ZONING

[HISTORY: Adopted by the Village Board of the Village of Iron Ridge as Title 10, Ch. 1, of the 1986 Code. Amendments noted where applicable.]

ARTICLE I
Introduction

§ 365-1. Authority.

These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Statutes.

§ 365-2. Purpose.

The purpose of this chapter is to promote the health, safety, prosperity, aesthetics, and general welfare of the Village of Iron Ridge.

§ 365-3. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the sizes and locations of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's general plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 365-4. Abrogation and greater restrictions.

It is not intended by this chapter 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 laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 365-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 365-6. Severability.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

§ 365-7. Repeal.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

§ 365-8. Title.

This chapter shall be known as, referred to, or cited as the "Zoning Ordinance" or "Zoning Code," Village

of Iron Ridge, Wisconsin.

§ 365-9. Effective date.

This chapter shall be effective after a public hearing, adoption by the Village Board of the Village of Iron Ridge and publication or posting as provided by law.

ARTICLE II
General Provisions

§ 365-10. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Iron Ridge.

§ 365-11. Building permit.

- A. Applications for a building permit shall be made in duplicate to the Building Inspector on forms furnished by his office, and shall include the following where applicable:
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or contractor.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.
 - (3) Location sketch prepared by applicant if the subject site is part of a recorded subdivision or plat of survey prepared by registered land surveyor if subject site is not part of a recorded subdivision, showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; and existing and proposed street, side and rear yards.
 - (4) Additional information as may be required by the Village Plan Commission or Building Inspector.
 - (5) Fee receipt in the amount as specified in the Building Code or, if Building Code does not apply, \$25. **[Amended by Ord. No. 8-90 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Any application for a building permit shall be granted or denied in writing by the Building Inspector within 30 days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within six months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

§ 365-12. Certificate of zoning compliance.

- A. No building, or addition thereto, constructed after the effective date of this chapter and no addition, alteration, reconstruction, extension, enlargement, conversion, or structural alteration to a previously existing building shall be occupied or used for any purpose until a certificate of zoning compliance has been issued by the office of the Building Inspector. No change in a use shall be made until a certificate of zoning compliance has been issued by the office of the Building Inspector. Every certificate of zoning compliance shall state that the use or occupancy complies with all of the provisions of this chapter.
- B. Every application for a building permit shall be deemed an application for a certificate of zoning compliance. Every application for certificate of zoning compliance for a new use or change in use of

land or building shall be made directly to the office of the Building Inspector on forms provided by his office.

- C. No certificate of zoning compliance for a building, or portion thereof, constructed after the effective date of this chapter shall be issued until construction is substantially completed and the premises inspected and certified by the office of the Building Inspector to be in conformity with the plans and specifications upon which the building permit was issued.
- D. Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

§ 365-13. Site restrictions.

- A. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot except for planned area developments in accordance with the provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

§ 365-14. Dimensions of building sites.

- A. Area, width and side yard for lots not served by public sewer.
 - (1) Except as otherwise specifically required or permitted, the minimum lot area shall be 20,000 square feet and the minimum lot width 100 feet at the building line and 100 feet at the water's edge unless percolation rates require larger lot areas and widths pursuant to the rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (2) Except as otherwise specifically required or permitted, the minimum width of one side yard shall be 10 feet. The minimum aggregate width of both side yards shall be 25 feet. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of 40% of the lot width and a minimum width of one side yard of 40% of the aggregate.
- B. Area, width and side yard for lots served by public sewer.
 - (1) Except as otherwise specifically required or permitted, the minimum lot area shall be 10,000 square feet and the minimum lot width 60 feet at the building setback line and 60 feet at the water's edge. Minimum corner lot width shall be 70 feet.
 - (2) Except as otherwise specifically required or permitted, the minimum width of one side yard shall be eight feet. The minimum aggregate width of both side yards shall be 20 feet.

§ 365-15. Site plan approval.

- A. Site plan approval. All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in the R-1 and R-2 Residential or the A-G Agricultural District, shall require site plan approval by the Plan Commission in accordance with the requirements of this section.

- B. **Application.** An application for any such zoning permit shall be submitted to the Clerk in quadruplicate. The applicant shall also submit, in quadruplicate, a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.
- C. **Administration.** The Building Inspector shall make a preliminary review of the application and plans, and refer them, along with a report of his findings, to the Plan Commission within 10 days. The Plan Commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Commission to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 45 days of its receipt of the application, the Commission shall authorize the Building Inspector to issue or refuse a zoning permit. The Building Inspector shall then act on the permit within five days, in accordance with the recommendation of the Commission.
- D. **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- E. **Effect on municipal services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

§ 365-16. Site restrictions.

- A. **Site suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission in applying the provisions of the section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm,

modify, or withdraw its determination of unsuitability.

- B. Street frontage. All lots shall abut upon a public street, and each lot shall have a minimum street frontage and area as set forth in this Code of Ordinances.
- C. Dedicated street. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Principal structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned area developments in accordance with the provisions of this chapter.
- E. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1 1/2 horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- F. Establishment of grades. Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the established street grades, or with the existing street grades where none is established, with particular consideration for proper drainage and safe vehicular access.

§ 365-17. Use restrictions.

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Conditional uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission pursuant to Article IV of this chapter.
- C. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the Board of Appeals after review and recommendation by the Village Plan Commission, provided that such uses are similar in character to the principal uses existing in the district, and that no material detriment to adjoining property will result.
- D. Temporary uses. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Building Inspector through the issuance of a certificate of zoning compliance for a period not to exceed six months. This temporary certificate may be renewed semiannually but in no case shall the effective time span of the certificates exceed two years.
- E. Performance standards. Performance standards listed in Article IX shall be complied with by all uses in all districts.
- F. Mobile homes. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.

- G. Reduction or joint use. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- H. Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures include incidental repairs; storage, parking facilities, gardening, servant's quarters, itinerant agricultural laborers' and watchmen's quarters not for rent, private swimming pools, and private emergency shelters.

§ 365-18. Accessory structure. [Amended 4-5-2021 by Ord. No. 1-2021]

- A. Time of construction. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- B. Percentage of required rear yard occupied. No detached accessory structure or structures shall occupy more than 30% of the area of the required rear yard. Any accessory structure in a residential district which exceeds four automobile stalls or 800 square feet of floor area shall first obtain a conditional use permit.
- C. Height of accessory structures in required rear yards. No detached accessory structure located in a required rear yard shall exceed 15 feet in height.
- D. Location in residential districts.
 - (1) No accessory structure in a residential district shall be erected in any yard except a rear yard, and all accessory structures shall be located not less than six feet from all lot lines and from any other building or structure on the same lot; except as provided in Subsections E and F.
 - (2) When an accessory structure is a part of the main building or is substantially attached thereto or lies within 10 feet of an exterior wall of the main building, the side yard and rear yard requirements for the main building shall be applied to the accessory structures.
- E. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) That at least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- F. In commercial and manufacturing districts. All accessory structures shall be located no less than 10 feet from the rear lot line.

§ 365-19. Outside storage of firewood.

- A. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.
- B. Firewood should be neatly stacked and may not be stacked closer than two feet to any lot line and not

higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this section shall not include hedges and other vegetation. Firewood shall be stacked on a hard surface or be raised 10 inches to help prevent infestation by rats.

- C. All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- D. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of Chapter 248, Nuisances, Article VI, Public Nuisances, of the Code of the Village of Iron Ridge.
- E. Not more than 15% of the side or rear yard may be used for storage of firewood at any one time.

ARTICLE III
Zoning Districts

§ 365-20. Establishment of districts.

A. Districts. The Village of Iron Ridge is divided into the following eight zoning districts:

R-1	Residential District
R-2	Residential District
C-1	Central Commercial District
C-2	Highway Commercial District
I-1	Limited Industrial District
I-2	General Industrial District
A-G	Agricultural District
C-O	Conservancy District

B. District boundaries. The locations and boundaries of the zoning districts are shown on the Village Zoning Map, and referred to by reference as the Official Zoning Map, Iron Ridge, Wisconsin. This map, together with all explanatory matter and regulations thereon, is an integral part of this chapter. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Building Inspector and shall be available for public inspection. The map shall be certified by the Village President and attested by the Village Clerk. Any changes or amendments affecting district boundaries or explanatory matter shall be recorded on the map. No change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

C. Vacation of streets. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

D. Annexations. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the R-1 Residential District unless the annexation ordinance temporarily places the land in another district. Within 90 days of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

§ 365-21. Zoning Map.

A. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Village President and the Village Clerk and shall be available to the public in the office of the Village Clerk.

B. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

§ 365-22. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

§ 365-23. R-1 Residential District.

- A. Purpose. The district is primarily intended to provide a suitable environment for single family residential development.
- B. Lot size regulations. See § 365-14.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard: see § 365-14.
 - (3) Minimum rear yard: 25 feet.
- E. Permitted uses.
 - (1) Single-family dwellings.
 - (2) Forestry, open spaces.
 - (3) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
 - (4) Accessory structures, including private garages, parking spaces, and carports for vehicles, and other structures clearly incidental to the residential use of the property.
- F. Conditional uses.
 - (1) Churches, including those related structures located on the same site which are an integral part of the church proper, convents and homes of persons engaged in a religious function on the same site, provided no building shall be located nearer than 25 feet from any lot line.
 - (2) Professional offices, where such office is conducted solely by a member or members of the occupant family entirely within the residence and incidental to the residential use of the

premises. Not more than 25% of the floor area or only one story of a dwelling unit shall be occupied by such office. Not more than one non-family-member may be employed in such office. Only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of occupant of the premises shall be exhibited.

- (3) Truck gardening, nurseries and greenhouses, only for the propagation of plants.
- (4) Municipal buildings, except the following: garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions or asylums.
- (5) Home occupations subject to the following standards:
 - (a) The home occupation is secondary to the residential use of the premises and no more than 25% of the total floor area of the dwelling unit is devoted to such use.
 - (b) The home occupation is totally contained within the residence or accessory buildings and does not include any outside storage.
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal structure.
 - (d) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of such home occupation shall be met off the street.
 - (e) The use shall not involve the use of commercial vehicles in excess of a weight capacity of four tons for delivery of materials to or from the premises.
 - (f) No use shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district under normal circumstances wherein no home occupation exists.
 - (g) The home occupation shall employ no more than one nonresident employee.
- (6) Golf courses, country clubs, tennis clubs, public swimming pools and other similar recreational facilities. The principal structure for any of the above-listed uses shall be 100 feet or more from any abutting lot line in an R Zoning District, and any accessory structure shall be a minimum of 50 feet from any lot line.
- (7) Rest, nursing, rehabilitation, group foster homes and similar group homes.
- (8) Hospitals for human care and sanitariums, provided that all structures except fences shall be located 100 feet or more from the lot line of any abutting lot in an R-1 District.
- (9) Day-care center, when required to be licensed by an agency of the State of Wisconsin, where a person provides for compensation, care and maintenance for four or more infants at a location other than the child's own home or the home of relatives or guardians. In such a center, a play area of 75 square feet per child shall be provided within a fenced area, other than a front yard. Where three or fewer children are cared for and maintained, such operation shall be permitted as a home occupation.

