

**TOWN OF ONALASKA
CODE OF ORDINANCES**

Adopted 2016

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Chapter 1 GENERAL PROVISIONS

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State Law reference— towns generally, Wis. Stats. ch. 60; general municipality law, Wis. Stats. § 66.0101 et seq.; village powers, Wis. Stat. § 60.22(3); penalties under county and municipal ordinances, Wis. Stat. § 66.0109; bond or cash deposit under municipal ordinances, Wis. Stat. § 66.0111; citations for certain ordinance violations; Wis. Stat. § 66.0113; actions for violation of ordinances, Wis. Stat. § 66.0114; outstanding unpaid forfeitures, Wis. Stat. § 66.0115; special inspection warrants, Wis. Stat. § 66.0119.

Sec. 1-1. Title; effective date; citation.

This Code shall be known as the "Code of Ordinances of the Town of Onalaska, La Crosse County, Wisconsin," and shall take effect from and after passage and publication.

State Law reference — Authority for codification of ordinances, Wis. Stats. § 66.0103; publication and posting of ordinances and resolutions, Wis. Stats. § 60.80.

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

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

Acts by agents. When a provision requires an act to be done that may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

Code. Whenever the term "Code" or "Code of Ordinances" is used without further qualification, it shall mean this Code as designated in section 1-1.

County. The term "county" means La Crosse County, Wisconsin.

Fine. The term "fine" shall be the equivalent of the term "forfeiture," and vice versa.

Following. The term "following" means next after.

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

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 this Code.

Joint authority. All terms purporting to give a joint authority to three or more town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.

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

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

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

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

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

Officers and employees. Whenever any officer or employee is referred to by title, such as, "town clerk" or "clerk," it shall be construed as if followed by the term, "of the Town of Onalaska, La Crosse County, Wisconsin."

Or, and. The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

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

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

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

Preceding. The term "preceding" means next before.

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

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

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

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

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

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

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

Town. The term "town" means the Town of Onalaska, La Crosse County, Wisconsin.

Town board, board and board of supervisors. The terms "town board," "board" and "board of supervisors" mean the board of supervisors of the Town of Onalaska, La Crosse County, Wisconsin.

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

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

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

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

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

Sec. 1-3. Conflict.

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (c) If any of the provisions hereof conflict, and the conflict cannot be resolved by the application of subsections (a) and (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

Sec. 1-4. Catchlines of sections.

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

Sec. 1-5. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.

Sec. 1-6. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-7. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-8. Provisions deemed continuations of existing ordinances.

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

Sec. 1-9. Effective date of ordinances.

- (a) Code. This Code shall take effect from and after passage and publication as provided by state law.
- (b) Subsequent ordinances. All ordinances passed by the town board subsequent to the adoption of this Code, except when otherwise specifically provided, shall take effect from and after their publication.

Sec. 1-10. Effect of adoption of Code; repeal and amendment of Code provisions.

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

- (a) Affect any obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the town has expressly reserved the right to revoke such obligation or liability.
- (b) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture that has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

Sec. 1-11. Amendments; language of amendments; new material; repeals.

- (a) All ordinances passed subsequent to this Code that amend, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, article, division, section, or subsection or any portion of a chapter, article, division, section, or subsection, such repealed portions may be excluded from the Code by omission from affected reprinted pages; and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be *prima facie* evidence of such

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subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the town board.

- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of Ordinances of the Town of Onalaska, La Crosse County, Wisconsin, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the Town of Onalaska, La Crosse County, Wisconsin, is amended by adding a section to be numbered _____, which section reads as follows:...." The new section may then be set out in full as desired.
- (d) All sections, divisions, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, division, article, or chapter number, as the case may be.

Sec. 1-12. Effect of amendments to Code.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town board to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to the town's Code shall be understood and intended to include such additions and amendments.

Sec. 1-13. Keeping Code current; reviser's amendments.

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

Sec. 1-14. Clerk to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation, or other written or printed matter, other than the state statutes or other sections of this Code, is adopted by reference, it shall be deemed incorporated in this Code, as if fully set forth in this Code. The clerk is directed and required to file, deposit, and keep in his office a copy of the Code, standard, rule, regulation, or other written or printed matter, as adopted.

Sec. 1-15. Reparability of Code provisions.

If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase or portion thereof. The town board declares that they would have passed this Code and each section, subsection, sentence, clause, phrase, or portion thereof; irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Sec. 1-16. Fees established by resolution; fee schedule.

Fees for permits, licenses, and other town services shall be as established from time to time by resolution or ordinance, as required by law, of the town board and set forth in the separate fee schedule adopted and maintained by the town. A copy of the fee schedule is available for inspection and copying in the office of the town clerk.

Sec. 1-17. Penalty provisions.

- (a) Penalty schedule. Penalties for violation of any provision of this Code that are not specifically addressed in the Code shall be subject to the general penalty schedule set forth in this section.
- (b) General penalty. Unless otherwise specifically provided in the penalty schedule referred to in subsection (a) of this section or in this Code, any person who violates any of the provisions of this Code shall, upon conviction, be subject to a penalty as follows:
 - (1) First offense; penalty. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 90 days and not exceeding the penalty authorized by statute.
 - (2) Second offense; penalty. For the second and all subsequent offenses of the same provision or ordinance within one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.
- (c) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (d) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

State Law reference— Authority of municipalities to prohibit criminal conduct, Wis. Stat. § 66.0107; penalty for violation of ordinances, Wis. Stat. § 66.0109; bail generally, Wis. Stat. § 66.0111; outstanding unpaid forfeitures, Wis. Stat. § 66.0115; actions for violations of municipal ordinances, Wis. Stat. § 66.0114; fines and costs in municipal court, Wis. Stat. § 814.65.

Chapter 2 ADMINISTRATION

ARTICLE I. - IN GENERAL

ARTICLE II. - TOWN BOARD OF SUPERVISORS

ARTICLE III. - OFFICERS AND EMPLOYEES

ARTICLE IV. - BOARDS AND COMMISSIONS

ARTICLE V. - FINANCE

ARTICLE VI. - PUBLIC RECORDS

ARTICLE VII. - ETHICS

State Law reference— Towns generally, Wis. Stats. § 60.01 et seq.; town meeting, Wis. Stats. § 60.10 et seq.; town board, Wis. Stats. § 60.20 et seq.; town officers and employees, Wis. Stats. § 60.30 et seq.; town finance, Wis. Stats. § 60.40 et seq.; municipal budget systems, Wis. Stats. § 65.01 et seq.; general municipality law, Wis. Stats. § 62.11 et seq.; municipal borrowing and municipal bonds, Wis. Stats. § 67.01 et seq.; municipal disposal of abandoned property, Wis. Stat. § 66.0139; local government purchasing, Wis. Stat. § 66.0131; municipal police and fire departments, Wis. Stat. § 62.13; municipal administrative procedures, Wis. Stats. § 68.001 et seq.

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government; town meetings.

Secs. 2-2—2-20. Reserved.

Sec. 2-1. Form of government; town meetings.

- (a) The town operates under the town system of government under Wis. Stats. ch. 60 (Wis. Stats. § 60.001 et seq.). The town board has the specific authority, powers and duties, pursuant to Wis. Stats. §§ 60.20, 60.22 and 60.23 and has, with authorization of the town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the town pursuant to Wis. Stat. § 60.10.
- (b) In addition, the town board has additional general specific statutory authority, powers and duties established beyond Wis. Stats. ch. 60 (Wis. Stats. § 60.001 et seq.).
- (c) In addition, the town has adopted specific authority to exercise powers conferred on villages pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3) and to engage in watershed protection and soil and water conservation activities as provided in Wis. Stat. § 60.10(2)(i).

Secs. 2-2—2-20. Reserved.

ARTICLE II. TOWN BOARD OF SUPERVISORS

Sec. 2-21. Members; terms.

Sec. 2-22. Compensation.

Sec. 2-23. Quorum of town board.

Sec. 2-24. Meetings of town board.

Sec. 2-25. General statutory authority, powers and duties of town board.

Sec. 2-26. Meeting dates and times; notice of meeting.

Sec. 2-27. Order of business.

Sec. 2-28. Presiding officer.

Sec. 2-29. Ordinances, resolutions and motions.

Sec. 2-30. General rules of procedure.

Sec. 2-31. Suspension of rules.

Sec. 2-32. Reimbursement of expenses.

Secs. 2-33—2-50. Reserved.

Sec. 2-21. Members; terms.

The town board shall consist of five members. Four members shall be known as town supervisors and one member shall be known as the town chairperson or town chair. Board members shall serve for terms of two years. The town shall elect 3 supervisors in odd-numbered years and 2 supervisors in even-numbered years.

[Editor's note: the town meeting of electors has adopted the election of supervisors to numbered seats. See Wis. Stat. §§ 60.10(1)(c)1 & 5.60(6).]

State Law reference — Size of the town board, Wis. Stat. § 60.21, Election of town officials, Wis. Stat. § 60.30(1); terms, Wis. Stat. § 60.30(4); town board chairperson as presiding officer, Wis. Stat. § 60.13.

Sec. 2-22. Compensation.

Town board members shall receive an annual salary, a per diem compensation for each day or part of a day necessarily devoted to the service of the town and the discharge of duties, or any combination of the two as established by the electors at a town meeting.

State Law reference — Compensation of elected town officials, Wis. Stat. § 60.32.

Sec. 2-23. Quorum of town board.

A legal quorum of a town board is a majority of its members. The current town board consists of five members, and three members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the town board.

State Law reference — Quorum of town board, Wis. Stat. § 60.20(2).

Sec. 2-24. Meetings of town board.

A meeting of the town board may be held within the town or in any other town, city or village in the same county or in an adjoining county subject to the open meeting provisions of Wis. Stats. § 19.81 et seq.

State Law reference — Meetings of town board, Wis. Stat. § 60.20(3).

Sec. 2-25. General statutory authority, powers and duties of town board.

The town board shall have all those powers and duties provided in Wis. Stats. §§ 60.22 and 60.23 and such other powers and duties as may be delegated from time to time by state statute. In addition, the town has adopted specific authority to exercise powers conferred on villages pursuant to Wis. Stat. § 60.10(2)(c) and to engage in watershed protection and soil and water conservation activities as provided in Wis. Stat. § 60.10(2)(i).

(Res. of 4-8-2003, §§ 1, 2)

State Law reference — Intergovernmental cooperation, Wis. Stat. § 66.0301; authority to regulate cemeteries, Wis. Stat. § 157.061; duty to name town streets, Wis. Stat. § 82.03(7); miscellaneous powers of town board, Wis. Stat. § 60.23.

Sec. 2-26. Meeting dates and times; notice of meeting.

- (a) Regular meetings. The regular meeting of the town board will be held at such times and on such dates as are established from time to time by the town board.
- (b) Regular meeting days that fall on holidays. Any regular meeting of the town board falling upon a legal holiday shall be held on an alternate day as designated by the town board.
- (c) Notice of meetings. Any meeting of the town board, including any special or adjourned meetings shall be in compliance with open meeting law requirements.
- (d) Special meetings. Special meetings of the town board attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board, if such regular town business was so noted in the notice to the public as required by state law and this Code.
- (e) Adjourned meetings of the town board. The town board may, by majority vote, adjourn any meeting of the town board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

State Law reference — Meetings of town board, Wis. Stat. § 60.20(3).

Sec. 2-27. Order of business.

The business of the town board shall be conducted in the order established from time to time by the town board.

Sec. 2-28. Presiding officer.

- (a) Control of meeting. The town chair shall preserve order and conduct the proceedings of the meeting. A member may appeal the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.
- (b) Absence of town chair. If the town chair is absent at any meeting, the vice chair shall call the meeting to order and preside.

State Law reference — General powers and duties, Wis. Stat. § 60.22(1); Powers and duties of town board chairperson, Wis. Stat. § 60.24.

Sec. 2-29. Ordinances, resolutions and motions.

- (a) Ordinances, resolutions, bylaws, communications, and other matters submitted to the board shall be read by title and author. No ordinance, resolution, or bylaw shall be considered, unless presented in writing by a supervisor. Unless requested by a supervisor before a final vote is taken, no ordinance, resolution, or bylaw need be read in full. No ordinance, resolution or other motion shall be discussed or acted upon, unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.
- (b) The following additional procedures shall be used to adopt or amend an ordinance:
 - 1. The town board shall vote on a first consideration of an ordinance;
 - 2. If the town board approves the first consideration, the town ordinance committee will then consider the ordinance, make any desired modifications, and finally make a recommendation on passage of the ordinance to the town board;
 - 3. After receiving the recommendation of the ordinance committee, or after a period of at least 30 days since the first consideration, the ordinance may then return to the town board for a vote on a second consideration:
 - i. If the ordinance committee recommended approval or made no recommendation, then the town board may pass the ordinance by majority vote;
 - ii. If the ordinance committee recommended denial, then the town board may only adopt the ordinance with an affirmative vote of at least four (4) members of the town board.
 - 4. Only upon completion of all steps may the town adopt the ordinance, unless pursuant to Sec. 2-31 of this Code the rules have been suspended.

Sec. 2-30. General rules of procedure.

The deliberations of the board shall be conducted in accordance with rules of procedure adopted from time to time by the town board. In the absence of board-adopted rules, the parliamentary rules contained in the latest published edition of Robert's Rules of Order, Newly Revised, shall apply. In the event of conflict between the provisions of rules of procedure adopted by the board and in Robert's Rules of Order the board-adopted provisions will control.

Sec. 2-31. Suspension of rules.

The rules of this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of not less than four members of the entire board.

Sec. 2-32. Reimbursement of expenses policy.

Pursuant to Wis. Stat. § 60.321(1) the town board may provide for reimbursement of expenses necessarily incurred by any officer or employee of the town in the performance of official town duties. The board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. The board will adopt such a policy, if any, by resolution.

Secs. 2-33—2-50. Reserved.

State Law reference— Town board generally, Wis. Stats. § 60.20 et seq.; eligibility for municipal office, Wis. Stats. § 66.0501; election and appointment of town officers, Wis. Stats. § 60.30.

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 2-51. Hiring of personnel.

Sec. 2-52. Town clerk.

Sec. 2-53. Appointment of weed commissioner.

Sec. 2-54. Town treasurer.

Sec. 2-55. Vice chair.

Sec. 2-56. Employee grievance procedure.

Secs. 2-57—2-79. Reserved.

Sec. 2-51. Hiring of personnel.

Temporary and permanent town employees shall be hired by the town board, with such compensation and terms and conditions as the town board shall determine. The board may delegate the authority under this section to other town personnel in the manner it deems appropriate.

Sec. 2-52. Town clerk.

Pursuant to Wis. Stats. § 60.30, the office of the town clerk shall be filled by appointment by a majority of the members of the town board. The term of the clerk shall be as established by the town board, not to exceed three years. The clerk may be reappointed for additional terms. The clerk may be removed only for cause as defined in Wis. Stats. § 17.001.

Sec. 2-53. Appointment of weed commissioner.

The town chair may, under the authority of Wis. Stat. § 66.0517(2)(a), appoint a weed commissioner, with such compensation for the performance of duties other than the destruction of noxious weeds compensation as the town board shall determine.

Sec. 2-54. Town treasurer.

Pursuant to Wis. Stat. § 60.30, the office of the town treasurer shall be filled by appointment by a majority of the members of the town board. The term of the treasurer shall be as established by the town board, not to exceed three years. The treasurer may be reappointed for additional terms. The treasurer may be removed only for cause as defined in Wis. Stats. § 17.001.

(Ord. No. 2012-04-10-1, 4-10-2012)

Sec. 2-55. Vice Chair.

The town chair shall appoint a supervisor to serve as vice chair subject to confirmation by the town board. The vice chair shall run meetings of the town and sign official papers of the town in the chair's absence.

Sec. 2-56. Employee grievance procedure.

The town board shall adopt an employee handbook or personnel policy that contains its employee grievance procedure.

Secs. 2-57—2-79. Reserved.

State Law reference— Town employees, Wis. Stats. § 60.37; duties of town clerk, Wis. Stats. § 60.33; duties of town treasurer, Wis. Stats. § 60.34; grievance procedure, Wis. Stats. § 66.0509(1m).

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. - GENERALLY

DIVISION 2. - SHORELINE ADVISORY COMMITTEE

DIVISION 3. - PLAN COMMISSION

DIVISION 1. GENERALLY

Sec. 2-80. Ad hoc committees.

Secs. 2-81—2-103. Reserved.

Sec. 2-80. Ad hoc committees.

- (a) The town chairperson shall appoint all ad hoc committees, the members of which may be town board members, town citizens, or a combination thereof. Compensation of ad hoc committee members, if any, will be established by the board upon appointment.
- (b) Each ad hoc committee shall elect a committee chair and officers upon formation of the committee and as necessary or appropriate thereafter until the committee is dissolved or otherwise terminates.
- (c) Ad hoc committees shall meet as needed, upon call of the committee chair, or upon such regular schedule as determined by the committee chair.
- (d) Each ad hoc committee shall, from time to time, submit written or oral reports and recommendations as requested by the town board.

Secs. 2-81—2-103. Reserved.

DIVISION 2. SHORELINE ADVISORY COMMITTEE

Sec. 2-104. Lease with federal government regarding a portion of Lake Onalaska shoreline.

Sec. 2-105. Committee created; purpose and intent; functions and duties.

Sec. 2-106. Appointment of members.

Sec. 2-107. Rules of procedure.

Sec. 2-108. Advisory resources.

Sec. 2-109. Permit and concession fees established by town board; disposition of fees.

Sec. 2-110. Form of permits and concession agreements; approval required.

Secs. 2-111—2-133. Reserved.

Sec. 2-104. Lease with federal government regarding a portion of Lake Onalaska shoreline.