- (10) Public and parochial schools, colleges, universities and dormitories, provided that no building shall be located nearer than 25 feet from any lot line.
- (11) Public utilities and public service uses as follows:
 - (a) Electric substations.
 - (b) Gas regulator stations.
 - (c) Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings or rights-of-way for switch, lead, or spur tracks.
 - (d) Sewerage system lift stations.
 - (e) Telephone exchanges, microwave relay towers and telephone transmission equipment buildings.
 - (f) Water pumping stations and water reservoirs.
 - (g) Community centers and libraries.
 - (h) Public emergency shelters.
 - (i) Parks and playgrounds.
- (12) Planned unit developments.
- (13) Two-family dwellings.
- (14) Cemeteries.

§ 365-24. R-2 Residential District.

- A. Purpose. This district is intended to provide a suitable environment for multifamily residential development.
- B. Lot size regulations.
 - (1) Minimum lot area shall be provided as follows:

Proposed Use Served by Public Sewer	
Multifamily Dwelling Units Containing:	Minimum Lot Area Per Dwelling Unit (square feet)
3 or more bedrooms	4,000
2 bedrooms	3,500
1 bedroom	3,000

Proposed Use Served by On-Site Sewage Disposal System	
Multifamily Dwelling Units Containing:	Minimum Lot Area Per Dwelling Unit (square feet)
3 or more bedrooms	12,000
2 bedrooms	10,000
1 bedroom	8,000

- (2) See § 365-14 for minimum lot area for uses other than multifamily dwellings.
- C. Minimum lot width. See § 365-14.
- D. Height regulations. Maximum height: 35 feet.
- E. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard: see § 365-14.
 - (3) Minimum rear yard: 25 feet.
- F. Permitted uses.
 - (1) Uses permitted in the R-1 Residential District.
 - (2) Duplexes.
- G. Conditional uses.
 - (1) Conditional uses listed in the R-1 Residential District.
 - (2) Mobile home parks.
 - (3) Multifamily dwellings, provided there shall be provided not less than 500 square feet of usable open space per dwelling unit plus 100 square feet of additional area for each additional bedroom over two in a dwelling unit.
 - (4) Home occupations subject to the following standards:
 - (a) The home occupation is secondary to the residential use of the premises.
 - (b) The home occupation is totally contained within the residence or accessory buildings and does not include any outside storage.
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign not exceeding eight square feet in area, nonilluminated and mounted flat against the wall of the principal building.
 - (d) The use may increase vehicular traffic flow and parking by no more than three additional vehicles at a time and any need for parking generated by the conduct of such home occupation shall be met off the street.

- (e) No use shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential use in the district under normal circumstances wherein no home occupation exists.
- (f) The home occupation shall not employ more than three nonresident employees.
- (g) Side-by-side single attached dwelling in a residential district.

[1] In granting a conditional use permit for side-by-side single attached dwellings in a residential district (zero lot lines), the following conditions must be met:

- [a] Side-by-side single-family attached structures are not to exceed four single-family living units with a common wall and lot line.
- [b] Each unit must maintain a minimum lot of 33 feet in width throughout the required lot area with a minimum lot area of 6,000 square feet provided for each dwelling unit.
- [c] All building, fire prevention area and yard requirements of the residential district apply excepting one common law lot line.
- [d] Each unit must have separate water and sanitary sewer service on all new construction.

[2] The owner of the property shall enter into a restrictive covenant in a form approved by the Village Attorney.

§ 365-25. C-1 Central Commercial District.

- A. Purpose. This district is intended to provide a suitable environment for commercial development associated with a central community location.
- B. Lot size regulations.
 - (1) Minimum area: none.
 - (2) Minimum width: none.
- C. Height regulations.
 - (1) Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: none.
 - (2) Minimum side yard: none, except same as any adjoining district.
 - (3) Minimum rear yard: 10 feet.
- E. Permitted uses.
 - (1) Banks and similar financial institutions.
 - (2) Business and professional offices and studios.

- (3) Dental and medical clinics.
- (4) Garages for storage of vehicles used in conjunction with permitted use.
- (5) Laundromats.
- (6) Restaurants and taverns.
- (7) Retail stores and shops offering convenience goods and services.
- (8) Food stores.
- (9) Community centers and libraries.
- (10) Department stores.
- (11) Funeral homes.
- (12) Furniture stores.
- (13) Furniture upholstery shops.
- (14) Heating and/or plumbing supply stores.
- (15) Emergency public shelters.
- (16) Laundry and dry-cleaning establishments.
- (17) Office supply stores.
- (18) Pawn shops.
- (19) Pet shops.
- (20) Print shops.
- (21) Private clubs, lodges and meeting places.
- (22) Secondhand stores.
- (23) Sign shops.
- (24) Publishing shops and offices.
- (25) Variety stores.
- (26) Veterinary clinics.
- (27) Dwelling, single-family, only as accessory to a principal use.
- (28) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
- (29) Municipal buildings except the following: garbage incinerators, public shops and storage yards, and penal or correctional institutions or asylums.

F. Conditional uses.

- (1) Parks and playgrounds.
- (2) Hotels.
- (3) Vehicle sales, service, washing and repair stations.
- (4) Lodging houses.
- (5) Planned unit developments.
- (6) Gas stations.
- (7) Churches, including those related structures located on the same site which are an integral part of the church proper, convents and homes of persons engaged in a religious function on the same site, provided no building shall be located nearer than 25 feet from any lot line.
- (8) Day-care center, when required to be licensed by an agency of the State of Wisconsin, where a person provides for compensation, care and maintenance for four or more infants at a location other than the child's own home or the home of relatives or guardians. In such a center, a play area of 75 square feet per child shall be provided within a fenced area other than a front yard. Where three or fewer children are cared for and maintained, such operation shall be permitted as a home occupation.
- (9) Public and parochial schools, colleges, universities and dormitories: no building shall be located nearer than 25 feet from any lot line.
- (10) Public transportation terminals, such as bus and rail depots.
- (11) Public and private parking garages and lots.
- (12) Commercial entertainment facilities.
- (13) Commercial recreation facilities, such as:
 - (a) Arcades.
 - (b) Bowling alleys.
 - (c) Dance halls.
 - (d) Gymnasiums.
 - (e) Marinas.
 - (f) Miniature golf.
 - (g) Physical culture.
 - (h) Pool and billiard halls.
 - (i) Turkish baths.
 - (j) Skating rinks.
 - (k) Theaters.
- (14) Dwelling, single-family, two-family, and such uses must meet the lot size requirements of the

R-2 Residential District. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

- (15) Multifamily dwellings and such uses must meet the requirements of the R-2 Residential District. **[Amended by Ord. No. 7-2006]**
- (16) Public utility and public service uses as follows:
- (a) Electric substations.
 - (b) Gas regulator stations.
 - (c) Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings or rights-of-way for switch, lead or spur tracks
 - (d) Sewerage system lift stations.
 - (e) Telephone exchanges and microwave relay towers equipment buildings.
 - (f) Water pumping stations and water reservoirs.
- (17) Service, cleaning or repair shops for personal, household, garden or farm equipment.

§ 365-26. C-2 Highway Commercial District.

- A. Purpose. This district is intended to provide a suitable environment for commercial development on relatively larger lots than the C-1 District, located outside of the central commercial area and generally associated with higher volume traffic arteries.
- B. Lot size regulations. See § 365-14.
- C. Height regulations. Maximum height: 35 feet.
- D. Yard and setback regulations.
- (1) Minimum front yard: 25 feet.
 - (2) Minimum rear yard: 10 feet.
 - (3) Minimum side yard: 10 feet.
- E. Permitted uses.
- (1) Uses permitted in the C-1 District.
 - (2) Dwelling, single-family, only as accessory to a principal use.
 - (3) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
 - (4) General farming, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
 - (5) Truck gardening, nurseries, and greenhouses only for the propagation of plants.
 - (6) Forestry, open spaces.

F. Conditional uses.

- (1) All conditional uses listed in the C-1 District.
- (2) Drive-in establishments serving food and/or beverages.
- (3) Drive-in theaters.
- (4) Motels.
- (5) Lumber yards.
- (6) Grain and feed mills.
- (7) Veterinary clinics and hospitals and animal boarding.
- (8) Truck terminals.
- (9) Agricultural and recreational machinery sales, storage, and repair.

§ 365-27. I-1 Limited Industrial District.

- A. Purpose. This district is intended to provide an area where manufacturing facilities which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare, and which operate entirely within enclosed structures and generate little industrial traffic can be compatibly located.
- B. Lot size regulations. See § 365-14.
- C. Height regulations.
 - (1) Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum rear yard: 40 feet.
 - (3) Minimum side yard: 40 feet.
- E. Permitted uses.
 - (1) Commercial greenhouses.
 - (2) Laboratories.
 - (3) Laundries.
 - (4) Printing and publishing houses and related activities.
 - (5) Public utility offices and installations.
 - (6) Manufacture, packaging, and assembly of products from paper and plastic, provided that the maximum lot coverage of all structures on the site shall not exceed 25% of the gross lot area.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

F. Conditional uses.

- (1) Blacksmithing.
- (2) General warehousing.
- (3) Manufacture, packaging and assembly of products from glass, leather, textile and wood, provided that the maximum lot coverage of all structures on the site shall not exceed 25% of the gross lot area.
- (4) Radio and television transmission towers.

§ 365-28. I-2 General Industrial District.

A. Purpose. This district is intended to provide a suitable environment for general industrial development.

B. Lot size regulations. See § 365-14.

C. Height regulations.

- (1) Maximum height: 35 feet.

D. Yard and setback regulations.

- (1) Minimum front yard: 25 feet.
- (2) Minimum rear yard: 40 feet.
- (3) Minimum side yard: 40 feet.