- (a) The town board has entered into that certain lease (the lease) between the town and the U.S. Army Corps of Engineers, dated May 2, 1990, and regarding the Brice Prairie Area of Shoreline on Lake Onalaska, which property is owned by the federal government.
- (b) The terms of the lease provide that the town shall implement and administer a permit program and establish permit fees for the use of docks, steps, boatlifts and a small storage box.
- (c) In relation to the same property, and pursuant to guidelines of the U.S. Army Corps of Engineers guidelines for recreation business operations on leased land, the town may also administer a concessionaire lease with certain existing recreation based businesses and charge fees therefor.
- (d) The property that is subject to the lease described herein is open to public access and the consideration of the lease is public benefit. A portion of the public benefit is provided through the town's operation and maintenance of the Mosey and Upper Brice Prairie public boat landings.

(Res. No. 070120041, 7-1-2004)

Sec. 2-105. Committee created; purpose and intent; functions and duties.

- (a) The town board has created the Town of Onalaska Shoreline Advisory Committee (the committee) to provide for the day-to-day administration of the lease and to advise the town board on actions necessary to comply with the lease terms and conditions.
- (b) The purpose of the committee specifically includes advising the town board regarding the regulation, management, and use of the leased public land area, to work with the town in carrying out official administrative functions related to the lease and shoreline rules, and to be a resource to town residents regarding the shoreline lease area.
- (c) The functions of the committee shall specifically include, but are not limited to:
 - (1) The gathering of information regarding the use, regulation, and management of the lease area;
 - (2) Advising the town board with regard to lease requirements, rules derived from the lease, yearly permit fees for facilities allowed under the lease to residential property owners directly adjacent to the lease area and commercial concession agreements, operation and maintenance of public boat landings and public walk-in access to the lease area;
 - (3) Administering the lease requirements using town resources.
- (d) The duties of the committee specifically include, but are not limited to, providing any documents requested or required by the U.S. Army Corps of Engineers. In carrying out this duty, the committee may utilize town resources.

(Res. No. 070120041, 7-1-2004)

Sec. 2-106. Appointment of members.

The committee is composed of five members appointed by the town board to serve at the pleasure of the board. At least one of the committee's members shall be a town board member and the remaining four members must be residents of the town with knowledge of and interests related to the leased land area.

(Res. No. 070120041, 7-1-2004)

Sec. 2-107. Rules of procedure.

The committee determines its own internal structure and meeting schedule and format; provided, however, that the committee shall at all times comply with applicable provisions of Wisconsin Open Meetings Law, Wis. Stats. § 19.81 et seq. and Wisconsin Public Records Law, Wis. Stats. § 19.21 et seq.

(Res. No. 070120041, 7-1-2004)

Sec. 2-108. Advisory resources.

Resource persons from state and federal management agencies may be advisors to the committee as necessary or appropriate in the estimation of the committee or the town board.

(Res. No. 070120041, 7-1-2004)

Sec. 2-109. Permit and concession fees established by town board; disposition of fees.

The town board shall establish permit and concession fees, as amended from time to time. Permit and concession fees are as provided in the town fee schedule. The funds derived from fees established under this section should be used for direct administrative costs of permits and concession agreements and for regular annual costs for portable toilets for the boat landings in the leased land area.

(Res. No. 070120041, 7-1-2004)

Sec. 2-110. Form of permits and concession agreements; approval required.

- (a) Applications for permits and permits and applications for concession agreements and concession agreement must be on forms approved under the U.S. Army Corps of Engineers, as provided in the lease agreement and amended from time to time. Each permit and concession agreement must be filed with the town clerk and approved and signed by the town board chair or his designee; provided, however, that the designee must be a member of the town board.
- (b) The town board chair, or his designee as provided herein, should consider and utilize the advice provided by the committee in official actions to approve, deny, or modify individual permits and concession agreements.

(Res. No. 070120041, 7-1-2004)

Secs. 2-111—2-133. Reserved.

DIVISION 3. PLAN COMMISSION

Sec. 2-134. How constituted.

Sec. 2-135. Appointment, terms, and removal.

Sec. 2-136. Meetings.

Sec. 2-137. Quorum and voting.

Sec. 2-138. Powers and duties.

Sec. 2-139. Records, notices, open meetings.

Secs. 2-140—2-161. Reserved.

Sec. 2-134. How constituted.

The plan commission shall consist of seven members. The citizen members shall be persons of recognized experience and qualifications.

(Ord. No. 14, § 1, 5-2-1979; Ord. of 5-28-2003, § 1; Ord. No. 2006-328, § (a), 3-28-2006)

Sec. 2-135. Appointment, terms, and removal.

- (a) All members of the town plan commission shall be appointed by the town board chairperson, subject to confirmation by the town board. The town chairperson shall also select the presiding officer. The town board chairperson may appoint town board members to the commission and may appoint other town elected or appointed officials to the commission, except that the commission shall always have at least five citizen members who are not town officials.
- (b) Appointments shall be made by the town board chairperson during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term; except that the appointees to the town plan commission may be removed before the expiration of the appointee's term by a majority vote of the town board.

(Ord. No. 14, §§ 2, 3, 5-2-1979; Ord. of 5-28-2003, § 2; Ord. No. 2006-328, § (b), 3-28-2006)

Sec. 2-136. Meetings.

The commission shall meet upon the call of the presiding officer. The town clerk shall attend all meetings and prepare the minutes of such meetings.

(Ord. No. 14, § 7, 5-2-1979; Ord. of 5-28-2003, § 5; Ord. No. 2006-328, § (c), 3-28-2006)

Sec. 2-137. Quorum.

Four members shall constitute a quorum.

(Ord. No. 14, § 7, 5-2-1979; Ord. No. 2006-328, § (d), 3-28-2006)

Sec. 2-138. Powers and duties.

The plan commission shall have the powers and duties of a village or city plan commission under Wis. Stats. §§ 61.35 and 62.23, except for the powers relating to the adoption of town zoning ordinances. Such powers shall include, but are not limited to:

- (1) Subject to town board approval, the plan commission may employ experts, engineers, consultants, or staff and pay for the services and other expenses as may be necessary and proper, not to exceed regulations and appropriations by the town board;
- (2) Make reports and recommendations to public officials, agencies and other organizations and citizens relating to the provisions and requirements of this division, the subdivision provisions of this Code, the town's comprehensive plan and other town plans, and development in the town;
- (3) Recommend public improvement plans and financing to the town board;
- (4) Request available information of any public official, applicant, property owner, or resident that may be deemed appropriate and necessary to review the plans and proposals and to carry out the plan commission's duties and responsibilities;
- (5) Appear and recommend adoption of comprehensive plans, or elements or components thereof, for the physical development of the town, and to extend or add to the comprehensive plan in accordance with Wisconsin Statutes;

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- (6) Prepare and recommend to the town board adoption of an official map in accordance with Wis. Stats. § 62.23(6);
- (7) Prepare and recommend to the town board adoption of subdivision and land division regulations in accordance with Wis. Stats. § 236.45;
- (8) Make recommendations to the town board regarding any changes to the comprehensive plan, official town map, zoning regulations, land subdivision, land division, and other related regulations;
- (9) Provide statutory reviews at the direction of the town board, which shall refer all matters requiring plan commission review pursuant to Wis. Stats. § 62.23(5) to the plan commission for the period of time specified by law;
- (10) Serve as the primary reviewing body for applications under any town subdivision ordinance or erosion control ordinance; and
- (11) Perform such other duties as the town board may, from time to time, delegate to the plan commission.

(Ord. No. 14, §§ 6, 8, 5-2-1979; Ord. of 5-28-2003, §§ 6—8; Ord. No. 2006-328, § (e), 3-28-2006)

Sec. 2-139. Records, notices, open meetings.

The plan commission shall comply with the Wisconsin Open Meetings Law, Wis. Stats. § 19.81 et seq., and the Wisconsin Public Records Law, Wis. Stats. § 19.21 et seq., giving notice of meetings, agendas, minutes of meetings, and records of votes cast.

(Ord. No. 14, § 7, 5-2-1979; Ord. of 5-28-2003, § 5; Ord. No. 2006-328, § (f), 3-28-2006)

Secs. 2-140—2-193. Reserved.

State Law reference— City planning, Wis. Stats. § 62.23; village planning, Wis. Stats. § 61.35; town zoning authority if exercising village powers, Wis. Stats. § 60.62; town plan commission in towns with populations of at least 2,500, Wis. Stats. § 60.62(4)(d).

ARTICLE V. FINANCE

DIVISION 1. - GENERALLY

DIVISION 2. - BUDGET

DIVISION 3. - CLAIMS

DIVISION 4. - PURCHASING

DIVISION 5. - VOLUNTEER ACCOUNTS

State Law reference— Town finances generally, Wis. Stats. § 60.40 et seq.

DIVISION 1. GENERALLY

Sec. 2-194. Fiscal year.

Sec. 2-195. Disbursement of town funds.

Sec. 2-196. Town public depository.

Sec. 2-197. Insufficient fund check charge.

Sec. 2-198. Identity theft prevention program.

Secs. 2-199—2-219. Reserved.

Sec. 2-194. Fiscal year.

The fiscal year of the town shall be the calendar year, i.e., from January 1 through December 31 of each year.

State Law reference — Town fiscal year, Wis. Stat. § 60.40(1).

Sec. 2-195. Disbursement of town funds.

All disbursements of the town shall be by town check signed by three of the following town officials:

- (1) The town chair or, in his absence, the vice town chair;
- (2) The town treasurer or, in his absence, the deputy town treasurer, if any. If there is no deputy then a town supervisor shall sign; and
- (3) The town clerk or, in his absence, the deputy town clerk, if any. If there is no deputy then a town supervisor shall sign.

State Law reference — Disbursements from municipal treasury, Wis. Stat. § 66.0607.

Sec. 2-196. Town public depository.

Pursuant to Wis. Stat. § 60.46 the town board shall designate one or more public depositories for depositing funds of the town.

Sec. 2-197. Insufficient fund check charge.

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

Sec. 2-198. Identity theft prevention program.

The town has adopted an identity theft prevention program that is on file in the office of the town clerk.

Secs. 2-199—2-219. Reserved.

DIVISION 2. BUDGET

Secs. 2-220—2-246. Reserved.

Secs. 2-220—2-246. Reserved.

DIVISION 3. CLAIMS

Sec. 2-247. Review and approval; payments.

Secs. 2-248—2-272. Reserved.

Sec. 2-247. Review and approval; payments.

- (a) All claims shall be reviewed by the town clerk and approved by the town board before payment pursuant to Wis. Stat. § 66.0607., except that as provided below the clerk may make such immediate payments as may be necessary for weekly or semimonthly payrolls, social security and health and life insurance premiums, contracted services, and utility bills.
- (b) Paragraph (a) above notwithstanding, the town board herein provides that pursuant to Wis. Stat. § 60.44(2) a procedure for approving financial claims against the town which are in the nature of bills and vouchers. Payment may be made from the town treasury under Wis. Stat. § 66.0607 after the town clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
 - 1. Funds are available under the town budget to pay the bill or voucher.
 - 2. The item or service covered by the bill or voucher has been duly authorized.
 - 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4. The claim appears to be a valid claim against the town.
- (c) The town clerk may require submission of proof to determine compliance with the conditions under paragraph (b) 1. to 4.
- (d) The clerk shall file with the town board at least monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

Secs. 2-248—2-272. Reserved.

DIVISION 4. PURCHASING

Sec. 2-273. Definitions.

Sec. 2-274. Notice; advertisement for bids.

Secs. 2-275—2-296. Reserved.

Sec. 2-273. Definitions.

As used in this division, the following terms and phrases have the meanings indicated:

Public contract means a contract for the construction, execution, repair, remodeling, or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost greater than \$5,000.00.

Responsible bidder means a person who, in the judgment of the town board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

Sec. 2-274. Notice; advertisement for bids.

- (a) No public contract, the estimated cost of which is more than \$5,000.00, but not more than \$25,000.00, shall, as required by Wis. Stat. § 60.47(2), be let unless the town board or designated town official or employee gives class I notice under Wis. Stats. ch. 985 before execution of the contract. No public contract with a value of more than \$25,000.00 shall, as required under Wis. Stat. § 60.47(2)(b), be entered into unless the town board or designated town official or employee gives a class II notice under Wis. Stats. ch. 985.
- (b) Notwithstanding any other provisions of this Code, the town board may approve the purchase of any goods or supplies from any other unit of government, including the state or federal government, without the intervention of bids, to the extent permitted by Wis. Stat. § 66.0131(2).

Secs. 2-275—2-280. Reserved.

DIVISION 5. VOLUNTEER ACCOUNTS

Sec. 2-281. Volunteer accounts authorized.

Sec. 2-281. Volunteer accounts authorized.

- (a) The town grants the members of any fire department, emergency medical technician department, or first responder department serving the town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
- (1) "Volunteer funds" means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
 - (2) The department shall use an account in the name of the department in a public depository.
 - (3) "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state which receives or holds any public deposits or the local government pooled-investment fund.
 - (4) The respective department's chief or that person's designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
 - (5) Specific uses of the volunteer funds shall be determined by the chief or that person's designee.
 - (6) The chief or that person's designee shall annually provide to the town board a report describing the collection, deposit and uses made of the volunteer funds by October 1.
 - (7) Notwithstanding this ordinance volunteer funds shall remain the property of the town until the funds are disbursed.
 - (8) Volunteer funds shall be exclusively for purposes serving the volunteer department for which they were raised.

Secs. 2-282—2-296. Reserved.

ARTICLE VI. PUBLIC RECORDS

DIVISION 1. - GENERALLY

DIVISION 2. - DESTRUCTION OF PUBLIC RECORDS

State Law reference— Public records generally, Wis. Stat. § 19.21 et seq.

DIVISION 1. GENERALLY

Sec. 2-297. Legal Custodian.

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Sec. 2-298. Public Access to Records.

Sec. 2-299. Access Procedures.

Sec. 2-300. Limitation on Right to Access.

Sec. 2-297. Legal Custodian.

- (a) The Town Clerk is hereby designated as the legal custodian of the Town of Onalaska and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stats. Ch. 19, Subchapter II.
- (b) Paragraph (a) above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- (c) Paragraph (a) above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the co-chairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

Sec. 2-298. Public Access to Records.

- (a) The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the clerk or other appropriate legal custodian during the Town's regular office hours of 8:00 a.m. until noon and 1:00 p.m. until 5:00 p.m. Monday through Thursday, and 8:00 a.m. until noon on Friday, at the Town Hall located at N5589 Commerce Road W7024 Josie Street, Onalaska, WI 54650.
- (b) 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.
- (c) The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- (d) The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.
- (e) The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
 - 1. The costs of photocopying shall be \$0.25 per page.

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2. Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
3. Computer programming expenses required to respond to a request shall be at cost.
4. Mailing or shipping expenses required to respond to a request shall be at cost.
5. Staff time calculated on the pay rate of the lowest paid employee capable of performing the task.
6. Locating a record if the actual cost therefor exceeds \$50.00.
7. The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.
8. The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
9. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
10. Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

Sec. 2-299. Access procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian.
- (b) A request is deemed sufficient if it reasonably describes the requested record or the information requested. 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 and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what the person is seeking.
- (c) Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- (d) A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- (e) A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.
- (f) No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the

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production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

- (g) In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

Sec. 2-300. Limitations on right of access.

- (a) Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.
- (b) If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town attorney prior to releasing any such record and shall follow the guidance of the Town attorney when separating out the exempt material. If in the judgment of the custodian and the Town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (c) A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by the Town.

Secs. 2-301—2-325. Reserved.

Secs. 2-301—2-325. Reserved.

DIVISION 2. DESTRUCTION OF PUBLIC RECORDS

Sec. 2-326. Retention of records.

Sec. 2-327. Notice to state historical society.

Secs. 2-328—2-346. Reserved.

Sec. 2-326. Retention of records.

The Town shall keep the following records for at least the quantified time periods set herein below and by statute unless the state Public Records Board has adopted a shorter period pursuant to Wis. Stat. § 16.61(3)(e), then it shall apply instead.:

- (a) Do not destroy; retain for an indefinite period: minutes of meetings; original copies of ordinances and ordinance amendments; original copies of resolutions; deeds and other property records; information about plats, certified survey maps, public streets and highways; legal opinions

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received from the town attorney; information on the Village's "Class B" liquor license quota; and insurance policies.

- (b) Unless otherwise enumerated in statute or herein below, a record shall be kept at least seven (7) years pursuant to Wis. Stat. § 19.21(4)(b).
- (c) Pursuant to Wis. Stat. § 19.21(7), a tape recording of a meeting for the sole purpose of making the minutes can be destroyed no sooner than ninety (90) days after the minutes are approved.
- (d) Pursuant to Wis. Stat. § 125.04(3)(i)3, liquor license applications shall be retained for at least four (4) years.
- (e) Pursuant to Wis. Stat. § 7.23, all materials and supplies associated with an election, except as provided in sub. (12) may be destroyed according to the following schedule:
 - 1. Except as provided in par. (2), unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the clerk.
 - 2. Unused ballots may be discarded or destroyed no earlier than the day after the latest day for the filing of a petition for a recount under Wis. Stat. § 9.01 for any office on the ballots.
 - 3. Registration forms of electors whose registrations are changed to ineligible status under Wis. Stat. § 6.50(7) may be destroyed four (4) years after the change, unless an elector becomes eligible again during that period.
 - 4. Financial reports may be destroyed six (6) years after the date of receipt. Financial registration statements may be destroyed six (6) years after termination of registration.
 - 5. Poll lists created for any election may be destroyed twenty-two (22) months after the election at which they were created.
 - 6. Except as authorized in par. (7), ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after twenty-two (22) months.
 - 7. Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased fourteen (14) days after any primary and twenty-one (21) days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed twenty-two (22) months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.
 - 8. Except as provided in par. (6), ballots may be destroyed thirty (30) days after any election.
 - 9. Official canvasses may be destroyed ten (10) years after the election to which they relate.