E. Permitted uses.

- (1) All structures associated with all permitted uses shall be located at least 40 feet from any residential zoning district boundary line.
- (2) Commercial bakeries producing products for resale off-premises.
- (3) Commercial greenhouses.
- (4) Distributors.
- (5) Manufacture and bottling of nonalcoholic beverages.
- (6) Trade and contractor's office.
- (7) Warehousing and wholesaling.
- (8) Utilities.
- (9) Truck terminals.
- (10) Gas stations.
- (11) Auto body repair.
- (12) Agricultural machinery sales and repair.

- (13) Office, storage, power supply and other such uses normally incidental to the principal use.
- (14) General farming, except farms operated for the disposal of sewage, rubbish, or offal, fur farms, stock farms and poultry farms.
- (15) Forestry; open spaces.
- (16) Machine shops.
- (17) Storage and sale of machinery and equipment.
- (18) Adult entertainment establishments as defined in § 365-31B.

F. Conditional uses.

- (1) Manufacture, fabrication, processing, packaging and packing of: Confections, Cosmetics, Electrical appliances, Electronic devices, Food, Jewelry, Instruments, Pharmaceuticals, Tobacco, Toiletries.
- (2) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, tobacco, wood.
- (3) Printing or publishing.
- (4) Airports, air strips and landing fields.
- (5) Animal hospitals or pounds.
- (6) Commercial service facilities, such as restaurants and fueling stations, if oriented towards serving the surrounding industrial uses.
- (7) Municipal buildings, except penal or correctional institutions or asylums.
- (8) Sewage disposal plants.
- (9) Contractors' storage yards.
- (10) Public passenger transportation terminals, such as heliports and bus and rail depots.
- (11) Community centers and libraries.
- (12) Fairgrounds.
- (13) Public emergency shelters.
- (14) Parks and playgrounds.
- (15) Public warehouses and storage yards.
- (16) Public garbage incinerators.
- (17) Manufacturing and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, cellulose, cement, cereals, charcoal, chemicals, chlorine, coal, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume,

pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, stove polish, textiles, and varnish.

- (18) Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast.
- (19) Animal reduction, bag cleaning, bleacheries, canneries, cold storage ware-houses, electric and steam generating plants, electroplating, enameling, forges, foundries, incinerators, junkyards, lacquering, lithographing, manufacture and bottling of alcoholic beverages, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries, weaving, wrecking yards, planned unit developments, farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms, mineral extraction, quarrying, utility shops, and grain and feed mills.

§ 365-29. A-G Agricultural District.

- A. Purpose. This district is intended to provide a suitable environment for agricultural practices.
- B. Lot size regulations.
 - (1) Minimum area: 10 acres.
 - (2) Minimum width: 150 feet.
- C. Height regulations.
 - (1) Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 50 feet.
 - (2) Minimum side yard: 30 feet.
 - (3) Minimum rear yard: 30 feet.
- E. Permitted uses.
 - (1) General farming and necessary appurtenant structures, except fur farms and farms operated for the disposal of garbage, rubbish, offal or sewage, stock farms and poultry farms.
 - (2) Truck gardening, nurseries and greenhouses only for the propagation of plants.
 - (3) Roadside stands for the sale of farm products.
 - (4) Dwelling, single-family and necessary appurtenant structures on any operating farm for occupancy by those employed in connection with the farm operation and their families.
 - (5) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
 - (6) Forestry, open space.
 - (7) Harvesting of wild crops.
- F. Conditional uses.

- (1) Those uses listed as conditional uses in the R-1 District.
- (2) Airports, airstrips and landing fields.
- (3) Kennels.
- (4) Mineral extraction, quarrying.
- (5) Fur farm.
- (6) Stock farms and poultry farms.
- (7) Radio and television towers.
- (8) Sanitary landfill.
- (9) Two-family dwelling.
- (10) Single-family dwelling.

§ 365-30. C-O Conservancy District.

- A. Purpose. This district is intended to protect natural resources. Generally, this district may include swamps, marshlands, river and lake shores and other land of natural aesthetic value.
- B. Lot size regulations. See § 365-14.
- C. Height regulations.
 - (1) Maximum height: 35 feet.
- D. Yard and setback regulations.
 - (1) Minimum front yard: 25 feet.
 - (2) Minimum side yard: see § 365-14.
 - (3) Minimum rear yard: 35 feet.
- E. Permitted uses.
 - (1) General farming, provided no drainage, filling or dredging takes place and no farm buildings are constructed.
 - (2) The harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
 - (3) Sustained yield forestry; open spaces.
 - (4) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
 - (5) Hunting and fishing.
 - (6) Preservation of scenic, historic and scientific areas; wildlife preserves.
 - (7) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and

other similar lowland animals, fowl or fish.

- (8) Hiking trails and bridle paths.
- (9) Public and private parks.

F. Conditional uses.

- (1) Filling, draining, dredging.
- (2) Nonresidential farm structures.
- (3) Dams, power plants, flowages.
- (4) Ponds.
- (5) Relocation of watercourses.
- (6) Removal of topsoil or peat.
- (7) Piers, docks, boathouses not for human occupancy.
- (8) Utilities.

§ 365-31. Adult entertainment establishments. [Added by Ord. No. 12-2006]

A. Purpose and findings.

- (1) Purpose. The purpose of this section is to regulate adult entertainment establishments in order to promote the health, safety, morals and general welfare of the citizens of the Village of Iron Ridge. The provisions of this section have neither the purpose nor effect of regulating obscenity or imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- (2) Findings. Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *Erie v. Pap's A.M.*, 529 U.S. 277 (2000), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *New York State Liquor Authority v. Bellanca*, 452 U.S. 714(1981), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003), *Ben's Bar v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003), *Blue Canary v. City of Milwaukee*, 251 F.3d 1121 (7th Cir. 2001), *Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980), *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000), *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996), *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997), *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996), *Northend Cinema, Inc. v. City of Seattle*, 585 P.2d 1153 (Wash. 1978), *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986), *Hang On, Inc. v. City of Arlington*, 65 F.3d 11248 (5th Cir. 1995); *East of the River Enterprises II v. City of Hudson*, 2000 Wis. App. Lexis 734 (Ct. App. Aug. 1, 2000); *East of the River Enterprises II v. City of Hudson*, 2000 WI App 116; *Urmanski v. Town of Bradley*, 2000 WI App 141 (2000) and on studies in other communities, including, but not limited to, Phoenix,

Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Dallas, Texas; Newport News, Virginia; Islip, New York; New York, New York; St. Croix County, Wisconsin; and Beaumont, Texas, which evidence the Board reasonably believes is relevant to the potential problems caused by the adverse secondary effects of sexually oriented businesses, the Board finds:

- (a) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (b) Certain employees of adult entertainments defined in this section as "adult theatres and cabarets" engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semiprivate booths or cubicles for viewing films, videos, DVDs or live sex shows.
- (d) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (e) Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, and trichomoniasis.
- (g) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; 253,448 in 1992; and 886,575 through 2002 (HIV/AIDS Surveillance Report, United States Health and Human Services Department, Center for Disease Control, 2003).
- (h) As of December 30, 2002, there have been 5,386 reported cases of AIDS and 8,233 reported cases of HIV infection in the State of Wisconsin. Review of Wisconsin HIV Case Surveillance Data, Wisconsin Department of Health and Family Services, September 30, 2003.
- (i) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the State of Wisconsin.
- (j) In the United States each year, 3,000,000 people are infected with chlamydia, 650,000 with gonorrhea, 70,000 with syphilis, 1,000,000 with herpes, 5,500,000 with human papillomavirus, 120,000 with hepatitis B, and 5,000,000 with trichomoniasis. Overall, the CDC estimates there are 15,000,000 new cases of sexually transmitted diseases each year. Tracking the Hidden Epidemics: Trends in STDs in the United States, United States Health and Human Services Department, Center for Disease Control, 2000.

- (k) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (l) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (m) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (n) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult-oriented films.
- (o) The consumption of alcoholic beverages on the premises of sexually oriented businesses is an explosive combination, one that can beget undesirable behavior and exacerbate the adverse secondary effects of such businesses on the community.
- (p) The findings noted in Subsection A(2)(a) through (o) raise substantial governmental concerns.
- (q) Adult entertainment establishments have operational characteristics which should be reasonably regulated in order to protect these substantial governmental concerns.
- (r) The general welfare, health, morals and safety of the citizens of the Village will be promoted by the enactment of this chapter.
- (s) It is not the intent of this section to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article I, Section 3 of the Wisconsin Constitution, but rather to enact time, place and manner regulations which address the compelling interests of the Village in mitigating the secondary effects of sexually oriented businesses.

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

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still- or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE —

- (1) A commercial establishment which has a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration of, any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, DVDs, or video or digital reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual

activities or specified anatomical areas; or

- (b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (3) Video stores that sell and/or rent only video tapes, DVDs or other photographic or computer generated reproductions, and associated equipment shall come within this definition if 20% or more of its stock-in-trade or revenues comes from the rental or sale of video tapes, DVDs, or other photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET — A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons appearing in:
 - (a) A state of nudity; or
 - (b) Attire that is limited to that which fully and opaquely covers human male or female genitals, pubic area, vulva, anus, anal cleft and cleavage, and the entire nipple and areola of the female breast.
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, DVDs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT ESTABLISHMENT — An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

ADULT MINI MOTION-PICTURE THEATER — An enclosed establishment with a capacity of fewer than 50 persons used for regularly featuring materials having as their dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

ADULT MOTEL — A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

or

- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — An enclosed "establishment" with a capacity of 50 or more persons where, for any form of consideration, films, motion pictures, video cassettes, DVDs, slides, or similar photographic reproductions are regularly featured which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity, or who displays specified anatomical areas, and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of Wisconsin or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (2) Where in order to participate in a class, a student must enroll at least three days in advance of the class; and
- (3) Where no more than one nude or model is on the premises at any one time.

NUDITY or A STATE OF NUDITY — The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of the entire nipple and areola, or the showing of the covered male genitals in a discernibly turgid state.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

REGULARLY FEATURES or REGULARLY FEATURING — That the content or activities that are described as being regularly featured by a adult entertainment establishment are the permanent focus of its business and are given special prominence by the business on a permanent basis.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

SPECIFIED ANATOMICAL AREAS —

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than fully and opaquely covered human genitals, pubic area, vulva, anus, anal cleft or cleavage, or the female breast with less than a fully opaque covering of the entire nipple and areola.

SPECIFIED SEXUAL ACTIVITIES — Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) and (2) of this definition above.

- C. Restrictions as to location. Adult entertainment establishments, as defined in § 365-31B of this chapter, are restricted as to location in the following manner in addition to any other requirements of this chapter:

- (1) An adult entertainment establishment shall not be located within 1,000 feet of a place of religious worship, school, park, playground, public libraries or athletic field or within 200 feet of any residential district.
- (2) The distances set forth in this section shall be measured from following a straight line, without regard to intervening buildings, between the two nearest points of the property in question, as measured on the Official Zoning Map of the Village of Iron Ridge.

- D. Restrictions on sale, use, consumption or possession of alcohol. The sale, use, consumption or possession of alcoholic beverages on the premises of an adult entertainment establishment is prohibited.

- E. Severability. If any section of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

- F. Activities not subject to this section.

- (1) This section shall not be construed to prohibit the following activities or products:
 - (a) Plays, operas, musicals or other dramatic works that are not obscene;
 - (b) Classes, seminars, or lectures which are held for a serious scientific or educational purpose and that are not obscene; and
 - (c) Exhibitions, performances, expressions or dances that are not obscene.
- (2) The provisions of this section are not intended to and do not prohibit the simulation of sex acts which are part of nonobscene expressions.

- (3) Whether or not an activity is obscene shall be judged by consideration of the following factors:
 - (a) Whether the average person applying contemporary community standards would find that the activity taken as a whole appeals to the prurient interest in sex; and
 - (b) Whether the activity depicts or describes sexual conduct in a patently offensive way, as measured against community standards; and
 - (c) Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

§ 365-32. House number display.

The Iron Ridge Village Board has determined that the health, safety and welfare of the residents of the Village of Iron Ridge would be better served by the establishment of a uniform Village-wide house number display system. This system will enable police agencies, ambulance services, fire services, public utilities, the postal service, Village officials and other necessary services to more rapidly identify and locate properties within the Village of Iron Ridge.

- A. Purpose. The purpose of this section is to establish a system within the Village of Iron Ridge whereby the addresses of all premises will be identified and to provide rules and guidelines to facilitate the enforcement thereof.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
 - (1) The term "premises" shall mean any lot or parcel of land owned by any person, firm or corporation, public or private, improved with building, whether occupied or unoccupied.
 - (2) The term "house number" shall mean the official number assigned that premises by the Village of Iron Ridge and recognized by the Dodge County 911 Public Safety Communications Center.
 - (3) The term "street or road name" shall refer to any official name as recognized by governmental agencies.
- C. Regulation and compliance.
 - (1) Every premises shall display the house number assigned to that premises by the Village of Iron Ridge and recognized by the Dodge County 911 Public Safety Communications Center. The individual digits shall be no less than three inches in height but are preferred to be at least four inches in height, shall be readable block-style or decorative letters/numbers and shall be in a contrasting color to the background. The house number shall be displayed in one of the following fashions:
 - (a) If the number is displayed on a house or other building, the number shall be placed on the front of the structure in such a position as to be plainly visible to all traffic coming to the premises from either direction.
 - (b) If a house or other building is more than 50 feet from the improved portion of the street or road or is not clearly visible from the street or road, the number shall be displayed on a sign adjacent to the street or road on which the property fronts. Such sign shall be attached to a fence or post at a height that assures that the number will not be obscured by winter snows or snowplowing.
 - (c) All house numbers must be visible and easily read from the sidewalk, roadway and curb

area.

- (2) All structures for which numbers are required shall display numbers promptly upon notification of the correct address from the Village of Iron Ridge. New structures shall display such numbers prior to occupancy if the structure is residential or immediately upon use of the building if the structure is commercial or industrial.
- D. Violation. Failure to display a house number within 90 days of the adoption of this section, or in the case of new construction prior to the issuance of a certificate of occupancy, shall be considered a violation of this section and shall be subject to penalties hereinafter provided.
- E. Penalties. If any person, firm or corporation is found to be in violation of the provisions of this section, the Iron Ridge Police Department will issue a written warning ordering the property owner to comply within 30 days from receipt of the letter. If the violation continues past the date stipulated in the written warning, the property owner shall be guilty of a misdemeanor subject to a fine of not more than \$100. Such fine shall be at the discretion of the court. Each and every day during which such violation continues shall be considered a separate and distinct violation hereof and may be charged and prosecuted as such. The above-specified penalty may be imposed for each such violation.

ARTICLE IV
Conditional Uses

§ 365-33. Statement of purpose.

The development and execution of this article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

§ 365-34. Authority of the Plan Commission; requirements.

- A. The Plan Commission, after a public hearing, shall, within a reasonable time, grant or deny any application for a conditional use. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled-access trafficways, and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed 60 days before taking final action.
- C. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- D. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

§ 365-35. Initiation of conditional use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located.

§ 365-36. Application for conditional use.

- A. Filing of application. An application for a conditional use shall be filed with the Building Inspector on a form prescribed by the Village. The application shall be accompanied by such plans and other information as may be prescribed by the Building Inspector, Village Board or the Plan Commission,

and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in § 365-39 hereinafter. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

- B. Application information. Applications for conditional use permits shall be made in duplicate to the Building Inspector on forms furnished by the Village and shall include the following: **[Amended by Ord. No. 3-2002]**
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a registered land surveyor showing all of the information required under § 365-11 for a building permit and, in addition, the following: mean and historic high-water lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.
 - (4) Additional information as may be required by the Plan Commission, Village Engineer, or Zoning, Building, Plumbing, or Health Inspectors.
 - (5) Fee receipt from the Clerk in the amount of \$175.
- C. Plans. In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (1) A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking area, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems, and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

§ 365-37. Hearing on application.

Upon receipt of the application and statement referred to in § 365-36 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time

to time.

§ 365-38. Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector, members of the Village Board and Plan Commission, and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least 10 days prior to the date of such public hearing.

§ 365-39. Standards.

No application for a conditional use shall be granted by the Plan Commission unless such Commission shall find all of the following conditions are present:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- G. That the proposed use does not violate floodplain regulations governing the site.
- H. That when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- I. That in addition in passing upon a conditional use permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution, including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.

- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

§ 365-40. Denial of application for conditional use permit.

When a conditional use application is denied, the Plan Commission shall furnish the applicant, in writing, when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

§ 365-41. Conditions and guarantees.

The following conditions shall apply to all conditional uses:

- A. Prior to the granting of any conditional use, the Plan Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in § 365-39 above. In all cases in which conditional uses are granted, the Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;

- (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking;
 - (18) Or any other requirements necessary to fulfill purpose and intent of this chapter.
- B. The Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- C. No alteration of a conditional use shall be permitted unless approved by the Plan Commission.

§ 365-42. Validity of conditional use permit.

- A. Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.
- B. Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses except as modified by this article.

§ 365-43. Complaints regarding conditional uses.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 365-39 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in § 365-38 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in § 365-39 or conditions previously imposed by the Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in Subsections A and B of § 365-39 will be met, the Plan Commission may revoke the subject conditional approval and direct the Building Inspector and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefor.

§ 365-44. Planned unit developments (PUDs).

- A. Planned Unit Developments (PUDs) are permitted as conditional uses in all zoning districts except the Conservancy District. PUD is intended to permit the development of planned developments containing not less than 10 contiguous acres under one ownership or control. Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.
- B. In granting a permit for the development of a PUD, the Plan Commission and Village Board shall make the following determinations:
- (1) That the overall population density shown on the PUD plan for residential and associated industrial and commercial uses shall not exceed an average density of 15 persons per acre. In computing population density, a factor of 3.7 persons shall be used per one family dwelling, 3.0 persons per garden-type apartment unit or townhouse and 1.5 persons per high rise apartment unit.
 - (2) Density requirements (lot area, width and yard requirements). The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
 - (3) That in computing average density on any final plan of a part of a PUD, which at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of 15 persons per acre of gross residential area in any final plan previously recorded may be included. In other words, as each successive final plan is submitted, the overall density of all areas shown on recorded final plans within the proposed PUD as approved by the Plan Commission and Village Board shall be recomputed so that the average population density of the developed areas within the recorded sections of the PUD shall never at any time in the history of the development exceed a density of 15 persons per acre.
 - (4) That the uses shall be as shown on the preliminary plans.
 - (5) That the locations of all structures and designated building envelopes shall be as shown on final plans. Building envelopes must be protected by adequate covenants running with the land, conveyances, or dedications.
 - (6) The proposed location and arrangement of structures shall not be detrimental to existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in the PUD. However, every single-family dwelling shall have access to a public street, court, walkway or other area dedicated to public use and no single-family dwelling (except a townhouse or semidetached dwelling) and no addition to any single-family dwelling shall be erected within a distance of less than 16 feet from any other single-family dwelling.
 - (7) That the owner has bonded himself and his contractors to make the required improvements within a reasonable length of time.

- C. The procedure for obtaining a permit for the development of a PUD shall be as outlined in this article for conditional use permits, except that the following requirements shall also apply:
- (1) The applicant shall provide proof that the site under consideration contains a minimum land area of not less than 10 acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this article shall apply except the minimum acreage requirement of 10 acres.
 - (2) The applicant shall furnish with his application for a conditional use permit 15 copies of a preliminary plan, prepared or certified by a surveyor or engineer showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.
 - (3) Following approval by the Plan Commission and Village Board of a preliminary plan, the applicant shall furnish 15 copies of a final plan of any section of not less than four acres of the land shown on the preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the state to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrianways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Village to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication shall have been approved by the Plan Commission and Village Board as being in conformity with this section and with any changes or requirements of the Plan Commission and Village Board on the preliminary plan, it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan except by an amended final plan submitted as provided for the original plan.

§ 365-45. Nonfarm residential uses in Agricultural District.

In granting a conditional use permit for nonfarm residential uses in the Agricultural District, the Plan Commission shall make the following determinations:

- A. That the proposed residential uses will not adversely affect agricultural operations in surrounding areas or be so situated that future inhabitants of such residences might be adversely affected by agricultural operations in surrounding areas.
- B. That the site(s) of the proposed residential uses are not well suited for agricultural use by virtue of wooded areas, topography, shape of parcel, soil characteristics, and similar factors.
- C. That the site(s) proposed for residential use is particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes or streams or other similar factors, proximity to school bus routes, traffic access and egress, established transportation routes, and adequacy of area schools to accommodate increased enrollment that might result from such development.

§ 365-46. Mineral extraction.