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10. Election notices, and proofs of publication and correspondence filed in connection with such notices may be destroyed one year after the date of the election to which they relate.
 11. All other materials and supplies associated with an election may be destroyed ninety (90) days after the election.
 12. If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired. In addition, if there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits.
- (f) Pursuant to Wis. Stat. § 19.21(4)(a), no assessment roll containing land enrolled in the Forest Crop program can be destroyed without prior approval of the state secretary of revenue.

Sec. 2-327. Notice to historical society.

Prior to the destruction of any public record at least sixty (60) days' notice in writing shall first be given to the State Historical Society of Wisconsin.

Secs. 2-328—2-346. Reserved.

ARTICLE VII. ETHICS

DIVISION 1. - GENERALLY

DIVISION 2. - REGULATIONS AND RESTRICTIONS

DIVISION 3. - BOARD OF ETHICS

DIVISION 4. - ADVISORY AND SUMMARY OPINIONS

DIVISION 5. - COMPLAINT PROCEDURE

State Law reference— Code of ethics for public officials and employees, Wis. Stats. § 19.41 et seq.; code of ethics for local government officials, employees and candidates, Wis. Stats. § 19.59.

DIVISION 1. GENERALLY

Sec. 2-347. Declaration of policy.

Sec. 2-348. Definitions.

Sec. 2-349. Notice; distribution of copies; annual review and certification.

Sec. 2-350. Penalty and sanctions.

Secs. 2-351—2-373. Reserved.

Sec. 2-347. Declaration of policy.

It is declared that high moral and ethical standards among town officials and employees are essential to the conduct of free government and that the town board believes that a code of ethics for the guidance of town officials and employees:

- (1) Will help them avoid conflicts between their personal interests and their public responsibilities;
- (2) Will improve standards of public service; and
- (3) Will promote and strengthen the faith and confidence of the people in their public officials and employees.

Sec. 2-348. Definitions.

Wis. Stat. § 19.42 is hereby incorporated by reference and adopted into this Code. Further guidance as to the definitions contained in Wis. Stat. § 19.42 is provided by the ethics opinions maintained by the state Government Accountability Board, Ethics Division, respectively.

Sec. 2-349. Notice; distribution of copies; annual review and certification.

- (a) A copy of the declaration of policy shall be continuously posted on the town bulletin board located at the town hall.
- (b) The town clerk shall cause a copy of the Code of Onalaska Article VIII on ethics set forth herein, to be distributed to every public official and employee of the town before entering upon his duties.
- (c) Each public official, the town chair and the chair of each board, commission, committee, or department shall review the provisions of the Code of Onalaska Article VIII on ethics with his fellow board members or subordinates, upon taking office and annually thereafter.
- (d) Each public official and employee shall, in connection with subsection (c) of this section, also complete and file with the department head or town clerk, as appropriate, the following statement of understanding:

"I have read and understand the Town of Onalaska Code on ethics. I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the town Code., state statutes and interpretative opinions maintained by the state Government Accountability Board, Ethics Division for local officials."

Sec. 2-350. Penalty and sanctions.

Violation of any provision of this article may constitute a cause for suspension, termination of employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

Secs. 2-351—2-373. Reserved.

DIVISION 2. REGULATIONS AND RESTRICTIONS

Sec. 2-374. Standards of conduct

Sec. 2-375. Statutory standards of conduct.

Sec. 2-376. Prohibited acts

Sec. 2-377. Fair and equal treatment required.

Sec. 2-378. Rights not restricted.

Secs. 2-379—2-401. Reserved.

Sec. 2-374. Standards of conduct

- (a) The town board hereby reaffirms that a town official holds his position as a public trust and any effort to realize personal gain through official conduct is a violation of that trust.
- (b) The board further recognizes:
 - (1) That governmental representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government;
 - (2) That citizens who serve as town officials retain their rights as citizens to interests of a personal or economic nature; and
 - (3) That town officials may need to engage in employment, professional, or business activities other than official duties in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this article.
- (c) The standards of ethical conduct for town officials needs to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts that are material.

Sec. 2-375. Statutory standards of conduct.

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

Wis. Stats. § 946.10, bribery of public officers and employees.

Wis. Stats. § 946.11, special privileges from public utilities.

Wis. Stats. § 946.12, misconduct in public office.

Wis. Stats. § 946.13, private interest in public contract prohibited.

State Law reference— Bribery and official misconduct, Wis. Stats. § 946.10 et seq.

Sec. 2-376. Prohibited acts

Wis. Stat. § 19.59, codes of ethics for local government officials, employees and candidates is hereby adopted by reference and incorporated into this Code. Further guidance as to the code contained in Wis. Stat. § 19.59 is provided by the ethics opinions maintained by the state Government Accountability Board, Ethics Division, respectively.

Sec. 2-377. Fair and equal treatment required.

- (a) Use of town property. No official or employee shall request or permit the use of town-owned vehicles, equipment, materials, or property for personal convenience or profit.
- (b) Purchase of town property. No official or employee may purchase any town-owned vehicle, equipment, materials or property pursuant to Wis. Stat. § 175.10.
- (c) Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Sec. 2-378. Rights not restricted.

- (a) Nothing in this article shall deny any town official or employee his rights as a citizen under the Constitution of the United States of America, the state constitution, the state statutes or any other bona fide regulations of the state, county or town.
- (b) This article does not prevent any town official from accepting employment or following any pursuit that in no way interferes with the full and faithful discharge of his duties to this town.

Secs. 2-379—2-401. Reserved.

DIVISION 3. BOARD OF ETHICS

Sec. 2-402. Creation; composition; chair, vice-chair, and secretary.

Sec. 2-403. Powers and duties of board.

Sec. 2-404. Legal assistance to board.

Sec. 2-405. Member qualifications.

Sec. 2-406. Procedure for appointment of members.

Sec. 2-407. Terms of office.

Sec. 2-408. Meetings; attendance of town board members.

Sec. 2-409. Voting.

Secs. 2-410—2-431. Reserved.

Sec. 2-402. Creation; composition; chair, vice-chair, and secretary.

The town board has created a board of ethics consisting of five voting members and two alternates who serve without compensation unless the town board otherwise provides. The board shall elect its own chair, vice-chair and secretary.

Sec. 2-403. Powers and duties of board.

The board of ethics shall have such powers and duties, as approved by the town board from time to time, as are necessary to review and administer the town code of ethics.

Sec. 2-404. Legal assistance to board.

The town attorney may furnish the board legal assistance when necessary and when doing so does not present a conflict of interest to the town attorney. With the prior approval of the town board, the board of ethics may retain independent counsel, at the town's expense, when the town attorney is unable to provide legal assistance to the board.

Sec. 2-405. Member qualifications.

The members of the board of ethics shall be residents of the town. The members shall not be elected officials, full-time appointed officials or town employees, nor shall they be currently serving on any other town board, commission or committee.

Sec. 2-406. Procedure for appointment of members.

For the initial appointment of members to the board of ethics, each town board member shall submit one name of a resident to be considered for appointment by the town board. The town chair shall also submit names of two alternates to the town board for consideration for appointment by the town board. Future appointments of persons to fill vacancies arising for any reason in the membership of the board of ethics shall be made by the town chair, subject to confirmation by the town board.

Sec. 2-407. Terms of office.

Members shall be appointed in May for three years. The alternates shall be appointed for three-year terms. The alternates shall serve on the board when one of the voting members is unavailable.

Sec. 2-408. Meetings; attendance of town board members.

The board of ethics shall meet at such times and places as is determined from time to time by the board of ethics or the town board. Records of the board's investigations of violations of this article shall be closed to public inspection; provided, however, that the board may make such records public with the consent of the accused person or if the accused person makes public any portion of the board's records regarding the investigation.

State Law reference— Similar provision, Wis. Stats. § 19.59(3)(d).

Sec. 2-409. Voting.

A vote of at least four-fifths of the board shall be required for any action taken by the board with the exception that action taken by the board pursuant to a hearing conducted under division 4 of this article shall require a unanimous vote.

Secs. 2-410—2-431. Reserved.

State Law reference— Boards of ethics, Wis. Stats. § 19.59(3)(d).

DIVISION 4. ADVISORY AND SUMMARY OPINIONS

Sec. 2-432. Application; presentation of issues; closed deliberations.

Sec. 2-433. Records of proceedings.

Sec. 2-434. Assistance of town attorney.

Sec. 2-435. Issuance of summary opinions.

Secs. 2-436—2-453. Reserved.

Sec. 2-432. Application; presentation of issues; closed deliberations.

- (a) Any person to whom this section applies may apply in writing to the board for an advisory opinion as to the interpretation and application of this article and shall be guided by the opinion rendered.
- (b) Such person shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before the advisory decision is rendered.
- (c) Meetings for deliberations and action upon such applications shall not be open to the public.

Sec. 2-433. Records of proceedings.

Opinions rendered by the board shall be in writing. Records of the board's opinions, opinion requests, and investigations of violations shall be closed to public inspection. The board, however, may make such records public with the consent of the individual requesting the advisory opinion or if the individual makes public any portion of the opinion.

State Law reference— Similar provision, Wis. Stats. § 19.59(3)(d).

Sec. 2-434. Assistance of town attorney.

If the board deems it necessary or appropriate, it may request an advisory opinion from the town attorney.

Sec. 2-435. Issuance of summary opinions.

The board of ethics may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of a provision of the code of ethics to certain factual situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.

Secs. 2-436—2-453. Reserved.

DIVISION 5. COMPLAINT PROCEDURE

Sec. 2-454. Form of complaint.

Sec. 2-455. Acceptance of complaint; notice to accused.

Sec. 2-456. Preliminary investigation.

Sec. 2-457. Probable cause; dismissal of complaint; reconsideration.

Sec. 2-458. Hearings.

Sec. 2-459. Authority of board to compel appearance of witnesses.

Sec. 2-460. Rights of accused.

Sec. 2-461. Decision and recommendation of board.

Sec. 2-454. Form of complaint.

All complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this article and the particulars thereof. Complaints shall be addressed to the board of ethics and filed with the town clerk.

Sec. 2-455. Acceptance of complaint; notice to accused.

Within 14 days after the filing of a properly verified complaint, the board shall meet to accept the complaint. Within three days after accepting the complaint, the board shall mail a copy of the complaint to the accused by certified mail.

Sec. 2-456. Preliminary investigation.

- (a) Following the acceptance of a verified complaint, the board may make preliminary investigations with respect to the alleged violation of this article.
- (b) No preliminary investigation of the activities of any official or employee may be initiated, unless such official or employee is notified in writing by certified mail. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights.
- (c) The preliminary investigation shall be completed within 30 days from acceptance of a verified complaint, except that the board may extend that period an additional 30 days with like notice to the official or employee and to the complainant.

Sec. 2-457. Probable cause; dismissal of complaint; reconsideration.

- (a) If, after the investigation, the board finds that probable cause does not exist for believing the allegations of the complaint or believing that the conduct complained of violates the code of ethics, it shall dismiss the complaint.
- (b) The board shall promptly notify the accused and the complainant of its decision in writing by certified mail.
- (c) The board's decision to dismiss a complaint shall be final.
- (d) The same complaint or a complaint which is substantially the same shall not be reconsidered by the board, unless the complainant provides additional material information which was not available to the complainant at the time the original complaint was filed and which, if true, would probably change the outcome. The board's decision to reconsider or not to reconsider shall be final.

Sec. 2-458. Hearings.

- (a) If, after the investigation, the board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than 30 days after such finding.
- (b) The board shall give the accused at least 20 days' notice of the hearing date.
- (c) The hearings shall be at open session, unless the accused petitions for a hearing closed to the public.
- (d) The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents that the board considers, shall be fully offered and made part of the record in the case.
- (e) Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

Sec. 2-459. Authority of board to compel appearance of witnesses.

The board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Wis. Stats. § 885.01(3).

Sec. 2-460. Rights of accused.

- (a) During all stages of any investigation or proceeding conducted under this article, the accused shall be entitled to be represented by counsel of his own choosing at his own expense.
- (b) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing.
- (c) The accused shall have the right to bring witnesses and establish all pertinent facts and circumstances and to question or refute any testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

Sec. 2-461. Decision and recommendation of board.

Upon conclusion of the hearing, the board shall file its decision with the town clerk within five days, in writing, signed by all participating board members, with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee and, if appropriate, refer the matter to the town board or other proper authority with a recommendation for suspension, removal from employment, or other disciplinary action.

Chapter 3 ELECTIONS

Sec. 3-1. Number of election officials.

Sec. 3-2. Split-shifts for election officials.

Sec. 3-1. Number of election officials.

- (a) The town clerk shall have discretion to reduce the required number of election officials at a polling place from 7 to 5 or 3.
- (b) The town clerk shall have discretion to utilize one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

Sec. 3-2. Split-shifts for election officials.

- (a) The town clerk shall have discretion for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may establish different working hours for different officials assigned to the same polling place.

State Law reference— Appointment of election officials, Wis. Stats. § 7.30; change of election official numbers, Wis. Stats. § 7.32.

Chapter 4 ALCOHOL BEVERAGES

ARTICLE I. - IN GENERAL

ARTICLE II. - LICENSING

ARTICLE III. - RULES AND REGULATIONS

ARTICLE IV. - PUBLIC CONSUMPTION RESTRICTIONS

State Law reference— Alcohol beverages, Wis. Stats. ch. 125; Municipal regulation, Wis. Stats. § 125.10.

ARTICLE I. IN GENERAL

Sec. 4-1. State statutes adopted.

Sec. 4-2. Definitions.

Sec. 4-3. Authority to inspect premises.

Sec. 4-4. Clerk to provide list of licenses to state.

Sec. 4-5. Violations by agents and employees.

Secs. 4-6—4-28. Reserved.

Sec. 4-1. State statutes adopted.

The provisions of Wis. Stats. ch. 125, including all provisions relating to underage persons, are adopted and made part of this chapter by reference. A violation of any of such provisions shall constitute a violation of this section.

Sec. 4-2. Definitions.

The following words, terms and phrases, when used herein shall have the following meanings:

“Licensed establishment” means any establishment licensed by the town board pursuant to Wis. Stats. ch. 125.

“Licensee” means the holder of a license granted by the town board.

Sec. 4-3. Authority to inspect premises.

- (a) Consent. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the town upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or law.
- (b) Reinspections. License fees cover the costs of an initial inspection and one reinspection. Second and subsequent reinspections require a reinspection fee as set by the town board.

Sec. 4-4. Clerk to provide list of licenses to state.

By July 15 of each year, the clerk shall forward to the state department of revenue a list containing the name, address and trade name of each person holding a license issued under this chapter, except a picnic, manager's or operator's license, the type of license held, and if the license is issued to a corporation or limited liability company, the name of such entity's appointed agent.

Sec. 4-5. Violations by agents and employees.

A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

Secs. 4-6—4-28. Reserved.

ARTICLE II. LICENSING

DIVISION 1. - GENERALLY

DIVISION 2. - LIMITATIONS ON LICENSE ISSUANCE

DIVISION 3. - TYPES OF LICENSES

DIVISION 4. - APPLICATIONS FOR LICENSES

DIVISION 5. - SUSPENSION, REVOCATION, AND NONRENEWAL

DIVISION 1. GENERALLY

Sec. 4-29. Penalties.

Sec. 4-30. License required.

Sec. 4-31. Term of license.

Sec. 4-32. Contents of licenses.

Sec. 4-33. Transfer of licenses.

Sec. 4-34. Fees.

Secs. 4-35—4-56. Reserved.

Sec. 4-29. Penalties.

Any person violating any provision of this article shall be subject to penalties as set forth in section 1-17.

Sec. 4-30. License required.

The town board shall have the sole power to grant or refuse licenses to any individual, firm or corporation.

Sec. 4-31. Term of license.

All licenses issued shall take effect on July 1, and expires on the succeeding June 30, unless sooner revoked by the town board or other authority of law or surrendered by the licensee to the town.

Sec. 4-32. Contents of licenses.

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

Sec. 4-33. Transfer of licenses.

- (a) Persons. No license shall be transferable to a different licensee, except as provided by Wis. Stats. § 125.04(12). The granting of the transferred license to the new licensee is to be reviewed in the same manner as the granting of a new license by the town board.
- (b) Places. Licenses issued pursuant to this chapter may be transferred to another premises at least once during any license year as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on forms furnished by the state department of revenue. Proceedings for such transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be \$10.00.

Sec. 4-34. Fees.

Fees for alcohol beverage licenses shall be as established from time to time by the town board as indicated in the schedule of fees available in the office of the town clerk.

Secs. 4-35—4-56. Reserved.

DIVISION 2. LIMITATIONS ON LICENSE ISSUANCE

Sec. 4-57. Statutory eligibility requirements.

Sec. 4-58. Limitations on licensing of violators of alcohol laws or ordinances.

Sec. 4-59. Conformity to health and sanitation standards required.

Sec. 4-60. Location restrictions.

Sec. 4-61. Limitation on number of licenses issued.

Sec. 4-62. Statutory requirements for corporations.

Sec. 4-63. Age of license holders restricted.

Sec. 4-64. Limitation for issuance following revocation of license.

Sec. 4-65. Delinquent taxes, assessments, and claims prohibited.

Sec. 4-66. Drive through dispensaries prohibited.

Sec. 4-67. License holder required to be actively engaged in business.

Secs. 4-68—4-92. Reserved.

Sec. 4-57. Statutory eligibility requirements.

Licenses shall be issued only to persons eligible for such licenses under Wis. Stats. § 125.04.

Sec. 4-58. Limitations on licensing of violators of alcohol laws or ordinances.

No license shall be issued to any person whose license has been revoked under Wis. Stats. § 125.12 during a period of one year prior to such application and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for a period of one year.

Sec. 4-59. Conformity to health and sanitation standards required.

No retail class A or class B license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of commerce pertaining to buildings and plumbing, the rules and regulations of the state department of health applicable to restaurants and all such ordinances and regulations adopted by the town.