- A. Applications requesting Plan Commission approval of a proposed quarrying activity shall be accompanied by:
- (1) Operations description. A description of all phases of the contemplated operation, including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
 - (2) Legal description. A legal description of the proposed site.
 - (3) Topographic map. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.
 - (4) Restoration plan. A restoration plan as hereinafter required.
 - (5) Consideration of compatibility. In reviewing a proposal for a quarrying activity, the Plan Commission shall take into consideration:
 - (a) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
 - (b) The possibility of soil erosion as a result of the proposed operation.
 - (c) The most suitable land use for the area, and its effect on the land use in adjacent areas.
 - (6) Restoration plan and financial guarantee required. No grant to carry on a quarrying operation shall be given until the Plan Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional use permit or within six months after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Village Attorney.
 - (7) Conditions for approval. The Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.
 - (8) Duration of conditional grant. The initial grant to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for three additional years, subject to conditions specified by the Plan Commission.

ARTICLE V
Traffic, Parking and Access

§ 365-47. Traffic visibility.

- A. No obstructions, such as structures, parking or vegetation, shall be permitted between the heights of 2 1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.
- B. This regulation shall not apply to the trunks of trees and posts not over six inches square or in diameter.

§ 365-48. Loading requirements.

- A. Requirement. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- B. Size and location. Each loading space shall be not less than 12 feet in width, 35 feet in length, and have a minimum vertical clearance of 14 feet, and may occupy all or any part of any required yard.
- C. Required number of off-street loading spaces. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
School		1
Hospital	Under 10,000	None
	For 10,000 to 30,000	1
	For each additional 30,000 or major fraction thereof	1 additional
Funeral home		1
Office, hotel, retail	Under 10,000	None
Service, wholesale	From 10,000 to 25,000	1
Warehouse, manufacturing	From 25,000 to 40,000	2
Processing or repairing	From 40,000 to 60,000	3
	From 60,000 to 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

§ 365-49. Parking requirements.

In all districts except the Central Commercial District and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls

for all vehicles in accordance with the following:

- A. Access. Adequate access to a public street shall be provided for each parking space, and driveway openings shall be at least 10 feet wide for one- and two-family dwellings and a minimum of 24 feet for all other uses.
- B. Size. Size of each parking space shall be not less than 200 square feet exclusive of the space required for ingress and egress.
- C. Location. Location to be on the same lot as the principal use or not over 400 feet from the principal use. No commercial or industrial parking stall or driveway shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
- D. Surfacing. All off-street parking areas shall be graded and surfaced so as to minimize dust and be properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- E. Curbs. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- F. Number of stalls. Number of parking stalls required are shown in the following table: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Uses	Minimum Parking Required
One- and two-family dwellings and mobile homes	2 stalls for each dwelling unit
Multifamily dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 2 employees
Hospitals, dormitories, clubs, lodges, sororities, fraternities, lodging and boarding houses	1 stall for each 2 beds, plus 1 stall for each 2 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 2 beds, plus 1 stall for each 3 employees
Medial and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats, or 1 for each 90 linear inches of pew space
Elementary and junior high schools	2 stalls for each classroom, plus 1 for every 8 seats in auditoriums or assembly halls
High schools, colleges, universities and other institutions of higher learning	1 stall for every 6 students, plus 1 for each teacher, administrator and employee
Business, technical and trade schools	1 stall for each 5 students plus, 1 for each 2 employees
Automobile service stations	1 stall for each 2 employees plus 2 for each service bay

Uses	Minimum Parking Required
Restaurants, bars, clubs and lodges, places of entertainment, repair shops, retail and service stores	1 stall for each 100 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at 1 time, plus 1 for each motor vehicle used in the business
Financial institutions, business, government and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 50 square feet plus 1 stall for each vehicle used with the business
Bowling alleys	4 stalls for each alley

- G. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- H. Combined uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- I. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in §§ 101.13, 346.503, and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- J. Control. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory, or in the possession of the controller of the principal use to which the parking facilities are accessory. (Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the Register of Deeds of Dodge County, requiring such owner, his heirs, or assigns to maintain the required facilities for the duration of the use served.)
- K. Collective provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to.
- L. Design. The required number of parking areas shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be arranged and marked to provide for orderly and safe parking. Curbs and barriers shall be installed to prevent parked vehicles from extending over any lot lines or public ways.
- M. Maintenance. The owner of property used for parking shall maintain such area in good condition without holes, and free of dust, trash, and other debris.
- N. Lighting. Any off-street parking area with more than four parking spaces and which is intended to be used during nondaylight hours shall be properly illuminated to avoid accidents. Any lights used to

illuminate a parking lot shall be arranged as to reflect the light away from adjoining property.

§ 365-50. Driveways.

All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

- A. Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and six feet at all lot lines.
- B. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties, and a minimum of 16 feet wide at the property line for all other uses, but shall not exceed 24 feet at the property line and 30 feet at the curb opening.
- C. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter, or other place of public assembly.

§ 365-51. Highway access.

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of: expressways; nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (3) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- C. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- D. Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

ARTICLE VI

Modifications; Filling and Lagooning**§ 365-52. Modification of height limitations.**

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:

- A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- B. Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this chapter.
- C. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
- D. Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line.
- E. Agricultural structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- F. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.
- G. Small height additions. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks, and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than 25% of the area of the roof on which it is located, provided, further, that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

§ 365-53. Building setbacks.

In residential districts, except for corner lots, required setbacks may be modified in the following cases:

- A. Where 50% or more of the frontage on a block is occupied by residences having setbacks less than that required by this chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures, which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this chapter. The required street yards may be decreased to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet except in the R-2 District.

§ 365-54. Extensions of structures into required yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than three feet to any lot line.
- B. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two feet.
- C. Essential services, utility electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- D. Landscaping and vegetation are exempt from the yard requirements of this chapter, with the exception that any landscaping or vegetation shall be subject to the restrictions in § 365-47.

§ 365-55. Required buffer strips in industrial districts.

Where an industrial district abuts a residential district, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary a buffer strip not less than 40 feet in width, as measured at right angles to said lot line. Plant materials at least six feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district, shall be planted within the exterior 25 feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.

§ 365-56. Filling, grading and lagooning.

- A. Prohibition. Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life shall be prohibited.
- B. Filling and grading. A conditional use permit for filling and grading shall be required in the following instances:
 - (1) Any proposed grading or filling in a conservancy zoning district or of the bed of a navigable body of water. The Plan Commission shall evaluate the proposal for conformance with all applicable state and local regulations and may refer the proposal to any state or local governmental agency for advice and/or technical assistance.
 - (2) Any proposed grading or filling of any area which is within 300 feet horizontal distance of the high water mark of a navigable body of water and which has surface drainage toward the water and on which there is:
 - (a) Filling of more than 500 square feet of any wetland which is contiguous to the water.
 - (b) Filling or grading on slopes of 20% or more.
 - (c) Filling or grading of more than 1,000 square feet on slopes of 12% to 20% or less.
 - (d) Filling or grading of more than 2,000 square feet on slopes of 12% or less.

- (3) Any proposed grading or filling of an area of more than 2,000 square feet that would create or alter slopes of 10% or more.

C. Lagooning and dredging.

- (1) A conditional use permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet of the high water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed water-ways which are used for sediment retardation.
- (2) The Plan Commission shall evaluate each application and may request expert assistance from state, federal and local agencies.

D. Conditions attached to permit. In granting a conditional use permit for filling, grading, or lagooning the Plan Commission may attach the following conditions:

- (1) That the smallest amount of bare ground be exposed for the shortest time feasible.
- (2) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods to trap sediment be used.
- (4) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.
- (5) Fill is stabilized according to accepted engineering standards.
- (6) That fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- (7) Sides of a channel or artificial watercourse be stabilized to prevent slumping.
- (8) Sides of channels or artificial watercourse be constructed with slopes of two horizontal to one vertical or flatter, unless vertical bulkheads or riprapping are provided.

E. State agency permits. Any state agency permits shall be required as applicable and the granting of a conditional use permit by the Plan Commission shall not be regarded as necessarily satisfying state and/or local permit requirements.

ARTICLE VII

Signs**§ 365-57. Sign permit required.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in § 365-58 and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the Building Code.

§ 365-58. Signs excepted.

All signs are prohibited in all residential and agricultural districts except the following:

- A. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- B. Real estate signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- C. Name, occupation, and warning signs not to exceed two square feet located on the premises.
- D. Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.
- E. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- F. Official signs, such as traffic control, parking restrictions, information, and notices.
- G. Temporary signs or banners when authorized by the Plan Commission.

§ 365-59. Signs in business and industrial districts.

Signs are permitted in all C-1 and C-2 Districts and the I-2 General Industrial District, subject to the following restrictions:

- A. Signs prohibited in public ways. Except for traffic signs and signals, signs specifically permitted to project into the public way by this chapter, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. Except for signs projecting from business structures located on the front property line, any signs located upon, or encroaching upon, any public way shall be removed within one year of the adoption of this chapter. Permits for signs projecting into the right-of-way of any street shall be revocable as provided in § 86.04, Wis. Stats.
- B. Lighting. No sign shall be illuminated by intermittent, rotating or flashing lights.
- C. Ground signs. Ground signs will be permitted in lieu of signs mounted on building facades, subject to the size restrictions of the sign replaced, and must observe all applicable building setback lines, and shall not exceed 30 feet in height.
- D. Billboards on vacant lots. Vacant lots upon which billboards now exist shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.

- E. Signs projecting into street. No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend beyond the front face of curb.
- F. On-premises exterior signs.
 - (1) On-premises exterior signs are limited to two signs for each individual business premises which advertise the business name, services offered, or products sold. Total display area for all on-premises exterior signs shall not be greater than 50 square feet.
 - (2) No on-premises exterior sign shall exceed 20 feet in height above the mean center line street grade. All on-premises exterior signs shall meet all yard requirements for the district in which it is located.
- G. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface.
- H. Projecting signs fastened to, suspended from, or supported by structures shall not extend more than six feet into any required yard; shall be not less than 10 feet from all lot lines; and shall be not less than 10 feet above the sidewalk and not less than 15 above a driveway or an alley.
- I. Off-premises ground signs shall not be located within 50 feet of the existing or proposed right-of-way of any state or county trunk highway, or any town or Village road, measured horizontally along a line normal or perpendicular to the center of the right-of-way; and shall not be located within 1,000 feet of any other off-premises ground sign; shall not exceed 10 feet in height; and shall not exceed 100 square feet in display area on any one side nor 200 square feet in display area on all sides.
- J. Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- K. Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located and shall not exceed 50 square feet on all sides for anyone premises.
- L. Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare, and no sign shall have lighting of an intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- M. Obstruction of openings. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes or placed so as to interfere with any opening required for legal ventilation is prohibited.
- N. Street intersections. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- O. Height. No sign shall be erected above the roofline of a building or more than 30 feet from the ground.
- P. Billboards. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall not be permitted in any district.
- Q. Facing. No sign except those permitted in § 365-58 and in this section shall be permitted to face a residential district within 100 feet of such district boundary.