Sec. 4-60. Location restrictions.

No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants.

Sec. 4-61. Limitation on number of licenses issued.

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

Sec. 4-62. Statutory requirements for corporations.

No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

Sec. 4-63. Age of license holders restricted.

No license under this chapter, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operators' licenses may be issued only to applicants who have attained the age of 18 years.

Sec. 4-64. Limitation for issuance following revocation of license.

Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.

Sec. 4-65. Delinquent taxes, assessments, and claims prohibited.

No initial alcohol license shall be granted for any premises for which taxes, charges, fees, assessments or other claims of the town are delinquent and unpaid. No initial or renewal alcohol license shall be granted to any person who is delinquent in the payment of any taxes, charges, fees, assessments, or other claims owed to the town, or who is delinquent in the payment of a forfeiture resulting from a violation of any ordinance of the town.

Sec. 4-66. Drive through dispensaries prohibited.

- (a) No license shall be issued to any person for the retail sale of any intoxicating liquor or fermented malt beverage at or from any type of drive through dispensary.
- (b) No retail establishment with a license to sell intoxicating liquor and/or fermented malt beverages shall sell either intoxicating liquors or fermented malt beverages to any member of the public by way of a drive through dispensary.

Sec. 4-67. License holder required to be actively engaged in business.

- (a) No "Class B" retail liquor license shall be held by any person who is not actively engaged in the business for which such license is issued. Failure to continuously be so engaged shall constitute an abandonment of such license and shall be cause for revocation of the license.
- (b) "Actively engaged" shall mean having the business open to the public and ready to conduct business for at least eight hours per day for at least 200 days per year for an annual license and half of these amounts for any six month license.
- (c) Failure to operate a licensed place of business at all for 60 days after issuance of the license in the case of an annual permit, or after the start of the operating date in the case of a six month permit, shall be cause for revocation of the license. If the premises designated to be licensed has not yet been constructed (any such applicant for a license being required to have a legal interest in such designated premises), the town board may, in its discretion, extend the period of inactivity for good cause shown.

Secs. 4-68—4-92. Reserved.

DIVISION 3. TYPES OF LICENSES

Sec. 4-93. Alcohol license classifications.

Sec. 4-94. Operator's license.

Sec. 4-95. Provisional licenses.

Sec. 4-96. Manager's license required.

Secs. 4-97—4-120. Reserved.

Sec. 4-93. Alcohol license classifications.

All alcohol beverage license types permitted by Wis. Stats. Ch. 125 are issued by the town.

Sec. 4-94. Operator's license.

Application for an operator's license shall be made to the town clerk on such form as the town clerk may provide, and shall be accompanied by the prescribed fee. Notwithstanding any other provision contained in this chapter, an operator's license may only be issued to an applicant who has attained the age of 18 years per Wis. Stats. § 125.04(5)(d).

Sec. 4-95. Provisional licenses.

- (a) A provisional operator's license may be issued by the town clerk only to a person who has applied for an operator's license. A provisional operator's license may not be issued to any person who has been denied a license by the town board within the past five years. The application fee is \$15.
- (b) A provisional operator's license expires 60 days after its issuance or when a regular operator's license is issued to the holder of such license, whichever occurs first.
- (c) A provisional retail license may be issued by the town clerk only to a person who has applied for a retail license. A provisional retail license may not be issued to any person who has been denied a license by the town board within the past five years. The application fee is \$15.
- (d) A provisional retail license expires 60 days after its issuance or when a regular retail license is issued to the holder of such license, whichever occurs first.

Sec. 4-96. Manager's license required.

No person may manage premises operating under a "Class B" license or permit, a "Class C" license or a Class "B" license or permit, unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as required by § 125.04(6) or the holder of a manager's license. A manager's license issued in respect to a vessel under § 125.27(2) is valid outside the municipality that issues it. A person manages Class "B" premises if that person has responsibility or authority for:

- 1. Personnel management of all employees, whether or not the person is authorized to sign employment contracts;
- 2. The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or
- 3. The daily operations of the Class "B" premises.

Secs. 4-97—4-120. Reserved.

DIVISION 4. APPLICATIONS FOR LICENSES

Sec. 4-121. License fees to accompany application; refunds.

Sec. 4-122. License application form.

Sec. 4-123. Inspection and retention of license application records.

Secs. 4-124—4-144. Reserved.

Sec. 4-121. License fees to accompany application; refunds.

- (a) Required with application. License fees imposed under this chapter shall accompany the license application.

- (b) Refunds. When the holder of an alcohol beverage license shall surrender such license, the holder shall be entitled to a prorated refund of the license fee.

Sec. 4-122. License application form.

Applications for alcoholic beverage licenses shall be made in writing on forms prescribed by the state department of revenue, and filed with the town clerk. The premises shall be physically described, including every room and storage space to be covered by the license, and including all rooms joined by connecting entrances or not separated by a solid wall. Applications shall be signed and sworn to by the applicant, as provided by Wis. Stats. § 887.01.

Sec. 4-123. Inspection and retention of license application records.

Any person may inspect applications for alcoholic beverage licenses. The town clerk shall retain as record custodian alcoholic beverage applications made to the town.

Secs. 4-124—4-144. Reserved.

DIVISION 5. SUSPENSION, REVOCATION, AND NONRENEWAL

Sec. 4-145. Applicability of division.

Sec. 4-146. Board may revoke license.

Sec. 4-147. Imposition of additional regulations and restrictions by the town board.

Sec. 4-148. Complaint; summons.

Sec. 4-149. Hearing procedure.

Sec. 4-150. Effect of revocation.

Sec. 4-151. Judicial review.

Sec. 4-152. Nonrenewal of license.

Secs. 4-153—4-172. Reserved.

Sec. 4-145. Applicability of division.

The following provisions shall apply to the revocation, suspension, or nonrenewal of any license issued pursuant to this chapter, notwithstanding any other provision of this Code, except provisions providing for revocation or suspension of any license by the court. The provisions in this division are in addition to any other provisions of this Code.

Sec. 4-146. Board may revoke license.

The town board shall have the power to revoke any license upon complaint or upon knowledge, information, and proof that the privileges granted under such license have been abused per Wis. Stat. § 125.12(2) or § 4-147 of this Code below.

Sec. 4-147. Imposition of additional regulations and restrictions by the town board.

Any license issued pursuant to this chapter shall be subject to such further regulations and restrictions as may be imposed by the town board at the time of its initial issuance. If any licensee shall fail or neglect to meet the requirements imposed by such additional restrictions and regulations, his license may be revoked in accordance with this chapter.

Sec. 4-148. Complaint; summons.

- (a) Upon complaint made in writing under oath by any person and filed with the town clerk that any person or other entity licensed pursuant to this chapter has violated any provision pursuant to Wis. Stat. § 125.12(2) or § 4-147 of this Code, the town board shall issue a summons commanding the licensee complained of to appear before the town board on a day and time, and at a place named in the summons to show cause why the license should not be revoked or suspended.
- (b) Such summons shall be served not less than three, nor more than ten days before the time at which the licensee is commanded to appear and may be served pursuant to Wis. Stat. § 801.11. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of such offense, and the facts constituting the alleged offense.

Sec. 4-149. Hearing procedure.

- (a) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and, if the town board finds the allegations sufficient, the license shall be revoked. The town clerk shall give notice of the revocation to the person whose license is revoked.
- (b) If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under Wis. Stat. § 125.12(2)(ag)4 is found to be true with respect to a license issued under Wis. Stat. § 125.51(4)(v), the license shall be revoked.
- (c) The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
- (d) If the town board finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the town board finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The town board may require the complainant to provide security for such costs before issuing the summons under Wis. Stat. § 125.12(2)(ar).

Sec. 4-150. Effect of revocation.

When a license is revoked under this section, the revocation shall be recorded by the town clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation. No part of the fee paid for any license so revoked may be refunded.

Sec. 4-151. Judicial review.

The action of the town board in granting, failing to grant, suspending, or revoking any license, or the failure of the town board to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee, or resident of the town pursuant to Wis. Stat. §125.12(2)(d).

Sec. 4-152. Nonrenewal of license.

The town board may refuse to renew a license for the causes provided in Sec 4-148(a). Prior to the time for the renewal of the license, the town board shall notify the licensee in writing of the intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended refusal. The hearing and judicial review shall be as provided for license revocations.

Secs. 4-153—4-172. Reserved.

ARTICLE III. RULES AND REGULATIONS

DIVISION 1. - GENERALLY

DIVISION 2. - MINORS

DIVISION 1. GENERALLY

Sec. 4-173. Use of area outside licensed area limited.

Sec. 4-175. Hours of operation.

Sec. 4-176. Sales to persons showing intoxication prohibited.

Sec. 4-177. Curtains, screens, blinds, etc., prohibited.

Secs. 4-178—4-207. Reserved.

Sec. 4-173. Use of area outside licensed area limited.

Alcoholic beverages are allowed only in the specific areas of the premises described on the license that is approved by the board and issued to the licensee. Any licensee seeking use of their license in either a different interior or exterior area must apply to the board in writing and will be subject to such conditions as are required by the board if approved for such a change to the description of premises on the license.

Sec. 4-175. Hours of operation.

No fermented malt beverages or intoxicating liquors shall be sold or consumed on any licensed premises, except during those hours permitted under Wis. Stats. §§ 125.32(3) and 125.68(4).

(Ord. No. 18, § 1, 7-1-1981)

Sec. 4-176. Sales to persons showing intoxication prohibited.

No alcoholic drinks shall be sold, dispensed or given to any person who is intoxicated.

Sec. 4-177. Curtains, screens, blinds, etc., prohibited.

During the hours when a licensed premises is required to be closed, any curtains or other obstructions to view, facing on the street or highway, shall be removed to such an extent that a clear view may be had of the interior of such premises. In any such premises, no curtain, door or other obstruction

shall close off the view into any booth, room or other enclosure in which any alcohol beverage may or can be served.

Secs. 4-178—4-207. Reserved.

DIVISION 2. MINORS

Sec. 4-208. Presence of minors in licensed premises restricted; furnish alcohol beverages to minors prohibited.

Sec. 4-209. Violations by underage persons.

Secs. 4-210—4-226. Reserved.

Sec. 4-208. Presence of minors in licensed premises restricted; furnish alcohol beverages to minors prohibited.

- (a) No person under 21 years of age shall be allowed in any premises licensed under this chapter later than 9:30 p.m. unless accompanied by his parent, guardian, or spouse who has attained the legal drinking age.
- (b) No person may procure for, sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his spouse, parent or guardian who has attained the legal drinking age.

State Law reference — Similar provision, Wis. Stat. § 125.07.

Sec. 4-209. Violations by underage persons.

Any underage person who does any of the following is guilty of a violation:

- (1) Procures or attempts to procure alcohol beverages.
- (2) Knowingly possesses or consumes alcohol beverages not in the course of employment.
- (3) Enters or is on licensed premises in violation of Wis. Stat. § 125.07(3)(a).
- (4) Falsely represents his age for the purpose of receiving alcohol beverages from a licensee or permittee.

Secs. 4-210—4-226. Reserved.

ARTICLE IV. PUBLIC CONSUMPTION RESTRICTIONS

Sec. 4-227. Purpose.

Sec. 4-228. Consumption on streets prohibited.

Sec. 4-229. Consumption on licensed premises.

Sec. 4-230. Consumption on public property prohibited.

Secs. 4-231—4-253. Reserved.

Sec. 4-227. Purpose.

It is the purpose of this article to restrict the consumption of any intoxicating liquor or fermented malt beverage in the town.

Sec. 4-228. Consumption on streets prohibited.

No person shall consume any intoxicating liquor or fermented malt beverage upon the public highways, streets, alleys, sidewalks, street crossings, bridges, public parking lots or upon premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, in the town, except for municipally approved community functions or events where authorized by specific town permit.

Sec. 4-229. Consumption on licensed premises.

All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed therefrom to any public highway, street, alley, sidewalk, street crossings, bridges, public parking lots, or premises held out to the public for use of motor vehicles, whether such premises are publicly or privately owned, in the town.

Sec. 4-230. Consumption on public property prohibited.

No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building or other structure which is owned or under the control of the town, except in such places as may be designated by the town and in accordance with the rules and regulations as may be from time to time adopted by the town board.

Secs. 4-231—4-261. Reserved.

Chapter 5 RESERVED

Chapter 6 FIREARMS AND HUNTING

ARTICLE I. - IN GENERAL

ARTICLE I. IN GENERAL

Secs. 6-2—6-18. Reserved.

Sec. 6-1. Firearms and hunting.

- (a) Adopted pursuant to Wis. Stats. §§ 29.038(2), (3), 66.0107(2) & 66.0409(3)(b). Wis. Stat. § 167.31 on safe use and transportation of firearms and bows, Wis. Stat. § 941.20 on endangering safety by use of a deadly weapon and Wis. Adm. Code ch. NR 10 on game and hunting are incorporated herein by reference and adopted into this code section.
- (b) Definition
- (a) "Building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in Wis. Stat. § 101.91(2). "Building" as used in this Code does not include any tent, bus, truck, vehicle or similar portable unit.
- (c) Hunting on Town Property
- (a) Persons wishing to hunt on any town property must first register in the Town Clerk's office where a sign-up sheet will be maintained to reasonably limit the number of hunters in a given area. A new sign-up sheet will be created for each hunting season. Town residents will be given preference over non-residents.
- (b) No hunting is allowed in Town parks.
- (c) Any hunting stands used on Town property must have the owner's name and phone number affixed to such hunting stands.
- (d) Bow and Crossbow hunting
- (a) A person may not hunt with a bow and arrow or crossbow within 100 yards [maximum, can select lesser distance] from a building located on another person's land. This restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building.
- (b) A person who hunts with a bow and arrow or crossbow is required to discharge the arrow or bolt from the respective weapon toward the ground.
- (e) Restrictions on Discharge of Firearms
- (a) No person may discharge a firearm within 100 yards [minimum, can select greater distance] from a building located on another person's land. This restriction does not apply if the person who owns the land on which the building is located allows the person to discharge a firearm within the specified distance of the building.
- (f) Penalty. Any person violating this section shall be subject to a forfeiture of not less than \$1 nor more than \$100, plus the cost of prosecution, and upon failure to pay shall be subject to the provisions of Wis. Stats. §§ 800.09 & 800.095 and any amendments or reenactments of said statutes. If any

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damage occurs by a violation of this section, restitution may be ordered as provided by applicable law.

Secs. 6-2—6-18. Reserved.

Chapter 7 RESERVED

Chapter 8 ANIMALS

ARTICLE I. - IN GENERAL

ARTICLE III. - REGULATIONS

ARTICLE IV. - RABIES CONTROL

ARTICLE V. - LIVESTOCK

ARTICLE VI. - DOGS

ARTICLE VII. - DANGEROUS AND VICIOUS ANIMALS

State Law reference—animal health, Wis. Stats. § 95.001 et seq.; captive wildlife, Wis. Stats. § 169.01 et seq.; strays and lost chattel, Wis. Stats. § 170.01 et seq.; animals distrained or doing damage; animals not to run at large, Wis. Stats. § 172.01; animals doing damage, Wis. Stats. § 172.51 et seq.; animals generally and humane officers, Wis. Stats. § 173.01 et seq.; dogs, Wis. Stats. § 174.001; crimes against animals, Wis. Stats. § 951.01 et seq.; providing proper food and drink to confined animals, Wis. Stats. § 951.13; abandoning animals, Wis. Stats. § 951.15.

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

Sec. 8-2. Penalties.

Sec. 8-4. Enforcement.

Secs. 8-5—8-26. Reserved.

Sec. 8-1. Definitions.

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

“Animal” means mammals, other than humans, reptiles and birds.

“At large” means to be off the premises of the owner and not under the control of a person by leash. However, a dog or cat within an automobile of its owner or with the consent of the owner shall be deemed to be upon the owner's premises. Hunting dogs, under the control of the owner, when hunting with the landowner's permission, and law enforcement animals are exempt from this definition.

“Cat” means any feline, regardless of age or sex.

“Dog” means any canine, regardless of age or sex.

“Humane society” means the La Crosse County Humane Society.

“Leash” means a cord or chain, not more than ten feet in length, by which an animal is controlled by the person accompanying the animal. A retractable lead may also be used by a responsible individual, if the lead is of adequate strength to control the animal. Retractable leads shall only be used in open areas.

“License year” means from January 1 through December 31.

“Neutered and spayed” refer to animals having nonfunctional reproductive organs.

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“Owner” means a person having the right of property or custody of an animal and who keeps or harbors an animal or knowingly permits an animal on property owned by him or in his control.

“Owning” means having actual ownership, harboring, keeping, or having temporary custody of a dog.

“Running at large” means off the premises of the owner, or not in near enough proximity to the owner, so the owner can in fact control his dog. Working farm dogs in the course of normal duties, and hunting dogs, while accompanied by the hunting master, shall not be deemed running at large.

“Service animal” means any guide dog, signal dog, or other animal trained to provide assistance to an individual with a disability pursuant to the Americans with Disabilities Act and Wis. Stat § 106.52(1)(fm).

“Veterinarian” means a person duly licensed to practice veterinary medicine in the state and possessing a doctor’s degree in veterinary medicine.

Sec. 8-2. Penalties.

Any person violating this chapter shall be subject to penalties as provided in section 1-17.

(Ord. of 8-1-1984, § 9; Ord. No. 2008-4-28, § 10, 4-28-2008)

Sec. 8-4. Enforcement.

This chapter may be enforced by the County Sheriff’s Department or the designee of the town board.

Secs. 8-5—8-26. Reserved.

ARTICLE III. REGULATIONS

Sec. 8-28. Running at large.

Sec. 8-29. Habitually noisy animals.

Sec. 8-30. Duty of owner in case of animal bite.

Sec. 8-31. Animal waste.

Sec. 8-38. Animal-napping.

Sec. 8-39. Protected and prohibited animals, fowl, reptiles and insects.

Secs. 8-42—8-70. Reserved.

Sec. 8-28. Running at large.

It shall be unlawful for the owner or keeper of any animal to permit or suffer such animal to be at large.

Sec. 8-29. Habitually noisy animals.

(a) It shall be unlawful for any person to knowingly keep or harbor any animal which habitually barks, howls, yelps or cries to the great discomfort of the peace and quiet of the neighborhood or in such a

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manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance.

- (b) An animal is considered to be in violation of this section when two or more complaints are filed within a four-week period, signed by adult complainants.

Sec. 8-30. Duty of owner in case of animal bite.

Every owner or person harboring or keeping an animal, who knows that such animal has bitten any person, shall immediately report such fact to the town and shall keep such animal confined pursuant to the requirements this chapter. The owner or keeper of any such animal shall surrender the animal to a law enforcement or humane officer, upon demand, for examination.

Sec. 8-31. Animal waste.

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

(Ord. No. 2008-4-28, § 8, 4-28-2008)

Sec. 8-38. Animal-napping.

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

Sec. 8-39. Protected and prohibited animals, fowl, reptiles and insects.

- (a) Endangered species. It shall be unlawful for any person to buy or sell, or attempt to buy 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 1973, 16 USC 1530 et seq. The provisions of this subsection shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, persons holding a scientific collector's permit issued by the secretary of the state department of natural resources, or to any person or organization licensed to present a circus. The town may waive the provisions of this subsection for premises with appropriate federal and state permits.
- (b) Regulating the importation of certain birds. No person shall import, or cause to be imported, into the town 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, or body, or any part thereof, legally collected for use by the Native Americans for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (c) Wild animals. Unless prior approval is received from the town, it shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the town any poisonous reptile or any other dangerous or carnivorous wild animal, insect, or reptile with any vicious or dangerous propensities; provided, however, that this subsection shall not apply to creatures used as assistance animals or creatures in the care, custody, or control of a veterinarian for treatment; agricultural fairs; shows, or projects of 4-H Clubs; a display for judging purposes; an itinerant or transient carnival,

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circus, or other show; dog or cat shows or trials; public or private educational institutions; or zoological gardens, if:

- (1) The location conforms to the county's zoning restrictions;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors;
- (3) The animals are maintained in quarters constructed to prevent escape;
- (4) No person, other than the owner of the animal, lives or resides within 100 feet of the quarters in which the animals are kept; and
- (5) Such animals are ferrets, nonpoisonous snakes, nonconstricting snakes, rabbits and laboratory rats which have been bred in captivity and which have never known the wild.

Secs. 8-42—8-70. Reserved.

ARTICLE IV. RABIES CONTROL

Sec. 8-71. Rabies vaccinations.

Sec. 8-72. Rabies certificates and tags.

Sec. 8-74. Duty to report suspected rabies infection.

Secs. 8-78—8-97. Reserved.

Sec. 8-71. Rabies vaccinations.

- (a) The owner of a dog shall have the animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches six months of age. If the owner obtains the dog or brings the animal into the town after the animal has reached six months of age, the owner shall have the animal vaccinated against rabies within 30 days after the animal is brought into the town, unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination.
- (b) The owner of a dog shall have the animal revaccinated against rabies by a veterinarian before the date 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 Wis. Stats. § 95.21(2).
- (c) The owner of an animal determined by a state licensed veterinarian to be allergic to standard rabies vaccination shall obtain a signed letter from a veterinarian stating that the animal should be allowed not to be vaccinated when applying for a license.

Sec. 8-72. Rabies certificates and tags.

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 or cat at all times. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The following requirements of this subsection do not apply to a dog or cat:

- (1) During competition;
- (2) Securely confined indoors;
- (3) Under the control of its owner during training or competition;

- (4) Actively involved in herding or controlling livestock; or
- (5) That is not required to be vaccinated under this section.

Sec. 8-74. Duty to report suspected rabies infection.

Any person who suspects that a pet within the town is infected with rabies or hydrophobia shall report such suspicion to the town, describing the pet and giving the name of the owner, if known.

Secs. 8-78—8-97. Reserved.

ARTICLE V. LIVESTOCK

Secs. 8-101—8-128. Reserved.

Secs. 8-101—8-128. Reserved.

ARTICLE VI. DOGS

Sec. 8-129. Disorderly dog.

Sec. 8-130. Abandonment.

Sec. 8-131. Dog license required.

Sec. 8-132. Dog collar required.

Sec. 8-133. Damage by dogs.

Secs. 8-134—8-153. Reserved.

Sec. 8-129. Disorderly dog.

It shall be unlawful for any dog owner to fail to prevent such dog from being repeatedly disorderly. The term "disorderly," in this section, means conduct by a dog that is unreasonably loud, violent, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. The term "repeatedly," in this section, means on more than two occasions when a dog owner has received complaints from citizens or law enforcement officers that such owner's dog is or was recently disorderly.

Sec. 8-130. Abandonment.

It shall be unlawful for any person owning a dog to abandon it in the town.

Sec. 8-131. Dog license required.

No person shall own, keep, harbor or have custody of any dog that is not duly licensed under the laws of the state.

(Ord. of 8-1-1984, § 1; Ord. No. 2008-4-28, § 1, 4-28-2008)

State Law reference — Dog licenses and collar tags, Wis. Stats. § 174.07.

Sec. 8-132. Dog collar required.

Any person owning, keeping, harboring, or having custody of dogs over five months of age are hereby required to place and keep on said dogs a collar bearing the name and address of the owner of said dog plainly stamped on said collar with its license tag attached thereto. No person, excepting the owner or his authorized agent, shall remove a dog collar containing the name of the owner or license number from any dog.

(Ord. of 8-1-1984, § 2; Ord. No. 2008-4-28, § 2, 4-28-2008)

Sec. 8-133. Damage by dogs.

- (a) The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by animals, together with the penalties set forth in such statute, are hereby adopted and incorporated into this section by reference as if fully set forth herein.
- (b) Any dog doing damage may be seized by a humane officer or any other person and impounded or disposed of in accordance with this chapter. Said dog shall not be released until the owner has paid for damages.

(Ord. of 8-1-1984, § 5; Ord. No. 2008-4-28, § 5, 4-28-2008)

Secs. 8-136—8-153. Reserved.

ARTICLE VII. DANGEROUS AND VICIOUS ANIMALS

Sec. 8-154. Declaration of viciousness; exceptions.

Sec. 8-155. Restraint required.

Sec. 8-154. Declaration of viciousness; exceptions.

For purposes of this article, an animal shall be deemed as being of a vicious disposition if, within any 12-month period, it attacks, bites or injures a human being, pet, companion animal, or livestock in unprovoked circumstances off of the owner's premises; provided, however that:

- (1) No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such death, injury, or damage was sustained, was committing a criminal trespass upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal or was committing, or attempting to commit, a crime, or violating, or attempting to violate, a law or an ordinance that protects persons or property.
- (2) No animal shall be declared to be vicious if death, injury, or damage was sustained by a domestic animal that, at the time such death, injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the animal.
- (3) No animal may be declared to be vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

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- (4) No animal may be declared to be vicious if the death, injury, or damage to an animal or a person occurred when the attacking animal was within the confines of a fenced in or enclosed building area, if such building or fenced in area has a sign warning or stating, "Beware of Dog," or other animal.
- (5) No animal may be declared to be vicious if the animal is part of a governmental organization or is a trained guard dog in the performance of its duties.

Sec. 8-155. Restraint required.

No vicious animal, as defined in this chapter, shall be allowed off the premises of its owner, unless such animal is muzzled or on a leash and in the charge of a person who is at least 18 years old.

Chapter 9 RESERVED

Chapter 10 BUILDINGS AND BUILDING REGULATION

ARTICLE I. - IN GENERAL

ARTICLE II. - BUILDING CODES AND REGULATIONS

ARTICLE III. - PERMITS

ARTICLE IV. - SWIMMING POOLS

ARTICLE V. - DEMOLITION OF BUILDINGS

ARTICLE VI. - STRUCTURE NUMBERING

ARTICLE VII. - BUILDING MOVING

ARTICLE VIII. - BOARD OF BUILDING APPEALS

State Law reference— Enforcement of building codes, Wis. Stats. § 60.61(1m); village powers, Wis. Stat. § 60.22(3); razing buildings, Wis. Stats. § 66.0413; regulation of industry, buildings, and safety, Wis. Stats. § 101.01 et seq.; one- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; electrical wiring and electricians, Wis. Stats. § 101.80 et seq.; multifamily dwelling code, Wis. Stats. § 101.971 et seq.

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

Sec. 10-2. Building inspector certification required.

Sec. 10-3. Penalties and enforcement.

Sec. 10-4. Other enforcement methods.

Secs. 10-5—10-47. Reserved.

Sec. 10-1. Purpose.

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and use of materials in buildings or structures hereafter constructed, enlarged, altered, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all buildings or structures, not covered by the state residential or commercial code.

(Ord. of 4-22-1998, § 3.01(A))

Sec. 10-2. Building inspector certification required.

Any building inspector retained or employed by the town board shall be certified as specified in Wis. Stats. § 101.66(2).

(Ord. No. 3.01, § 2, 5-21-1980)

Sec. 10-3. Penalties and enforcement.

- (a) Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and other materials, which are incorporated by reference, shall upon conviction thereof forfeit not less than \$25.00 and not more than \$500.00 and the cost of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation. However, in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the state. Each day that a violation continues shall constitute a separate offense.
- (b) The town board shall also provide for the enforcement of the Code and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action.
- (c) The town shall be permitted to tear down new construction done in violation of this chapter and the cost of such demolition shall be borne by the violator.

(Ord. No. 3.01, § 6, 5-21-1980; Ord. of 4-22-1998, § 3.06(A))

Sec. 10-4. Other enforcement methods.

- (a) Whenever any building work is being done contrary to the provisions of this Code, or in an unsafe or dangerous manner, the town may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.
- (b) Whenever any building is being used or occupied contrary to the provisions of this Code, the town shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

(Ord. of 4-22-1998, § 3.06(B))

Secs. 10-5—10-47. Reserved.

ARTICLE II. BUILDING CODES AND REGULATIONS

Sec. 10-48. Scope and applicability.

Sec. 10-49. Uniform Dwelling Code adopted.

Sec. 10-50. Commercial building standards adopted.

Sec. 10-51. Plumbing code adopted.

Sec. 10-52. Electrical code adopted.

Sec. 10-53. Garage construction required on certain dwellings.

Sec. 10-54. Extensive alterations and repairs.

Sec. 10-55. Zoning restrictions.

Sec. 10-56. Maintenance of buildings and structures.

Sec. 10-57. Drainage of roof water.

Secs. 10-58—10-89. Reserved.

Sec. 10-48. Scope and applicability.

- (a) No building or structure shall be constructed, installed, altered, repaired, or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with this Code, and with orders of the inspector or other designated town official issued thereunder.
- (b) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirement for the new use, as provided in this Code.

(Ord. of 4-22-1998, § 3.01(B))

Sec. 10-49. Uniform Dwelling Code adopted.

Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 320—325, commonly known as the uniform dwelling code, describing standards and inspection procedures for one- and two-family dwellings and manufactured buildings, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions, or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 320 Administration and Enforcement.

Wis. Admin. Code § SPS 321 Construction Standards.

Wis. Admin. Code § SPS 322 Energy Conservation.

Wis. Admin. Code § SPS 323 Heating, Ventilating, and Air Conditioning Standards.

Wis. Admin. Code § SPS 324 Electrical Standards.

Wis. Admin. Code § SPS 325 Plumbing Standards.

(Ord. No. 3.01, § 1, 5-21-1980)

Sec. 10-50. Commercial building standards adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 360 and 361-366, commonly known as the commercial building code, describing standards and inspection procedures for all commercial buildings are hereby adopted and incorporated herein by reference, as though fully set forth. Any future amendments, revisions, or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 360 Erosion Control, Sediment Control and Stormwater Management.

Wis. Admin. Code § SPS 361 Administration and Enforcement.

Wis. Admin. Code § SPS 362 Buildings and Structures.

Wis. Admin. Code § SPS 363 Energy Conservation.

Wis. Admin. Code § SPS 364 Heating, Ventilating and Air Conditioning Standards.

Wis. Admin. Code § SPS 365 Fuel Gas Appliances.

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Wis. Admin. Code § SPS 366 Existing Buildings.

- (b) Any act which is required to be performed or is prohibited by the code adopted in this section is also required or prohibited by this section.

(Ord. of 4-22-1998, § 3.01(C))

Sec. 10-51. Plumbing code adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 381—386, commonly known as the plumbing code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this chapter are also incorporated herein, and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 381 Definitions and Standards.

Wis. Admin. Code § SPS 382 Design, Construction, Installation, Supervisions, Maintenance, and Inspection of Plumbing.

Wis. Admin. Code § SPS 383 Private Onsite Wastewater Treatment Systems.

Wis. Admin. Code § SPS 384 Plumbing Products.

Wis. Admin. Code § SPS 385 Soil and Site Evaluations.

Wis. Admin. Code § SPS 386 Boat and On-Shore Sewage Facilities.

- (b) Any act which is required to be performed or is prohibited by the code adopted in this chapter is also required or prohibited by this section.

Sec. 10-52. Electrical code adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code ch. SPS 316, commonly known as the electrical code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section.
- (b) Any act which is required to be performed or is prohibited by the provisions of the adopted code is also required or prohibited by this section.

Sec. 10-53. Garage construction required on certain dwellings.

No building permit shall be issued for the construction of a one- or two-family dwelling, unless the construction includes a garage with dimensions of not less than 16 feet by 22 feet. This provision shall apply to new construction, as well as existing dwellings that are moved to a new location.

(Ord. of 5-7-1997, § I)

Sec. 10-54. Extensive alterations and repairs.

- (a) When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50 percent or more of the equalized value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this Code

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for new buildings. If the cost of such alterations or repairs is less than 50 percent of the equalized value of the buildings, the building inspector shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this Code.

- (b) The owner or contractor shall erect roofed passageways extending over public thoroughfares at least seven feet high, the roof of which shall be not less than a double thickness of two-inch thick lumber when construction or repair work may endanger the traveling public.

(Ord. of 4-22-1998, § 3.04(E))

Sec. 10-55. Required Access.

- (a) No building permit for construction shall be granted unless either the property abuts with a minimum frontage of 40 feet onto a dedicated public highway that has been constructed and opened for travel, or the property has an access easement that has been approved by the Town Board.

(Ord. of 4-22-1998, § 3.04(A))

Sec. 10-56. Maintenance of buildings and structures.

- (a) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the inspection department may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code.
- (b) In case there shall be, in the opinion of the inspection department, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the department may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner, and may be applied as a special charge on the owner's real estate tax bill.
- (c) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the inspection department may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures, and places adjacent to such building or structure, and prohibit the same from being used.

(Ord. of 4-22-1998, § 3.04(B))

Sec. 10-57. Drainage of roof water.

It shall be unlawful to deposit roof water, or water of any kind, directly upon any public street, alley, or sidewalk or any public land, or to construct or maintain any device which will deposit such water directly upon public land, unless the public land is designed for the purpose of drainage.

(Ord. of 4-22-1998, § 3.04(C))

Secs. 10-58—10-89. Reserved.

ARTICLE III. PERMITS

Sec. 10-90. Building permit required.

Sec. 10-91. County zoning permit required.

Sec. 10-92. Inspections and prerequisite approvals.

Sec. 10-93. Plans and specifications.

Sec. 10-94. Deteriorated or damaged buildings.

Sec. 10-96. Posting of permits.

Sec. 10-97. Permit and inspection fees.

Sec. 10-98. Fees doubled for violations.

Sec. 10-99. Statement and payment of fees; receipt for fees.

Secs. 10-100—10-126. Reserved.

Sec. 10-90. Building permit required.

No person shall build or cause to be built any one- or two-family dwelling, any commercial building or any addition or remodeling to such a dwelling or commercial building, without first obtaining a building permit for such construction. Building permits shall be issued by the building inspector in accordance with the codes adopted in this chapter and upon payment of a permit fee as established by the town board.

(Ord. No. 3.01, § 4, 5-21-1980)

Sec. 10-91. County zoning permit required.

The application for a town building permit shall be accompanied by a validly issued county zoning permit.

Sec. 10-92. Inspections and prerequisite approvals.

Before the issuance of any permit for the moving of a building or structure into or within the town, the building inspector shall inspect the building or structure to determine its structural fitness for the move and any additions, alterations or improvements necessary for compliance with this chapter. All county zoning, health and sanitation permits or other necessary approvals must be obtained before a permit is issued.

(Ord. of 4-22-1998, § 3.05(A))

Sec. 10-93. Plans and specifications.

All applications for building permits shall be accompanied by specifications and plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings existing, and the lines within which the buildings or structure shall be erected or altered, and such other information as may be necessary to determine compliance with all building codes and regulations. At the discretion of the building inspector, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

(Ord. of 9-6-1995, § 1)

Sec. 10-94. Deteriorated or damaged buildings.

No permits shall be issued for the moving of any building or structure that has deteriorated or been damaged to a greater extent than 50 percent of its assessed value.

(Ord. of 4-22-1998, § 3.05(B))

Sec. 10-96. Posting of permits.

Issuance of a permit shall include delivery of a permit placard which shall be posted in a conspicuous place on the building or premises where the work is being done, and easily accessible for notation of inspections.

(Ord. of 4-22-1998, § 3.02(C))

Sec. 10-97. Permit and inspection fees.

Building permit, inspection, and reinspection fees shall be as provided in the town fee schedule.

(Ord. of 5-5-1993, § I; Ord. of 3-6-1996; Ord. of 4-22-1998, § 3.01(D); Ord. No. 632004, 6-3-2004)

Sec. 10-98. Fees doubled for violations.

Double fees will be charged for anyone failing to take out the necessary permits as required by this article if additional work is thereby created for the town by such failure.