§ 365-60. Signs resembling traffic control devices.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

§ 365-61. Existing signs.

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of Article VIII shall apply.

ARTICLE VIII
Nonconforming Uses, Structures and Lots

§ 365-62. Existing nonconforming uses.

- A. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. Total lifetime structural repairs or alterations shall not exceed 50% of the Village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

§ 365-63. Abolishment or replacement.

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

§ 365-64. Existing nonconforming structures.

- A. The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location, does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. Additions and enlargements to existing nonconforming structures are permitted and shall conform with the required building setback lines along streets, water, and highways, and the yard, height, parking, loading and access provisions of this chapter. Existing nonconforming structures may be moved or may be reconstructed if damaged or destroyed by fire, explosion, flood or other calamity; and shall conform with the required building setback lines along streets and highways, and the yard, height, parking, loading and access provisions of this chapter. The provisions of this section with respect to additions or enlargements, reconstruction, and moving are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.
- C. Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 365-65. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

§ 365-66. Substandard lots.

A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter may be used as a building site for a single-family dwelling upon issuance of a building permit subject to the following conditions:

- A. Such use is permitted in the zoning district.
- B. The lot is on record in the County Register of Deeds Office prior to the effective date of this chapter.
- C. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this chapter.
- D. All the dimensional requirements of this chapter shall be complied with insofar as practical.
- E. The sanitary provisions of the County Sanitary Ordinance shall apply to those lots not served by public sewer.

ARTICLE IX
Performance Standards

§ 365-67. Compliance with performance standards.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

§ 365-68. Air pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Miners Information Circular 7718 in any industrial district.

§ 365-69. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

§ 365-70. Glare and heat.

Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building, in such a manner as not to create a public nuisance or hazard across lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Illumination which has its source in a manufacturing district shall in no case be permitted to exceed 0.1 footcandle in an adjoining residence district.

§ 365-71. Liquid or solid wastes.

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

§ 365-72. Noise.

- A. No activity shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
above 4,800	32

B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

§ 365-73. Odors.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises.

§ 365-74. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

§ 365-75. Vibration.

No activity in any district shall emit vibrations which are discernible without instruments outside its premises.

ARTICLE X

Fences and Hedges; Swimming Pools**§ 365-76. Definitions; fences and hedges.**

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

DECORATIVE FENCE — A fence not exceeding a height of 36 inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).

FENCE — Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include "decorative fence."

HEDGE — A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE — A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

RETAINING WALL — A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this section.

§ 365-77. Fence setback in residential districts.

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

§ 365-78. Fence standards.

- A. Residential fences are permitted in residential districts but shall not in any case exceed a height of six feet; shall not exceed a height of four feet in the street yard, and shall not be closer than two feet to any public right-of-way. Residential fences shall have a two-foot rear and side yard setback from a property line. **[Amended by Ord. No. 11-2006]**
- B. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type, similar to woven wire or wrought iron fencing.
- C. Prohibited fences. No fence shall be constructed which is a barbed wire fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or higher and project toward the fenced property and away from any public area.
- D. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

§ 365-79. Swimming pools; swimming pool fences.

- A. Permit required. No swimming pools shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit and without being in

conformity with the provisions of this chapter.

- B. Fencing required. Every person who owns, operates, uses, has custody or control of, or has the right to use any swimming pool located in the Village shall erect and maintain a fence or barriers around such swimming pool to prevent children from falling into such swimming pool subject to the following specifications:
- (1) Permanent pools shall be completely isolated from adjoining properties by a fifty-inch-high fence which must be constructed and maintained in good state of repair and appearances;
 - (2) Aboveground pools must have pool side walls or fencing completely surrounding it or a combination thereof which total a minimum of 40 inches in height above grade. Pools with access ladders must have ladders removed when not in use. Pools with decks must have lockable gates/doors to prevent access from the outside with the same forty-inch height guidelines followed. **[Amended by Ord. No. 3-2003]**
 - (3) Portable pools over one foot in depth must be drained, fenced, or covered and any ladders or equipment to gain access be removed in such a manner as to provide public safety after each day's use. **[Amended by Ord. No. 3-2003]**
- C. Location and yard requirements. No swimming pool shall be erected to the front or side of the residence of the owner or occupant of the premises connected therewith; no swimming pool shall be constructed on property which would make them incapable of conforming to present requirements.
- D. Restrictions on operation and maintenance. No private swimming pool shall be operated or maintained so as to create a nuisance, hazard, eyesore or otherwise result in a substantial adverse effect on neighboring properties or otherwise be detrimental to public health, safety and welfare. Any pool not meeting these requirements shall be removed and the yard brought back to grade. **[Amended by Ord. No. 3-2003]**
- E. Sanitation. A private swimming pool and its appurtenant facilities shall be kept clean and in sanitary condition. **[Amended by Ord. No. 3-2003]**

§ 365-80. Hedges.

The height and setback for hedges shall be the same as outlined for fences in §§ 365-77 and 365-78 hereof; provided, however, hedges three feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree area exists, within four feet of any street or alley. Hedges shall be trimmed and maintained.

§ 365-81. Temporary fences.

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in §§ 365-77 and 365-78. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.

§ 365-82. Nonconforming fences and hedges.

Any fence or hedge existing on the effective date of this Code of Ordinances and not in conformance with this article may be maintained, but no alteration, modification or improvement of same shall be permitted

unless as a result of such alteration, modification or improvement said fence shall comply with this section.

ARTICLE XI

Satellite Television Dishes; Antenna Towers

§ 365-83. Radio or television antenna towers.²⁸

- A. No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Village Board.
- B. No radio or television tower shall exceed a height of 20 feet above the roofline of the building on the property upon which the antenna is located or 60 feet above the ground measured at grade level, whichever is the minimum.
- C. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer; in cases of conflict, the stricter requirements shall govern.

28. Editor's Note: Original Sec. 10-1-120, Satellite earth stations, which immediately preceded this section, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. III).

ARTICLE XII
Administration

§ 365-84. Zoning Board of Appeals.

- A. Membership. The Zoning Board of Appeals shall be appointed pursuant to Chapter 22, Boards, Commissions and Committees, of the Code of the Village of Iron Ridge.
- B. Meetings and rules. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- C. Offices. The Village Board shall provide suitable offices for the Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.
- D. Appropriations. The Village Board shall appropriate funds to carry out the duties of the Board of Appeals and the Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- E. Jurisdiction and authority. The Board of Appeals shall have the jurisdiction and authority as specified in Chapter 22, Boards, Commissions and Committees, of the Code of the Village of Iron Ridge, and the Board of Zoning Appeals shall have the powers as expressed in § 62.23(7)(e)1 through 15 of the Wisconsin Statutes except that conditional uses shall be acted upon by the Plan Commission. Use Variances shall not be granted.

§ 365-85. Appeals to the Zoning Board of Appeals.

- A. Appeals and applications. Appeals from the decision of the Building Inspector concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:
 - (1) Name and address. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (2) Information. All information required for a building permit.
 - (3) Additional information. Additional information required by the Plan Commission, Board of Zoning Appeals or Building Inspector.
 - (4) Fee receipt. Fee receipt in the amount of \$15. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by

the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- C. Concurring vote. The concurring vote of four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility temporary, unclassified, or substituted use.

§ 365-86. Hearing of appeals and variances.

The Board of Appeals shall fix a reasonable time, not more than 30 days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. The Board or any of its officers it shall designate shall cause such hearings to be published in the Village's newspaper or newspapers.

§ 365-87. Powers of Zoning Board of Appeals.

In addition to these powers enumerated in Chapter 22, Boards, Commissions and Committees, of this Code and § 365-84 the Board of Zoning Appeals shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- B. Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- C. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- D. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- E. Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
- F. Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- G. Permits. The Board may reverse, affirm wholly or partly, or modify the requirements appealed from, and may issue or direct the issue of a permit.

§ 365-88. Variances.

- A. Purpose.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this chapter would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
 - (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law. The Board of Appeals shall apply the standards of § 365-87D.
 - (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- B. Application for variance. The application for variance shall be filed with the Clerk. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information: **[Amended by Ord. No. 11-2006 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required under § 365-11 for a building permit.
 - (5) Additional information required by the Plan Commission, Village Engineer, Board of Zoning Appeals, or Building Inspector.
 - (6) Fee receipt from the Clerk in the amount of \$75.
- C. Public hearing of application. The Board of Appeals shall conduct at least one public hearing on the proposed variance. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village of Iron Ridge, and shall give due notice to the parties in interest, the Building Inspector, and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Inspector and Plan Commission. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- D. Action of the Board of Appeals. For the Board to grant a variance, it must find that: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (1) Denial of variance may result in hardship to the property owner due to physiographical considerations. There must be exceptional, extraordinary, or unusual circumstances or

conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.

- (2) The conditions upon which a petition for a variance is based are unique to the property for which variance is being sought, and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variance will not be detrimental to the public welfare or injurious to the other property improvements in the neighborhood in which the property is located.
 - (5) The proposed variance will not undermine the spirit and general and specific purposes of this chapter.
- E. Conditions. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.
- F. Expiration. Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.
- G. Review by court of record. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

§ 365-89. Changes and amendments.

- A. Authority.
- (1) Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.
 - (2) Such change or amendment shall be subject to the review and recommendation of the Plan Commission and the appropriate Joint Extraterritorial Zoning Committee.
- B. Initiation. A change or amendment may be initiated by the Village Board, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following: **[Amended by Ord. No. 2-2002]**
- (1) Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning district, and the location and existing use of all property within 200 feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

- (3) Additional information required by the Plan Commission, Joint Extraterritorial Zoning Committee, or Village Board.
- (4) Fee receipt from the Clerk in the amount of \$325.

D. Recommendations.

- (1) The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.
- (2) The appropriate Joint Extraterritorial Zoning Committee and the Plan Commission shall review all proposed changes and amendments within the extraterritorial zoning jurisdiction, but only the members of the appropriate Joint Committee shall vote on matters relating to their zoning jurisdiction.

E. Hearings.

- (1) The Village Board shall hold a public hearing upon each recommendation, after publishing a Class 2 notice under Ch. 985, Wis. Stats., listing the time, place, and the changes or amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**
- (2) Prior to the Village Board hearing, the appropriate Joint Extraterritorial Zoning Committee shall hold a public hearing upon each proposed change or amendment within their zoning jurisdiction, giving at least 10 days' prior notice by publication at least three times during the preceding 30 days listing the time, place, and the changes or amendments proposed. The Joint Committee shall mail notice to the Clerk of the affected town.