(Ord. No. 3.01, § 5, 5-21-1980)

Sec. 10-99. Statement and payment of fees; receipt for fees.

The building inspector or other designated town official shall issue a statement of required fees, which shall be filed with the town treasurer for payment thereof made by the applicant. The applicant shall present to the building inspector or other designated town official the receipt of the town treasurer showing the payment of all required fees, and shall thereupon be issued the permit.

(Ord. of 5-5-1993, § I; Ord. of 3-6-1996; Ord. of 4-22-1998, § 3.01(D))

Secs. 10-100—10-126. Reserved.

ARTICLE IV. SWIMMING POOLS

Sec. 10-128. Definitions.

Sec. 10-129. Plans to be submitted.

Sec. 10-130. Design, construction, safety, and health requirements.

Sec. 10-131. Violations constituting public nuisance.

Secs. 10-132—10-160. Reserved.

Sec. 10-128. Definitions.

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

Swimming pool means a body of water in an artificial or semi-artificial receptacle, whether located indoors or outdoors, used or intended to be used for the purpose of swimming or diving. The same shall not be deemed to cover wading pools that have a depth of 18 inches or less. The term shall include any pool of any size, volume, permanent or portable, which is intended for swimming or diving and which serves the town, motels, hotels, clubs, associations, schools, charitable or youth organizations, institutions, or other similar type of accommodations, also those installed on private residential property containing ten or more dwelling units and also those installed on private residential property containing less than ten dwelling units and which are over 18 inches in wall height and have a surface area of 250 square feet or more or have a volume of 2,000 gallons or more.

(Ord. No. 19, § I, 10-6-1981)

Sec. 10-129. Plans to be submitted.

- (a) Plans and specifications submitted with an application for a permit for construction, alteration, addition, remodeling or other improvements to a swimming pool shall include plans (including a profile drawn to scale showing all dimensions), capacity of pool, and proposed location of pool and fences on the tract of land.
- (b) The application for a permit together with the plans and specifications required hereunder shall be submitted to the town clerk together with a permit fee in the amount established by the town board.
- (c) The plans and specifications shall be reviewed by the town building inspector to ascertain whether they comply with the design, construction, safety and health requirements of this article. If the town building inspector determines that all design, construction, safety and health requirements are satisfied he shall notify the town clerk who shall issue the permit requested.
- (d) In the event a permit is denied for failure to comply with the construction, design, safety and health requirements of this article, the applicant may appeal said decision to the town board which shall act as a board of appeal with regard to the permit denial.

(Ord. No. 19, § II, 10-6-1981)

Sec. 10-130. Design, construction, safety, and health requirements.

All swimming pools shall be constructed in accordance with the following design, construction, safety, and health requirements:

- (1) The material for the lining of artificial swimming pools shall be light in color and such as will provide a tight tank with smooth and easily cleaned surfaces.
- (2) When the walls of a pool exceed two feet in height, the walls shall be vertical for a minimum of two feet. Conspicuous markings shall show the depth of the points where the slope of the bottom of the pool changes, except that such markings shall not be required for pools of generally uniform depth.
- (3) The pool shall be completely surrounded by a walkway at least four feet in width and sloping away from the pool for drainage if said pool is underground.

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- (4) There shall be a complete recirculation of water through all parts of a pool. The chemical quality of pool water shall be measured by tests for pH value and chlorine residuals. A free chlorine residual of a least 0.6 ppm and a pH above 7.2 shall be maintained. The person in charge of the pool shall have available a test kit having a chlorine residual range of 0.3 to 3.0 ppm and pH range between 6.8 and 8.4. Chlorinating equipment shall be operated so as to ensure that proper purification of the water is obtained at all times.
- (5) The owner or operator of a swimming pool shall not permit any person having skin eruptions, infected eyes, nasal or ear discharge, or any communicable disease to use a pool. The water shall at all times be sufficiently clear to be clearly visible from walkways. All reasonable precautions shall be taken to protect bathers from injury. In addition, the ground and facilities of the swimming pool shall be kept clean and in a sanitary condition free from garbage, trash or other refuse. Sediment, visible dirt, fungi, and algae shall not be permitted to accumulate on the side walls, bottom, or surrounding walk areas of the pool.
- (6) All outdoor swimming pools shall be completely surrounded by a fence of not less than four feet in height and of such a construction so as to exclude uninvited children and animals. Said fence shall be at least four feet distant from the perimeter of the swimming pool. Said fence shall be gated and locked so as to exclude uninvited children and animals. In addition, there shall be contained in each swimming pool not being used two separate approved safety flotation devices. A dwelling house or accessory building may be used as part of the fence required herein provided the protection afforded is not less than that afforded by the requirements herein. The water enclosing wall of an above ground pool may be considered as the required fence if such wall is four feet in height, completely exposed, and designed as to make climbing difficult. If the water enclosing wall is to be considered as the fence required herein all braces or other attachments shall be enclosed by a four-foot vertical enclosure, also to be of such nature as to make climbing difficult. In addition all equipment and accessories shall be at least three feet from the pool wall so as to avoid climbing onto said wall. Ladders used for entry to above ground pools shall be adequately safeguarded to prevent unauthorized entry when not in use.

(Ord. No. 19, § III, 10-6-1981)

Sec. 10-131. Violations constituting public nuisance.

The operation and maintenance of a swimming pool in violation of this article shall be considered a public nuisance upon which the town may be entitled to recover damages or abate pursuant to the provisions of Wis. Stats. ch. 823.

(Ord. No. 19, § IV, 10-6-1981)

Secs. 10-132—10-160. Reserved.

ARTICLE V. DEMOLITION OF BUILDINGS

Sec. 10-161. Notification of utility service providers.

Sec. 10-162. Method of demolition.

Sec. 10-163. Clearing of debris; grading.

Secs. 10-164—10-194. Reserved.

Sec. 10-161. Notification of utility service providers.

Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as, water, electricity, gas, sewer, and other connections. The wrecking permit shall not be issued until a release is obtained from the utilities provider, stating that the respective service connections and appurtenant equipment, such as, meters and regulators, have been removed or sealed and plugged in a safe manner.

(Ord. of 4-22-1998, § 3.04(D))

Sec. 10-162. Method of demolition.

Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber, and structural parts of each story shall be lowered to the ground immediately upon displacement: all dry mortar, lime, brick dust, plaster, or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property; and all sidewalks shall be protected by fences and scaffolds as required by this Code for the protection of sidewalks during the erection of buildings.

(Ord. of 4-22-1998, § 3.04(D))

Sec. 10-163. Clearing of debris; grading.

The building site of any building hereafter wrecked shall be properly cleared of debris and rubbish and shall, at the discretion of the building inspector, be properly graded and leveled off to conform with the adjoining grade of the neighborhood.

(Ord. of 4-22-1998, § 3.04(D))

Secs. 10-164—10-194. Reserved.

ARTICLE VI. STRUCTURE NUMBERING

Sec. 10-195. Purpose and intent; numbering plan.

Sec. 10-196. Removal of 9-1-1 number prohibited.

Sec. 10-198. Posts for street address numbers.

Sec. 10-199. Form of numbers.

Secs. 10-200—10-221. Reserved.

Sec. 10-195. Purpose and intent; numbering plan.

The purpose of this article is to require uniform street address numbering to facilitate emergency 9-1-1 response within the town. To that end, the town board has established a uniform numbering plan, a copy of which is available for inspection in the office of the town clerk. To the extent possible, the town shall comply with the county structure number plan.

Sec. 10-196. Removal of 9-1-1 number prohibited.

It shall be unlawful for any person to move, remove or alter any 9-1-1 number sign installed by the town without the express permission of the town board.

(Ord. No. 010500, § 1, 3-1-2000)

Sec. 10-198. Posts for street address numbers.

Posts for street address numbers will be installed by the town for each building within the town that is situated on the town, county, or a state road right-of-way. The posts shall be positioned in a uniform manner, as directed by the town board upon advice of town emergency officials, but not more than eight feet from the driveway of the building to which the number is assigned.

Sec. 10-199. Form of numbers.

The street address numbers shall be applied to the posts by the town in a uniform manner as established by the town board.

Secs. 10-200—10-221. Reserved.

ARTICLE VII. BUILDING MOVING

Sec. 10-222. Permit required; fee.

Sec. 10-223. Inspection required.

Sec. 10-224. Permit application.

Sec. 10-225. Documents to accompany application.

Sec. 10-226. Bond required.

Sec. 10-227. Insurance required.

Sec. 10-228. Moving regulations and requirements.

Sec. 10-229. Report of completion; inspection; street damages.

Secs. 10-230—10-251. Reserved.

Sec. 10-222. Permit required; fee.

No building located in the town shall be moved to another location in the town, and no building located outside the town shall be moved to a location in the town, and no building located in the town shall be moved to a location outside the town without a permit. The fee for each moving permit shall be as determined from time to time by resolution of the town board.

Sec. 10-223. Inspection required.

No building permit shall be issued for the moving of any building, unless the building has first been inspected by the town building inspector.

Sec. 10-224. Permit application.

An application for a moving permit shall be signed by the applicant and filed with the clerk, and shall set forth, in detail, a description of the building to be moved and the route to be followed in the moving of such building, an estimate of how long the move will take, but no move shall take longer than six months, and, if the building is to be located in the town, shall state the building's use, construction and location and the proposed new location, the substructure that it is to be placed upon, the use intended in the future, the remodeling or renovation planned for such building, and the names and mailing addresses of all of the residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property upon which the building is to be located.

Sec. 10-225. Documents to accompany application.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk two accurate photographs of the building at its present location and an accurate plat or survey of the property on which the building is to be located, if the building is to be located in the town. A plat or survey shall also show the proposed location of the building and any existing buildings or other structures thereon. In addition, the applicant shall file a rendering of the final four elevations of the building, its exterior material and its engineered grading and drainage plan.

Sec. 10-226. Bond required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk a bond in favor of the town and signed by the applicant, to be approved by the board or its designee, in the sum set by the town board, and:

- (1) Conditioned to save and keep the town harmless from all damages to, and loss of, property of the town, and expenses arising therefrom, which may be incurred by the town by reason of the moving of buildings by the applicant or his contractors, servants, agents or employees.
- (2) Conditioned to save and keep the town harmless from all liability arising by reason of the moving of buildings and to indemnify the town against any and all such judgments, claims, costs, and expenses on account of bodily injury to, or the death of, third persons.
- (3) Conditioned to save and keep the town harmless from all liability arising by reason of moving buildings, and to indemnify the town against any and all such judgments, claims, costs, and expenses by reason of damage to property other than that of the town.
- (4) Conditioned on completion of the move of the building within the time set forth in the application, but not to exceed six months. It shall further be conditioned upon compliance with any and all applicable provisions of this article or town zoning regulations. Such bond will pay for the demolition and disposal of the building to be moved or for the completion of the move if the building is not moved within the time limit as set forth in this subsection.

Sec. 10-227. Insurance required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk an insurance policy in the form, and by an insurance corporation, by the terms of which policy the insurance corporation shall assume the liability and obligations of the applicant under the bond, which policy shall further provide, by its specific terms, that it may not be cancelled or otherwise terminated without at least ten days' prior notice to the board or its designee.

Sec. 10-228. Moving regulations and requirements.

- (a) Every person to whom a permit is issued shall notify the building inspector when the actual work of moving the building is to be commenced.
- (b) The moving of any building along any street or alley shall be carried on without interruption during working hours.
- (c) In the moving of any building along busy or crowded streets or alleys, the board or its designee may require the moving of the building to be carried on at nighttime as well as daytime in order to complete the moving process with the least possible obstruction to streets or alleys.
- (d) In every case where it shall be necessary to trim or remove any tree along the route, such trimming or removal shall be done under the supervision of the building inspector. The person receiving the permit shall pay to the building inspector the expense of such inspector and for all labor involved in the trimming or removal of trees along the route.
- (e) No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant.
- (f) Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from 30 minutes after sunset to 30 minutes before sunrise. Such lighted lanterns shall be attached to the building, one at each corner, and in every case, lanterns shall not be placed farther apart than 12 feet.

Sec. 10-229. Report of completion; inspection; street damages.

Every person who has moved a building, as provided in this article, shall report to the building inspector and the board or its designee within one day after the building has reached its destination. The board or its designee shall thereupon inspect the streets and alleys over or along which the building has been moved. The board or its designee shall report the damage ascertained by such inspection to the building inspector and the person to whom the permit was issued, and the permit holder shall immediately repair such damage. In every case where the permit holder shall fail to repair the damage to the satisfaction of the board or its designee, the board or its designee shall cause such damage to be repaired and charged against the permit holder.

Secs. 10-230—10-251. Reserved.

ARTICLE VIII. BOARD OF BUILDING APPEALS

Sec. 10-252. Town board to serve as board of appeals.

Sec. 10-253. Meetings.

Sec. 10-254. Rules of procedure.

Sec. 10-255. Procedure for appeals to the board.

Sec. 10-256. Judicial review.

Sec. 10-252. Town board to serve as board of appeals.

The board of building appeals shall consist of the town board.

(Ord. of 4-22-1998, § 3.03(A))

Sec. 10-253. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. Three members constitute a quorum. The chairman or acting chairman may administer oaths and compel the attendance of witnesses.

(Ord. of 4-22-1998, § 3.03(B))

Sec. 10-254. Rules of procedure.

- (a) The board shall adopt its own rules of procedure other than those established by this article and shall keep a record of its proceedings, showing the action of said board and the vote of each member upon each question considered.
- (b) The board may by majority vote reverse a decision of the building inspector.

(Ord. of 4-22-1998, § 3.03(C))

Sec. 10-255. Procedure for appeals to the board.

- (a) Appeal from any action or decision of the building inspector concerning this Code may be made to the board of building appeals within time limits established by the board of building appeals and given to the town clerk.
- (b) The appellant shall file with town clerk a notice of appeal, specifying the grounds thereof. The building inspector and/or town clerk shall transmit to the board of building appeals all papers involved in the appeal.
- (c) The board may reverse, or affirm, or modify the decision or action appealed from. The decision shall be in writing, specifically stating the reasons for the decision, and a copy given to the appellant. The board may also order necessary tests of new or alternate materials or types of construction, at the expense of the appellant, before rendering a decision thereon.
- (d) The board shall have the power to hear and decide appeals where it is alleged there is error in any action or decision of the building inspector concerning this Code, to authorize such variance from the terms of the article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement would result in practical difficulty or unnecessary hardship, so that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.
- (e) An appeal shall stay all proceedings in furtherance of the matter appealed from unless the building inspector shall certify to the board of building appeals that a stay would cause imminent peril to life or property in which case proceedings shall not be stayed, except by order of the board of building appeals after hearing, or by a court of competent jurisdiction after hearing.

(Ord. of 4-22-1998, § 3.03(C))

Sec. 10-256. Judicial review.

- (a) Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the

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original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

- (b) Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.
- (c) All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

Chapter 11 RESERVED

Chapter 12 BUSINESS REGULATION AND TAXATION

ARTICLE I. - IN GENERAL

ARTICLE II. - TOBACCO SALES

State Law reference— Authority for local regulation of transient merchants, Wis. Stat. § 134.65.

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

Secs. 12-1—12-18. Reserved.

ARTICLE II. TOBACCO SALES

Sec. 12-19. License required.

Sec. 12-20. Term of license.

Sec. 12-21. Contents of licenses.

Sec. 12-22. Transfer of licenses.

Sec. 12-23. Fees.

Sec. 12-19. License required.

No person residing in the town, or any person, firm or corporation, shall sell, offer for sale, or keep on his premises, cigarettes or other tobacco products, unless a license for the sale thereof has first been obtained from the town board. The town board shall have the sole power to grant or refuse licenses to any individual, firm or corporation. The applicant shall specify in the license application whether the applicant will sell, exchange, barter, dispose of, or give away the cigarette or tobacco products over the counter or in a vending machine, or both.

Sec. 12-20. Term of license.

All licenses issued shall take effect on the July 1 and expire on the succeeding June 30, unless sooner revoked by the town board or other authority of law.

Sec. 12-21. Contents of licenses.

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

Sec. 12-22. Transfer of licenses.

Licenses shall not be transferable from one person to another nor from one premises to another.

Sec. 12-23. Fees.

Fees for tobacco sales licenses shall be as established from time to time by the town board, as indicated in the schedule of fees available in the office of the town clerk.

Chapter 13 RESERVED

Chapter 14 EMERGENCY SERVICES AND MANAGEMENT

(RESERVED)

State Law reference— State of emergency; mutual assistance, Wis. Stats. § 66.0314; town ambulance service, Wis. Stats. § 60.565; town fire service, Wis. Stat. § 60.55; emergency management generally, Wis. Stats. Ch. 323).

Chapter 15 RESERVED

Chapter 16 ENVIRONMENT

ARTICLE I. - IN GENERAL

ARTICLE II. - JUNK

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

Secs. 16-1—16-126. Reserved.

ARTICLE II. JUNK

Sec. 16-127. Storage of junked automobiles and/or parts thereof restricted.

Sec. 16-128. Vehicle abandonment prohibited; removal; disposal.

Sec. 16-129. Public nuisance of junk prohibited.

Sec. 16-127. Storage of junked automobiles and/or parts thereof restricted.

- (a) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the town except upon a permit issued by the town board.
- (b) No accumulation or storage of junked automobiles or parts thereof shall be allowed within 2,000 feet outside of the corporate limits of a city or village or within 750 feet of the center line of any county trunk, state trunk or federal highway or within 500 feet of the center line of any town road, except upon a permit issued by the town board.
- (c) Any permit issued by the town board shall be signed by the chairperson and the clerk and shall specify the quantity and manner of storing such junked automobiles and/or parts thereof. Such permit shall be revocable at any time by the town board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the town board upon its own motion, or upon the complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.
- (d) Any person, firm, partnership or corporation violating any of the provisions hereof shall upon conviction be fined not less than \$10, nor more than \$50 for each offense, and in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding 30 days. Each day that junked automobiles and/or parts thereof shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

Sec. 16-128. Vehicle abandonment prohibited; removal; disposal.

- (a) In this section, "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under Wis. Stats. ch. 341.

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- (b) No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 72 the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized town official pursuant to town ordinance.
- (c) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (d) except that if an authorized town or county representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked, donated to a nonprofit organization, or sold by the town or county prior to expiration of the impoundment period upon determination by the official having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (d)(3).
- (d) The town also enacts with these ordinances governing the removal and disposal of abandoned vehicles, except for abandoned vehicles that have been stolen, that there is a forfeiture of not less than \$10 nor more than \$100 in addition to providing for the recovery by the town of the cost of impounding and disposing of the vehicle.
- (1) Any municipal or university police officer, police officer appointed under Wis. Stat. § 16.84(2), sheriff's deputy, county traffic patrolman, state traffic officer or conservation warden who discovers any motor vehicle, trailer, semitrailer, or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the officer or warden shall notify the sheriff of the abandonment and of the location of the impounded vehicle. Upon causing the removal of the motor vehicle by a towing service, the officer or warden shall, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle, unless the town or county has entered into a towing services agreement which requires notice to such owner and lienholders of the towing.
- (2) 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. If the vehicle is sold, costs not recovered from the sale of the vehicle may be recovered in a civil action by the town against the owner. Whether or not the town recovers the cost of towing and enforcement, the town shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.
- (3) Any vehicle which is deemed abandoned by a duly authorized town or county representative and not disposed of under sub. (c) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section is a waiver of all right, title, and interest in the vehicle and a consent to the sale or donation of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold or donated to a nonprofit organization. If the vehicle is sold, the town or county may dispose of the vehicle by sealed bid or auction sale. At such sale the highest bid for any such motor vehicle shall be accepted unless an authorized town or county representative finds the bid inadequate, in which event all bids may be rejected. If all bids are rejected or no bid is received, the town or county may readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, junk the vehicle, or donate the vehicle to a nonprofit organization. Any interested person may offer bids on each abandoned vehicle to be sold. A class 1 notice under ch. 985 shall be given prior to any sale, with a copy also provided to the county sheriff's department. Upon sale of an abandoned vehicle, the town or county shall supply the purchaser with a completed form designed by the Department of Transportation enabling the purchaser to

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obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the town or county for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again or donated to a nonprofit organization. Any listing of vehicles to be sold by the town or county shall be made available to any interested person or organization which makes a written request for such list. The town or county may charge a fee for the list.

- (4) Within 5 days after the sale, donation, or disposal of a vehicle as provided in this subsection or sub. (c), the municipality or county shall advise the Department of Transportation of the sale, donation, or disposition on a form supplied by the Department of Transportation.

Sec. 16-129. Public nuisance of junk prohibited.

- (a) The town may maintain an action to recover damages or to abate a public nuisance from which injuries peculiar to the complainant are suffered, so far as necessary to protect the complainant's rights and to obtain an injunction to prevent the same.
- (b) No person shall store junked or discarded property, including automobiles, automobile parts, farm implements, trucks, tractors, refrigerators, furnaces, washing machines or dryers, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which depreciates property values in the neighborhood, except upon a permit issued by the town board.
- (c) This section shall not apply to any motor vehicle, tractor or farm equipment or parts stored within an enclosed building; in a storage place or depository maintained in a lawful place and manner; or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto junkyards, auto repair, farm machinery repair and auto body shops but shall not include automobile service stations.
- (d) The county sheriff's department or any designee of the town board may require by written order any premises in violation of this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special charge against the property.
- (e) Whenever the county sheriff's department or any designee of the town board finds or is notified that any such junk as listed in sec. (b) have been stored or permitted to remain on any private property within the town, the county sheriff's department or any designee of the town board shall send by certified mail notice to the owner of record of such junk, if such owner can be ascertained, and also to the owner of the property upon which it is stored, to remove the junk within 30 days. Such notice shall describe the junk, shall order the removal within 30 days and shall set forth the possible penalties.
- (f) Any person, firm, partnership or corporation violating any of the provisions hereof shall upon conviction be fined not less than \$10, nor more than \$100 for each offense, and in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding 30 days. Each day that junk shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

State Law reference— Storage of junked vehicles, Wis. Stats. § 175.25; vehicle abandonment prohibited; removal; disposal, Wis. Stats. § 342.40; public nuisances, Wis. Stats. ch. 823; village powers, Wis. Stat. s. 60.22(3).

Chapters 17—19 RESERVED

Chapter 20 FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

ARTICLE II. - FIRE CODE

ARTICLE III. - OUTDOOR BURNING

ARTICLE IV. - FIREWORKS

State Law reference— Village powers, Wis. Stats. § 60.22(3); Municipal enforcement of building codes, Wis. Stats. § 60.61(1m) & § 62.17; regulation of building generally, Wis. Stats. § 101.01 et seq.; mutual assistance, Wis. Stats. § 66.0314; fire inspections, prevention, detection and suppression, Wis. Stats. § 101.14; regulation of fireworks, Wis. Stats. § 167.10.

ARTICLE I. IN GENERAL

Sec. 20-1. Fire department.

Secs. 20-2—20-18. Reserved.

Sec. 20-1. Fire department.

The town is serviced for fire protection as determined by the Town Board. When the term "fire department" is used herein, it shall be deemed to apply to any and all fire departments servicing the town, as appropriate.

Secs. 20-2—20-18. Reserved.

ARTICLE II. FIRE CODE

Sec. 20-19. Fire prevention codes adopted.

Secs. 20-20—20-41. Reserved.

Sec. 20-19. Fire prevention codes adopted.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion arising from the storage, handling and use of hazardous substances, materials, and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the safeguarding of firefighting personnel as it relates to job requirements, duties, medical and physical conditions, the following orders, rules, and regulations of the Wisconsin Administrative Code, as amended from time to time, are incorporated in this section by reference and adopted as part of this section as if fully set forth herein:

Wis. Admin. Code ch. SPS 307 Explosives and Fireworks.

Wis. Admin. Code ch. ATCP 93 Flammable, Combustible and Hazardous Liquids.

Wis. Admin. Code ch. SPS 314 Fire Prevention.

Wis. Admin. Code ch. SPS 330 Fire Department Safety and Health Standards.

Whenever the provisions of the codes or statutes set forth herein conflict, the stricter interpretation shall apply.

Secs. 20-20—20-41. Reserved.

ARTICLE III. OUTDOOR BURNING

Sec. 20-42. Purpose and intent; authority.

Sec. 20-43. Applicability; exemptions.

Sec. 20-44. Greater restrictions and liabilities.

Sec. 20-45. Definitions.

Sec. 20-46. Burning of certain specific materials prohibited.

Sec. 20-47. Use of metal or noncombustible receptacle prohibited.

Sec. 20-48. Outdoor wood-fired furnace use restricted.

Sec. 20-49. Burning of certain paper restricted.

Sec. 20-50. Brush clearing fires restricted.

Sec. 20-51. Commercial enterprise burning restricted to approved facility.

Sec. 20-52. Forest or wildlife management fires permitted.

Sec. 20-53. Outdoor campfires restricted.

Sec. 20-54. Bonfires restricted.

Sec. 20-55. Fires for clearing of maintaining rights-of-way restricted.

Sec. 20-56. Emergency response burning permitted.

Sec. 20-57. Fire department practice burns permitted.

Sec. 20-58. Burning permits; conditions.

Sec. 20-59. Liability.

Sec. 20-60. Right of entry; inspection.

Sec. 20-61. Enforcement and penalties.

Secs. 20-62—20-82. Reserved.

Sec. 20-42. Purpose and intent; authority.

This article is enacted pursuant to Wis. Stats. §§ 60.22(3), 60.55(1), (2), and 60.555, and is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the town citizens due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

(Ord. No. 2008-10-27, §§ 1.01, 1.04, 10-27-2008)

Sec. 20-43. Applicability; exemptions.

This article applies to all open burning, outdoor burning and refuse burning within the town. This article does not apply to:

- (1) Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances;
- (2) Burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation, unless the material being burned includes refuse as defined herein; or
- (3) The use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

(Ord. No. 2008-10-27, § 1.02, 10-27-2008)

Sec. 20-44. Greater restrictions and liabilities.

Nothing herein shall limit the responsibility or liability of a person for burning in any forest, marsh, or field area as defined, regulated or prohibited by Wis. Stats. § 26.01 et seq., nor serve to affect the liability of persons permitting the fire to escape from their control, as further provided in Wis. Stats. § 26.14.

(Ord. No. 2008-10-27, § 1.03, 10-27-2008)

Sec. 20-45. Definitions.

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

“Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for a disposal of waste wood or refuse.

“Clean wood” means natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

“Combustible material” means a substance that can be consumed to produce energy, material can be solid (such as, wood, paper, etc.) or liquid (flashpoint at or above 100 degrees Fahrenheit).

“Confidential papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

“Fire chief” means the fire chief servicing the Town of Onalaska or other persons as authorized by their respective fire chief.

“Open burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

“Outdoor burning” means open burning or burning in an outdoor wood-fired furnace.

“Outdoor wood-fired furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

“Refuse” means any waste material, except clean wood.

(Ord. No. 2008-10-27, § 1.05, 10-27-2008)

Sec. 20-46. Burning of certain specific materials prohibited.

The following materials may not under any circumstances be burned in the town:

- (1) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes except used oil burned in heating devices for energy recovery subject to the restrictions in state law.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films, and containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board and office paper. Such material shall be recycled in accordance with the recycling provisions except as provided in section 20-43.
- (8) Leaves, grass, grass clippings, plants, plant clippings, weeds, garden debris, yard waste, and the like. Such material shall be taken to the designated town compost site for disposal.
- (9) Brush, branches, small diameter trees, Christmas trees, and the like. Such material shall be disposed of using the town chipping policy on the dates and times designated by the town board.

(Ord. No. 2008-10-27, § 2.01(A), 10-27-2008)

Sec. 20-47. Use of metal or noncombustible receptacle prohibited.

The use or maintenance of any metal or noncombustible receptacle is prohibited. This prohibition includes, but is not limited to, burn barrels, incinerators, rings, tubs, and the like, but does not include things used only pursuant to Sec. 20-53.

(Ord. No. 2008-10-27, § 2.01(B), 10-27-2008)

Sec. 20-48. Outdoor wood-fired furnace use restricted.

An outdoor wood-fired furnace is permitted within the town only in accordance with the following provisions:

- (1) It shall not be used to burn any of the prohibited materials listed in this article.
- (2) The installation and location follow the regulations and provisions of chapter 11 of the La Crosse County Code of Articles, Public Health and Human Services, section 11.52.

(Ord. No. 2008-10-27, § 3.01, 10-27-2008)

Sec. 20-49. Burning of certain paper restricted.

- (a) Small amounts of paper and cardboard products may be used as a starter fuel for a campfire that is allowed under this article.

- (b) Small quantities of confidential papers from a resident may be burned in a campfire, if necessary, to prevent the theft of financial records, identification, or other confidential information.
- (c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(Ord. No. 2008-10-27, § 3.03(A), 10-27-2008)

Sec. 20-50. Brush clearing fires restricted.

For purposes of spring clearing along fence-lines, pasture land and the like on agricultural land, or clearing brush for commercial and residential developments, open burning shall be allowed under the direction and discretion of the fire chief.

(Ord. No. 2008-10-27, § 3.03(B), 10-27-2008)

Sec. 20-51. Commercial enterprise burning restricted to approved facility.

A commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the fire chief or the department of natural resources.

(Ord. No. 2008-10-27, § 3.03(C), 10-27-2008)

Sec. 20-52. Forest or wildlife management fires permitted.

Fires set for forest or wildlife habitat management may be permitted with the approval of the fire chief.

(Ord. No. 2008-10-27, § 3.03(D), 10-27-2008)

Sec. 20-53. Outdoor campfires restricted.

Campfires, small bonfires for cooking, ceremonies or recreation are allowed; provided the fire is confined by a control device or structure such as a fire ring, or fire pit not to exceed three feet in diameter and is at least 20 feet from any combustible materials, combustible walls or partitions, exterior window openings, exit access or exit. Fire rings/pits constructed prior to December 31, 2008, may exceed these requirements unless the fire chief deems them an undue hazard.

(Ord. No. 2008-10-27, § 3.03(E), 10-27-2008)

Sec. 20-54. Bonfires restricted.

Bonfires are allowed only if approved by and in accordance with provisions established by the fire chief.

(Ord. No. 2008-10-27, § 3.03(F), 10-27-2008)

Sec. 20-55. Fires for clearing of maintaining rights-of-way restricted.

The burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the fire chief and if in accordance with other provisions of this article.

(Ord. No. 2008-10-27, § 3.03(G), 10-27-2008)

Sec. 20-56. Emergency response burning permitted.

Burning in emergency situations such as natural disasters is allowed if approved by the fire chief or as authorized by a declaration of emergency made pursuant to Wis. Stat. ch. 323.

(Ord. No. 2008-10-27, § 3.03(H), 10-27-2008)

Sec. 20-57. Fire department practice burns permitted.

A Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the state department of natural resources.

(Ord. No. 2008-10-27, § 3.02, 10-27-2008)

Sec. 20-58. Burning permits; conditions.

All permits shall be issued by the fire chief of the Holmen Area Fire Department or other persons authorized by the fire chief to issue a burning permit. Each permittee shall adhere to the following:

- (1) Open burning shall be conducted only following issuance of and in accordance with a permit issued and shall require compliance with all application provisions of this article and any additional special restrictions deemed necessary to protect public health and safety.
- (2) All permitted open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads, or airfields.
- (3) Permitted open burning shall be conducted in conformance with all local and state fire protection regulations.
- (4) When weather conditions warrant, the fire chief or the state department of natural resources may declare a burning moratorium on all open burning, campfires and temporarily suspend previously issued burning permits for open burning.
- (5) Open burning, when permitted, shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the fire chief or the state department of natural resources.
- (6) Except for campfires and permitted bonfires, open burning shall be conducted during daylight hours only and the times of which shall be determined by the fire chief or authorized personnel.
- (7) Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for a total control of the fire.
- (8) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.

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- (9) Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 100 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the fire chief.
- (10) Any violation of the conditions of a burning permit shall be deemed a violation of this article and shall void the permit.
- (11) All burn permits issued shall be readily available for inspection at all times.

(Ord. No. 2008-10-27, § 3.04, 10-27-2008)

Sec. 20-59. Liability.

A person utilizing or maintaining any open burning, outdoor burning, refuse burning, or campfires shall be responsible for all fire-suppression costs and any other liability resulting from damage caused by the fire, even if the burning was done in accordance with this article and/or with a burning permit.

(Ord. No. 2008-10-27, § 4.0, 10-27-2008)

Sec. 20-60. Right of entry; inspection.

The fire chief or any authorized officer, agent, employee, or representative of a Fire Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stats. §§ 66.0119.

(Ord. No. 2008-10-27, § 5.0, 10-27-2008)

Sec. 20-61. Enforcement and penalties.

- (a) The fire chief or any authorized officer, agent, employee, or representative of the fire chief's fire department is authorized to enforce the provisions of this article.
- (b) Any persons violating any provision of this article shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1,000.00 for the second and subsequent offenses within a period of one year and in the event of default in such payment shall be imprisoned not more than two days for the first offense and not more than ten days for the second offense and subsequent offenses within one year, such imprisonment to be in the county jail.
- (c) Any person violating any provision of this article shall also be responsible for the cost associated with fire suppression for prohibited burning. Costs shall be determined by the Town. A statement shall be submitted for payment . If said statement is not paid in full within 30 days thereafter, the statement charge shall be entered in the tax roll of the property owner as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

Sec. 20-62. Severability

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

(Ord. No. 2008-10-27, §§ 6.01, 6.02, 10-27-2008)

Secs. 20-63—20-82. Reserved.

ARTICLE IV. FIREWORKS

Sec. 20-83. Defined.

Sec. 20-84. Prohibited.

Sec. 20-85. Injunctions; seizure and destruction; penalties; parental responsibility.

Sec. 20-83. Defined.

The term "fireworks," as used in this article, means anything manufactured, processed or packaged for exploding, emitting sparks, or combustion that does not have another common use, but does not include the following:

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.
- (5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (6) A toy snake that contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (12) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (13) A device that emits smoke with no external flame and does not leave the ground.
- (14) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- (15) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (16) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50.
- (17) A cone fountain that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50.
- (18) A novelty device that spins or moves on the ground.

(Ord. No. 20, § 1, 8-3-1988)

Sec. 20-84. Prohibited.

No person, group of persons, or entity may sell, possess, buy, or use fireworks within the town; provided, however, that this section shall not apply to the following:

- (1) Possession and use of fireworks by the town or its designees;
- (2) Possession or use of explosives in accordance with rules or general orders of the department of industry, labor, and human relations;
- (3) The disposal of hazardous substances in accordance with rules adopted by the 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; and
- (6) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848, if the possession of the fireworks is authorized under the license or permit.

(Ord. No. 20, §§ 2, 3, 8-3-1988)

Sec. 20-85. Injunctions; seizure and destruction; penalties; parental responsibility.

- (a) In addition to other penalties and enforcement procedures allowed under this article, this Code, and state law the town may petition the circuit court for an order enjoining violations.
- (b) Fireworks stored, handled, sold, possessed, or used by a person in violation of this article or a court injunction obtained by the town pursuant to subsection (a) of this section may be seized by the town. Fireworks so seized may be destroyed after conviction for a violation.
- (c) Any person violating this article shall be fined not less than \$50.00 nor more than \$1,000.00, together with the costs of prosecution, including attorneys' fees and costs of any circuit court action for an order enjoining violation of this article.
- (d) A parent or a legal guardian of a minor who consents to the use of fireworks by a minor in violation of this article shall be subject to penalties as set forth herein.