F. Board's action.

- (1) Following such hearing and after careful consideration of the Plan Commission's and appropriate Joint Extraterritorial Zoning Committee's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.
- (2) The Plan Commission's recommendations may only be overruled by 3/4 of the full Village Board's membership.²⁹

§ 365-90. Violations and penalties.

Failure to comply with the provisions of this chapter shall be regarded as violation and any person who commits such violation shall be liable to a forfeiture of not less than \$50 or not more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned up to 90 days in the Dodge County Jail. Each day a violation is continued shall be considered a separate offense.

29. Editor's Note: Original Sec. 10-1-135(g), Protest, of the 1986 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

ARTICLE XIII
Storage and Parking of Recreational Vehicles

§ 365-91. Definitions.

For purposes of this article, the following definitions shall apply:

BOAT — Every description of watercraft used or capable of being used as a means of transportation on water.

MOBILE HOME — A structure, transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. "Length of a mobile home" means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, draw bars, couplings, hitches, wall and roof extensions, or other attachments. "Width of a mobile home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

RECREATIONAL VEHICLE — Any of the following:

- A. **TRAVEL TRAILER** — A vehicular, portable structure built on a chassis and on wheels; that is between 10 and 36 feet long, including the hitch, and eight feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses; and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
- B. **PICKUP COACH** — A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
- C. **MOTOR HOME** — A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
- D. **CAMPING TRAILER** — A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- E. **CHASSIS MOUNTS, MOTOR HOMES AND MINI MOTOR HOMES** — Recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- F. **CONVERTED AND CHOPPED VANS** — Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- G. **BOAT OR SNOWMOBILE TRAILER** — A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this article, is termed an "unmounted boat or snowmobile."

YARD, FRONT — That part of a lot between the front lot line and front(s) of the principal building on the lot, and extended to both side lot lines.

YARD, REAR — That part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.

YARD, SIDE — That part of a lot not surrounded by building and not in the front or rear yard.

§ 365-92. Permitted parking or storage of recreational vehicles.

In all residential and commercial districts provided for in this chapter, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:

- A. Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
- B. Parking is permitted outside in the side yard or rear yard, provided it is not nearer than five feet to the lot line.
- C. Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:
 - (1) Reasonable access.
 - (a) Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - (b) A corner lot is always deemed to have reasonable access to the rear yard.
 - (c) A fence is not necessarily deemed to prevent reasonable access.
 - (2) Inside parking is not possible.
 - (3) The unit is parked perpendicular to the front curb.
- D. The body of the recreational vehicle or boat must be at least 15 feet from the face of any curb.
- E. No part of the unit may extend over the public sidewalk or public right-of-way.
- F. Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - (1) Used for dwelling purposes, except for overnight sleeping for a maximum of 14 days in any one calendar year. Cooking is not permitted at any time.
 - (2) Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - (3) Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- G. Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- H. The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

ARTICLE XIV
Terminology

§ 365-93. Definitions; word usage.

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.

ABUTTING — Having a common property line or district line.

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure, and, in the case of a building, does not occupy more than 30% of the required rear yard.

ALLEY — A special public right-of-way affording only secondary access to abutting properties.

APARTMENT — A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

ARTERIAL STREET — A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

BASEMENT — That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-round living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.

BILLBOARD — An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.

BLOCK — A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.

BOARDINGHOUSE — A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding six persons and not open to transient customers.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

BUILDING AREA — The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

BUILDING HEIGHT — The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deckline of mansard roofs.

BUILDING INSPECTOR — The employee of the Village of Iron Ridge, Wisconsin, officially designated to administer Chapter 163, Building Construction, and this chapter. The Building Inspector is also referred to as the "Zoning Inspector."

BUILDING LINE, FRONT — A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

BUILDING, PRINCIPAL — A building in which is conducted the main use of the lot on which said

building is located.

BUSINESS — A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).

CANOPY or MARQUEE — A roof-like structure, of a permanent nature, which projects from the wall of a building.

CELLAR — A portion of a building located partly or wholly underground, and having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See "basement.")

CERTIFICATE OF OCCUPANCY — A written statement issued by the Zoning Inspector which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

CLINIC — A building used by a group of doctors or dentists for the examination or treatment of persons on an outpatient or nonboarding basis only.

CLOTHING REPAIR SHOPS — Shops where clothing is repaired, such as shoe repair shops, seamstresses, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five persons.

CLOTHING STORES — Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

CLUB — A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.

COLLECTOR HIGHWAY — Serves as a linkage between local roads and arterials. "High" collectors serve communities exceeding 200 population and significant recreational centers. "Low" collectors de-emphasize mobility and carry generally low traffic volumes.

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CONFORMING USE — Any lawful use of a building or lot which complies with the provisions of this chapter.

CORNER LOT — A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less measured on the lot side.

CURB GRADE — The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this chapter.

DWELLING — A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding- or lodging houses, motels, hotels, tents, cabins, or mobile homes.

DWELLING UNIT — One or more rooms designed as a unit for occupancy by not more than one family for living and sleeping purposes.

DWELLING, MULTIPLE — A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and group houses.

DWELLING, ONE-FAMILY — A detached building designed, arranged or used for, and occupied exclusively by one family.

DWELLING, TWO-FAMILY — A building designed, arranged or used for, or occupied exclusively by two families living independently of each other.

EFFICIENCY — A dwelling unit consisting of one principal room with no separate sleeping rooms.

EMERGENCY SHELTER — Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, floods, wind storms, riots, and invasions.

ESSENTIAL SERVICES — Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, lift stations, and hydrants, but not including buildings.

EXPRESSWAY — A divided principal or primary arterial highway with full or partial control of access and with or without grade separated intersections.

FAMILY — [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that five or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- (1) The group shares the entire dwelling unit.
- (2) The group lives and cooks together as a single housekeeping unit.
- (3) The group shares expenses for food, rent, utilities or other household expenses.
- (4) The group is permanent and stable and not transient or temporary in nature.
- (5) Any other factor reasonably related to whether the group is the functional equivalent of a family.

B. This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.

FARM — Land consisting of two or more acres on which produce, crops, livestock or flowers are grown primarily for off-premise consumption or use. General farming shall include floriculture; forest and game management; orchards, raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming and vegetable farming. General farming includes the operation of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

FLOOR AREA —

A. For residential uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.

B. For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

FREEWAY — An expressway with full control of access and with fully graded separated intersections.

FRONT YARD — A yard extending across the full width of the lot, the depth of which shall be the

minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

FRONTAGE — The smallest dimension of a lot abutting a public street measured along the street line.

FRONTAGE, LOT — The smallest dimension of a lot abutting a public street, measured along the street line.

GARAGE, PRIVATE — An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three automobiles, or not more than one automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one commercial vehicle, and in which space may be rented for not more than three vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one or more vehicles.

GIFT STORES — Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

HARDWARE STORES — Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

HOTEL — An establishment for transient guests having more than six sleeping rooms without individual cooking facilities.

HOUSEHOLD OCCUPATIONS — Any occupation or profession for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises. It shall include residences of babysitters, milliners, dressmakers, launderers, crafts and canners, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. It shall not exceed 25% of the gross floor area of the dwelling, nor include the display of goods visible from outside the premises.

INTERCHANGE — A grade separated intersection with one or more turning lanes for travel between intersection legs.

JOINT EXTRATERRITORIAL ZONING COMMITTEE — Any zoning committee established in accordance with § 62.23(7a), Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

JUNKYARD — An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

LIVING ROOMS — All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

LOADING AREA — A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOCAL HIGHWAY — Roads which are intended to move vehicles from individual parcels to the higher order road systems, and should not carry through traffic. Local roads carry low traffic volumes.

LOT — A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter.

LOT AREA — The total area in a horizontal plane within the peripheral boundaries of a lot.

LOT COVERAGE — The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

LOT LINES AND AREA — The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT WIDTH — The width of a parcel of land measured at the rear of the specified street yard.

LOT, CORNER — A lot abutting intersecting streets at their intersection.

LOT, REVERSED CORNER — A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both public streets shall be deemed front lot lines.

LOT, ZONING — A single tract of land located within a single block, which at time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

MACHINE SHOPS — Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

MINOR STRUCTURES — Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four feet in height.

MOBILE HOME — A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.

MOBILE HOME PARK — Any lot on which two or more mobile homes are parked for the purpose of temporary or permanent habitation.

MOTEL — A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.

NONCONFORMING USES OR STRUCTURES — Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NURSERY SCHOOL — Any building used routinely for the daytime care and education of pre-school-age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

NURSING HOME — Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

PARKING FACILITY/LOT — A structure or an open space other than a street or alley used for temporary parking of more than four self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE — A graded and surfaced area of not less than 200 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

PLANNED AREA DEVELOPMENT — A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.

PRIMARY ARTERIAL HIGHWAY — Serves long trips with high mobility. Connects regions or important cities. Serves communities with over 5,000 population by 1990. Continuous system in combination with principal arterials. Provides high level of service with only slight variation.

PRINCIPAL ARTERIAL HIGHWAY — Serves longest trips with highest mobility. Connects states, regions or metropolitan areas, serves cities with over 50,000 population by 1990. Continuous, interconnected system with uninterrupted maximum level of services.

PROFESSIONAL HOME OFFICES — Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed.

RAILROAD RIGHT-OF-WAY — A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAR YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

SETBACK — The minimum horizontal distance between the front lot line and a structure.

SHOPPING CENTER — A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See "planned area development.")

SIDE YARD — A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

SIGNS — Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

SMOKE UNIT — The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

STANDARD ARTERIAL HIGHWAY — Serves long trips with good mobility. Has intraregional and intercommunity connections. Serves communities with over 1,000 population. Is a generally continuous system in combination with principal and primary arterials. Provides good level of service under varying operating conditions.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than two feet above the floor of such story.

STREET — A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.

STREET YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

STRUCTURE — Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

TRAVEL TRAILER — A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of 4,500 pounds or a maximum length of 28 feet.

TURNING LANES — An existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade-separated interchange ramps.

USE — The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

UTILITIES — Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communications transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

YARD — An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

ZONING DISTRICT — An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING PERMIT — A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

Derivation Table

Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1986 Code have been included in the 2023 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1986 Code to 2023 Code.

KEY:

NCM	=	Not Code material (legislation is not general or permanent in nature).
N/A	=	Not applicable; was reserved in prior publication.
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. III.
NI	=	Not included in Code but saved from repeal.
NLP	=	New legislation is pending.

Chapter/Title From 1986 Code	Location in 2023 Code
Title 1, General Provisions	
Ch. 1, Use and Construction	
Secs. 1-1-1, 1-1-3, 1-1-4, 1-1-5 and 1-1-7, Title of Code; Citation; Conflict of Provisions; Separability of Provisions; Effective Date of Ordinances; Clerk to Maintain Copies of Documents Incorporated by Reference	NLP; see Ch. 1, Art. III
Sec. 1-1-2, Principles of Construction	Ch. 1, Art. I
Sec. 1-1-6, General Penalty	Ch. 1, Art. II
Ch. 2, Use of Citation	Ch. 29
Title 2, Government and Administration	
Ch. 1, Village Government and Elections	Ch. 43
Ch. 2, Village Board	Ch. 118
Ch. 3, Municipal Officers and Employees	Ch. 85
Ch. 4, Boards and Commissions	Ch. 22
Ch. 5, Finance	Ch. 62
Ch. 6, Special Assessments	Ch. 15
Ch. 7, Ethical Standards	Ch. 55

Chapter/Title From 1986 Code	Location in 2023 Code
Ch. 8, Review of Administrative Determinations	Ch. 8
Ch. 9, Public Records	Ch. 111
Ch. 10, Public Assistance	REP
Title 3, Public Safety	
Ch. 1, Law Enforcement	Ch. 92
Ch. 2, Fire Prevention	
Secs. 3-2-1, Fire Department Officially Recognized; 3-2-3, Police Power of the Department; Investigation of Fires; 3-2-5, Firemen May Enter Adjacent Property and 3-2-9, Equipment of Department	Ch. 68
Secs. 3-2-2, Impeding Fire Equipment Prohibited; 3-2-4, Damaging Fire Hose Prohibited; 3-2-6 through 3-2-8, Duty of Bystanders to Assist; Vehicles to Yield Right-of-Way; Interference with Use of Hydrants Prohibited	Ch. 208, Art. I
Sec. 3-2-10, Open Burning	Ch. 169
Sec. 3-2-11, Open Burning Device	Ch. 220
Ch. 3, Fire Prevention Code	Ch. 208, Art. II
Ch. 4, Lost, Abandoned and Surplus Property	Ch. 98
Ch. 5, Emergency Government	Ch. 49
Title 4, Public Works	
Ch. 1, Grades; Official Map	Ch. 289, Art. I
Ch. 2, Streets and Sidewalks	Ch. 289, Art. II
Ch. 3, Driveways	Ch. 195
Ch. 4, Trees and Shrubs	Ch. 296
Ch. 5, Regulation of Parks and Navigable Waters	Ch. 255
Title 5, Public Utilities	
Ch. 1, Miscellaneous Utilities Regulations	
Sec. 5-1-1, Repeal of Franchise to Operate a Cable Television System	Ch. A370
Sec. 5-1-2, Special Assessments for Sanitary Sewers	Ch. 270
Ch. 2, Water Utility Regulations and Rates	Ch. 322
Ch. 3, Sewer Utility Regulations and Rates	Ch. 270

Chapter/Title From 1986 Code	Location in 2023 Code
Ch. 4, Cable Television	Ch. A370
Title 6, Health and Sanitation	
Ch. 1, Health and Sanitation	Ch. 227
Ch. 2, Pollution Abatement	Ch. 261
Ch. 3, Refuse Disposal and Collection	
<p>Secs. 6-3-1, Title; 6-3-2, Declaration of Policy; 6-3-3, Statutory Authority; 6-3-4, Abrogation and Greater Restrictions; 6-3-5, Interpretation; 6-3-6, Severability; 6-3-7, Applicability; 6-3-8, Administration; 6-3-9, Effective Date; 6-3-10, Definitions; 6-3-11, Contractor, Hauler and Processor Requirements; 6-3-12, Prohibited Activities and Non-Collectable Materials; 6-3-13, Garbage Accumulation; When a Nuisance; 6-3-14, Solid Waste and Recyclables From Outside the Municipality; 6-3-15, Establish Fees; 6-3-16, Ownership of Solid Waste and Recyclables; 6-3-17, Collection Schedule; 6-3-18, Solid Waste and Recyclables Collection; 6-3-19, Mandatory Separation of Recyclable Materials; 6-3-20, Separation Requirements Exempted; 6-3-21, Care of Separated Recyclable Materials; 6-3-22, Management of Lead Acid Batteries, Major Appliances, Tires, Bulk Items, and Waste Oil; 6-3-23, Preparation of Recyclable Materials; 6-3-24, Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings and Nonresidential Facilities and Properties; 6-3-25, Prohibitions On Disposal of Recyclable Materials Separated for Recycling; 6-3-26, Enforcement; 6-3-27, Yard Waste and Brush Collection and Disposal; 6-3-28, Bulk Material Disposal; and 6-3-29, Composting and Compost Bins</p>	Ch. 282
Sec. 6-3-30, Local Government Purchasing of Recycled Content, Multiple Use and Durable Material, Equipment and Supplies. 16.72(2)(e) and (f), Wis. Stats	Ch. 102, Art. I
Title 7, Licensing and Regulation	
Ch. 1, Licensing of Dogs and/or Cats and Regulation of Animals	Ch. 150, Art. I
Ch. 2, Fermented Malt Beverages and Intoxicating Liquor	

Chapter/Title From 1986 Code	Location in 2023 Code
Art. A, Fermented Malt Beverages and Intoxicating Liquor	Ch. 138, Art. I
Art. B, Operator's License	Ch. 138, Art. II
Art. C, Penalties	Ch. 138, Art. III
Ch. 3, Pharmacists' Permits; Cigarette License	
Sec. 7-3-1, Pharmacists' Permits	REP
Sec. 7-3-2, Cigarette License	Ch. 176
Sec. 7-3-3, Soda Water Beverage License	REP
Ch. 4, Direct Sellers	Ch. 189
Ch. 5, Regulation and Licensing of Amusement Arcades	Ch. 144
Ch. 6, Mobile Homes	Ch. 241, Art. I
Ch. 7, Regulation and Licensing of Fireworks	Ch. 214
Ch. 8, Street Use Permits	Ch. 289, Art. III
Ch. 9, Day Care Centers and Nursery School	Ch. 183
Ch. 10, Regulation of Alarm Systems	Ch. 132
Ch. 11, Regulation of Nonmetallic Mining	Ch. 235
Title 8, Motor Vehicles and Traffic	
Ch. 1, Traffic and Parking	Ch. 313
Ch. 2, Bicycles	Ch. 157
Ch. 3, Snowmobiles	Ch. 276
Ch. 4, Abandoned and Junked Vehicles	Ch. 303
Secs. 8-4-1, Abandoned Vehicles: Definitions; 8-4-2, Removal and Impoundment of Vehicles; 8-4-3, Removal, Storage, Notice, or Reclamation of Abandoned Vehicles; 8-4-4, Disposal of Abandoned Vehicles; 8-4-5, Report of Sale or Disposal; 8-4-6, Owner Responsible for Impoundment and Disposal Costs; and 8-4-7, Conflict With Other Code Provisions	Ch. 303
Sec. 8-4-8, Junked Vehicles and Appliances	Ch. 227
Title 9, Offenses and Nuisances	Ch. 248
Title 10, Land Use Regulations	
Ch. 1, Zoning	Ch. 365
Ch. 2, Mobile Homes	Ch. 350

Chapter/Title From 1986 Code	Location in 2023 Code
Ch. 3, Subdivision Regulations	Ch. 358
Ch. 4, Building Code	Ch. 163
Ch. 5, Fair Housing	Ch. 202
Ch. 6, Grievances Regarding Access to Public Buildings by Handicapped Persons	Ch. 75
Title 11, Municipal Court; Municipal Judge	Superseded by Ord. No. 2-2023

Disposition List

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Village of Iron Ridge reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the 2023 publication of the Code was Ord. No. 04-2023, adopted April 3, 2023.

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).

Ord. No.	Adoption Date	Subject	Disposition
	4-6-2009	Floodplain Zoning	Ch. 342
2-2015	6-1-2015	Comprehensive Plan	Ch. 335
3-2015	10-5-2015	Vehicles and Traffic Amendment	Ch. 313
1-2016	9-1-2016	Vehicles and Traffic Amendment	Ch. 313
1-2017	4-3-2017	Vehicles and Traffic Amendment	Ch. 313
2-2017	8-28-2017	Alcoholic Beverages: Operators Licenses Amendment	Ch. 138, Art. II
1-2018	12-8-2018	Vehicles, All-Terrain and Utility-Terrain	Superseded by 2-2019
1-2019	1-7-2019	Vehicles and Traffic Amendment	Ch. 313
2-2019	5-6-2019	Vehicles, All-Terrain and Utility-Terrain	Ch. 309
3-2019	7-1-2019	Fire Department Amendment	Ch. 68
4-2019	11-4-2019	Building Construction Amendment	Ch. 163
5-2019	11-4-2019	Building Construction Amendment	Ch. 163
6-2019	12-2-2019	Sewer Utility Amendment	Ch. 270

Ord. No.	Adoption Date	Subject	Disposition
7-2019	1-6-2020	Sewer Utility Amendment	Ch. 270
1-2020	2-3-2020	Water Utility Amendment	Ch. 322
2-2020	2-3-2020	Streets and Sidewalks: Maintenance and Use of Streets and Sidewalks Amendment	Ch. 289, Art. II
3-2020	4-6-2020	Alcoholic Beverages: Operators Licenses Amendment	Ch. 138, Art. II
4-2020	8-3-2020	Building Construction Amendment	Ch. 163
4-2020	8-3-2020	Fair Housing Amendment	Ch. 202
1-2021	4-5-2021	Zoning Amendment	Ch. 365
2-2021	5-3-2021	Vehicles, All-Terrain and Utility-Terrain Amendment	Ch. 309
3-2021	8-30-2021	Water Utility Amendment	Ch. 322
1-2022	6-6-2022	Water Utility Amendment	Ch. 322
1-2023	2-6-2023	Vehicles, All-Terrain and Utility Terrain Amendment	Ch. 309
2-2023	2-6-2023	Joint Municipal Court Amendment	Ch. 36
3-2023	9-5-2023	Property Maintenance	Ch. 264
4-2023	4-3-2023	Alcoholic Beverages Amendment; Cigarettes and Tobacco Products Amendment	Ch. 138, Art. I; Ch. 176

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
1-2024	1-8-2024	General Provisions: Adoption of Code	Ch. 1, Art. III	2