(Ord. No. 20, §§ 4—6, 8-3-1988)

State Law reference— Regulation of fireworks, Wis. Stats. § 167.10 et seq.; powers and duties of town board chairperson with regard to fireworks regulations, Wis. Stats. § 60.24(3)(v).

Chapters 21—29 RESERVED

Chapter 30 MANUFACTURED AND MOBILE HOMES

ARTICLE I. - IN GENERAL

ARTICLE II. - MOBILE HOMES

ARTICLE III. - MANUFACTURED HOME COMMUNITIES

ARTICLE IV. - MANUFACTURED HOMES

State Law reference— Village powers, Wis. Stat. § 60.22(3); Municipal regulation of modular homes, Wis. Stats. § 62.17, Wis. Stats. § 66.1019; manufactured and mobile home communities, Wis. Stats. § 66.0435; modular home code, Wis. Stats. § 101.70 et seq.; manufactured and mobile homes, Wis. Stats. § 101.91 et seq.

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

Sec. 30-2. Converted vehicles prohibited.

Sec. 30-3. Penalties.

Secs. 30-4—30-24. Reserved.

Sec. 30-1. Definitions.

The definitions contained within Wis. Stat. ch. 101 and § 66.0435(1) and as they are from time to time amended are hereby incorporated by reference into this Code as if set forth fully herein.

(Ord. of 9-5-1979, § 1)

State Law reference — Similar definitions, Wis. Stats. § 101.91.

Sec. 30-2. Converted vehicles prohibited.

No converted vehicles such as, but not limited to, vans, semitrailers, school buses, or trolley cars are to be considered mobile home units within the scope of this chapter. Any such use of such vehicles within the town is strictly prohibited.

(Ord. of 9-5-1979, § 14)

Sec. 30-3. Penalties.

Any person violating any provision of this Code shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the cost of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

(Ord. of 9-5-1979, § 18)

Secs. 30-4—30-24. Reserved.

ARTICLE II. MOBILE HOMES

DIVISION 1. - GENERALLY

DIVISION 2. - MOBILE HOMES IN AGRICULTURAL DISTRICTS

DIVISION 1. GENERALLY

Sec. 30-26. Drainage; grading.

Sec. 30-27. Location of mobile homes restricted.

Sec. 30-28. Skirting.

Secs. 30-31—30-48. Reserved.

(Ord. of 9-5-1979, § 2(a))

Sec. 30-26. Drainage; grading.

No person shall occupy a mobile home within the town on any premises that is not situated in a licensed mobile home community.

(Ord. of 9-5-1979, § 2(a))

Sec. 30-27. Location of mobile homes restricted.

Every mobile home or mobile home community shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of stormwaters or other waters. No mobile home or mobile home community shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet, or other source of filth can be deposited in its location.

(Ord. of 9-5-1979, § 2(b))

Sec. 30-28. Skirting.

Skirting closing the lower area below the floor level shall be required on all mobile home units, in mobile home communities and those presently parked within the town. Such skirting or closing up of the area below the floor level shall be completed within a period of not more than 90 days or the arrival of the mobile home in a licensed park. The type of skirting shall be of such material and color that will blend with the original color, material, fabric, and/or design of the mobile home. A permanent foundation, wall, or basement may be erected to support any mobile home unit in lieu of the above requirements for skirting and blocking.

(Ord. of 9-5-1979, § 13(a))

Secs. 30-31—30-48. Reserved.

Secs. 30-52—30-75. Reserved.

ARTICLE III. MANUFACTURED HOME COMMUNITIES

DIVISION 1. - GENERALLY

DIVISION 3. - MOBILE HOME COMMUNITY LICENSES

DIVISION 4. - NEW AND ENLARGED PARKS

DIVISION 5. - DESIGN AND MAINTENANCE STANDARDS

DIVISION 6. - COMMUNITY MANAGEMENT

DIVISION 1. GENERALLY

Sec. 30-76. Number of units per community limited.

Sec. 30-77. Annual mobile home license fees.

Secs. 30-78—30-97. Reserved.

Sec. 30-76. Number of units per community limited.

All mobile home communities shall be limited to 80 units provided that all existing mobile home communities may retain their present number of units in excess thereof.

(Ord. of 9-5-1979, § 6)

DIVISION 3. MANUFACTURED AND MOBILE HOME COMMUNITY LICENSES

Sec. 30-133. Required.

Sec. 30-134. Application for license.

Sec. 30-135. Inspections; right of entry.

Sec. 30-136. Suspension and revocation; appeal.

Sec. 30-137. Posting of license and any permit.

Secs. 30-138—30-157. Reserved.

Sec. 30-133. Required.

- (a) It shall be unlawful for any person to maintain or operate within the limits of the town any manufactured and mobile home community, unless such person shall first obtain from the town a license therefor.

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- (b) The annual license fee and the fee for each transfer of a license are listed in the town's fee schedule.
- (c) The monthly municipal permit fee per unit shall be required and calculated pursuant to Wis. Stat. § 66.0435(3). Community operators are required to collect this fee from unit owners.
- (d) A forfeiture of \$25.00 is imposed for failure to comply with the reporting requirements pursuant to Wis. Stat. § 66.0435. Each failure to report is a separate offense.

(Ord. of 9-5-1979, § 4(a))

Sec. 30-134. Application for license.

Original application for a manufactured and mobile home community license shall be filed with the town clerk. Applications shall be in writing, signed by the applicant and shall contain the name of applicant, the applicant's address, the location and legal description of the manufactured and mobile home community, and the complete plan of the park including the number of spaces and the number of spaces currently occupied by a unit.

(Ord. of 9-5-1979, § 5)

Sec. 30-135. Inspections; right of entry.

- (a) No manufactured and mobile home community shall be issued a license until the town clerk has received an application and notified the town board and the building inspector; and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulation, ordinances, and laws applicable thereto.
- (b) No license shall be renewed without a reinspection of the premises.
- (c) For the purpose of making inspections and securing enforcement such officials or their authorized agents shall have the right and are hereby empowered to enter onto any premises on which a manufactured or mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

(Ord. of 9-5-1979, § 7)

Sec. 30-136. Suspension and revocation; appeal.

- (a) Any license granted under the provisions of this article shall be subject to revocation or suspension for cause by the town board upon complaint filed with the clerk signed by any law enforcement officer, health officer, or building inspector after a public hearing upon such complaint. The holder of the license shall be given 10 days' written notice of the hearing, and is entitled to appear and be heard as to why the license should not be revoked.
- (b) Any holder of a license that is revoked or suspended by the town may within 20 days of the date of such revocation or suspension appeal therefrom to the La Crosse County Circuit Court by filing a written notice of appeal with the town clerk, together with a bond executed to the town in a sum not less than \$5,00.00, with two sureties or a bonding company approved by the clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjusted against him.

(Ord. of 9-5-1979, § 4(b))

Sec. 30-137. Posting of license and any permit.

The license certificate or special permit shall be conspicuously posted in the office of, or on the premises of the manufactured and mobile home community at all times.

(Ord. of 9-5-1979, § 16)

Secs. 30-138—30-157. Reserved.

DIVISION 4. NEW AND ENLARGED PARKS

Sec. 30-158. New parks and enlargements of parks restricted.

Sec. 30-159. Application; scheduling and notice of public hearing.

Sec. 30-160. Conduct of public hearing.

Sec. 30-161. Enlarging scope of public hearing to address county rezoning applications.

Secs. 30-162—30-190. Reserved.

Sec. 30-158. New parks and enlargements of parks restricted.

Pursuant to Wis. Stats. § 66.0435, the town hereby restricts and limits the number of units that may be kept in any manufactured and mobile home community, and limits the number of licenses for manufactured and mobile home communities to the same as existed on the date of adoption of the ordinance from which this section is derived, unless the applicant for enlarging an existing park or establishing a new park presents satisfactory evidence to the town board at a public hearing that the enlargement or creation of a new park:

- (1) Would not cause the school costs of any common school district in the town to increase above the state average; and
- (2) Would not create a difficult or impossible situation with regard to providing adequate and proper sewage disposal in the area in which the enlargement or creation of a new park is proposed.

(Ord. of 9-5-1979, § 6)

Sec. 30-159. Application; scheduling and notice of public hearing.

- (a) At least 30 days prior to any action to be taken by the town board the applicant shall submit its application for enlargement of an existing community or for a new community to the town clerk.
- (b) The town clerk, upon receipt of an application, shall set a time for a public hearing before the town board to determine whether the community meets the criteria set forth in section 30-158.
- (c) Notice of the scheduled hearing shall be noticed to the public as a Class 1 notice pursuant to Wis. Stat. ch. 985 at least ten days prior thereto.

(Ord. of 9-5-1979, § 6)

Sec. 30-160. Conduct of public hearing.

All interested persons or their representatives including the applicant shall be afforded an opportunity to present evidence concerning the issues to be determined. The final decision on the application by the board shall be supported by its findings of fact and conclusions in support thereof, and shall be made on or before 30 days after the holding of the public hearing.

(Ord. of 9-5-1979, § 6)

Sec. 30-161. Enlarging scope of public hearing to address county rezoning applications.

- (a) In the event a zoning amendment is incidental to the enlargement of an existing park or the creation of a new park, the applicant may agree in writing in its application to enlarge the scope of the town's public hearing to cover any and all issues the town board would consider relevant to its approval or disapproval of a proposed subsequent requested zoning amendment to be submitted to the county.
- (b) In the event the applicant agrees to enlarge the scope of said public hearing the public notice of the hearing shall indicate the scope and shall provide that the public hearing shall be in lieu of any further public hearings prior to approval or disapproval by the town board of any proposed zoning amendment incidental to the proposed enlargement of an existing park or the creation of a new park by the applicant.
- (c) In the event that the scope of the hearing is enlarged the town board shall enlarge the scope of its findings of fact and conclusions to any reason upon which the town board would consider its approval or disapproval of a proposed subsequent zoning amendment to be submitted to the county.
- (d) The following shall be deemed sufficient cause for the town board to disapprove any requested zoning change pursuant to Wis. Stats. § 59.69(5):
 - (1) Failure to process an application hereunder to final decision prior to the conclusion of a county zoning agency public hearing for a zoning amendment incidental to the proposed enlargement of an existing park or the creation of a new park.

(Ord. of 9-5-1979, § 6)

Secs. 30-162—30-190. Reserved.

DIVISION 5. DESIGN AND MAINTENANCE STANDARDS

Sec. 30-191. Licensee's responsibilities.

Sec. 30-192. Minimum lot size and parking area.

Sec. 30-193. Setback requirements.

Sec. 30-194. Roadway abutment required.

Sec. 30-195. Paving; lighting; walkways.

Sec. 30-196. Electrical service connection.

Sec. 30-197. Recreation areas.

Sec. 30-198. Applicability of building codes.

Sec. 30-199. Service buildings.

Sec. 30-200. Adequate water supply required.

Sec. 30-201. Sewer connections and liquid waste disposal.

Sec. 30-202. Mandatory public sewer and water connections.

Sec. 30-203. Garbage receptacles.

Sec. 30-204. Maintenance of community buildings and grounds.

Sec. 30-205. Parking of recreational vehicles; special parking permits.

Secs. 30-206—30-233. Reserved.

Sec. 30-191. Licensee's responsibilities.

The installation and maintenance of all roads, walkways, sanitation systems, water supply systems, lighting, garbage collection, and such other requirements of licensing herein contained shall remain the responsibility of the licensee, including snow removal.

(Ord. of 9-5-1979, § 17)

Sec. 30-192. Minimum lot size and parking area.

Mobile home spaces shall be clearly defined and shall consist of a minimum of 8,000 square feet and a width of not less than 45 feet and within each said space a parking area of a minimum of 400 square feet shall be provided which shall abut a roadway.

(Ord. of 9-5-1979, § 2(c))

Sec. 30-193. Setback requirements.

The units shall be so located on each site that there shall be at least a 30-foot clearance between units. No units shall be located closer than ten feet to any building within the community or to any property line of the community that does not abut a public street or highway. No unit shall be located closer than 25 feet from the property line of a public street or 50 feet from a trunk highway thoroughfare or such other distance as may be established by ordinance or regulation as front yard or setback requirement with respect to permanently erected buildings in the district in which the mobile home community is located.

(Ord. of 9-5-1979, § 2(d))

Sec. 30-194. Roadway abutment required.

All sites shall abut upon a roadway of not less than 40 feet in width, that shall have unobstructed access to a public street, alley, or highway, except that sites servicing only recreational mobile homes may abut on a driveway not less than 25 feet wide.

(Ord. of 9-5-1979, § 2(e))

Sec. 30-195. Paving; lighting; walkways.

All roadways, walkways, driveways and parking areas shall be hard surfaced and lighted at night with sufficient lighting that compares with lighting in any residential area of the average city or town. Walkways shall have a minimum width of 36 inches.

(Ord. of 9-5-1979, § 2(f))

Sec. 30-196. Electrical service connection.

An electrical outlet supplying at least 230 volts, 100 amperes shall be provided for each mobile home site, or 30 amperes 115 volts for each recreational mobile home site.

(Ord. of 9-5-1979, § 2(g))

Sec. 30-197. Recreation areas.

Recreational area shall be determined by the formula of one acre per 20 manufactured and mobile home community parking spaces.

(Ord. of 9-5-1979, § 2(h))

Sec. 30-198. Applicability of building codes.

All plumbing, electrical, building and other work on or at any manufactured and mobile home community licensed under this chapter shall be in accordance with the town building codes; 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.

(Ord. of 9-5-1979, § 9)

Sec. 30-199. Service buildings.

In the event a proprietor desires to provide a service building for community use of permanent residents or temporary tourist residents, design and facilities of such buildings shall be subject to the following regulations:

- (1) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable code provisions, ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (2) The service buildings shall be well-lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material which may be painted woodwork, and shall permit repeated cleaning and washing, and shall be maintained at a temperature of a least 65 degrees Fahrenheit during the period from October 1 to May 1.
- (3) The floors of the service building shall be of water impervious material.
- (4) Washing and drying machines may be installed according to needs of the park.
- (5) Service buildings shall be equipped with fire extinguishers. No open fires shall be started without permission from the fire department. No fires shall be left unattended at any time.

(Ord. of 9-5-1979, §§ 10(a)—(c), 17(a))

Sec. 30-200. Adequate water supply required.

An adequate supply of pure water for drinking and domestic purposes shall be supplied to all buildings and primary housing sites within the community. Each such site shall be provided with a cold water tap, located to be accessible from the side of the unit. The wells supplying the manufactured and mobile home community with the water shall comply with Wis. Admin. Code ch. NR 812, Well Construction and Pump Installation, excepting that well pits and pump pits are not permitted.

(Ord. of 9-5-1979, § 8)

Sec. 30-201. Sewer connections and liquid waste disposal.

- (a) All liquid waste from toilets, showers, laundries, faucets, lavatories, etc., shall be discharged into a septic tank system or municipal sewage system approved by all applicable state and county regulations.
- (b) Every space designed to serve a nondependent unit shall be provided with sewer connections that shall comply with the state plumbing code. The sewer connections shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
- (c) All sanitary facilities in any unit that are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (d) Each faucet shall be equipped with facilities for the drainage of waste and excess water.

(Ord. of 9-5-1979, § 11(a)—(d))

Sec. 30-202. Mandatory public sewer and water connections.

All mobile home communities and additions shall be connected to public sewer and water, when available.

(Ord. of 9-5-1979, § 11(e))

Sec. 30-203. Garbage receptacles.

Appropriate garbage cans with tightfitting covers shall be required in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 100 feet from any mobile home site. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage containers shall not overflow.

(Ord. of 9-5-1979, § 12)

Sec. 30-204. Maintenance of community buildings and grounds.

All buildings and the grounds of the community shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(Ord. of 9-5-1979, § 10(d))

Sec. 30-205. Parking of recreational vehicles; special parking permits.

- (a) Sites for parking recreational mobile homes in a licensed community may be provided in areas set aside for such service. Such areas shall have an improved surface for placement of such units and the surrounding area shall be landscaped to be a credit to the area. Service of utilities shall be consistent with the needs of the type of such units parked and shall meet all requirements of state and local regulations and the building inspector.

(Ord. of 9-5-1979, § 15(a)—(c))

Secs. 30-206—30-233. Reserved.

DIVISION 6. COMMUNITY MANAGEMENT

Sec. 30-234. Community supervision.

Sec. 30-235. Community management.

Secs. 30-236—30-263. Reserved.

Sec. 30-234. Community supervision.

The licensee or permittee or a duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured and mobile home community, its facilities and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable with the licensee or permittee for the violation of any provision of this Code to which the licensee or permittee is subject.

(Ord. of 9-5-1979, § 17(c))

Sec. 30-235. Community management.

Management is the person in charge of the manufactured and mobile home community. In every manufactured and mobile home community there shall be located the office of the person in charge of said manufactured and mobile home community. It is the duty of the manufactured and mobile home community owner or operator, together with any attendants or persons in charge of a manufactured and mobile home community to:

- (1) Keep a register of all occupants of mobile homes, to be open at all times to inspection by federal, state, and local officials.
- (2) Maintain the manufactured and mobile home community in a clean, orderly and sanitary condition at all times.
- (3) Report the presence of dogs or other animals running loose in the community.

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- (4) Report to the local health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (5) Post copies of their rules and regulations in one or more conspicuous places in the manufactured and mobile home community where they can be easily seen by the manufactured and mobile home community residents and/or visitors.

(Ord. of 9-5-1979, § 17(d))

Secs. 30-236—30-263. Reserved.

Chapter 31 RESERVED

Chapter 32 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

ARTICLE IV. - PUBLIC NUISANCES

ARTICLE V. - OFFENSES INVOLVING JUVENILES

State Law reference— Local regulation of firearms, Wis. Stats. § 66.0409; local regulation, impoundment, seizure, and forfeiture of sound-producing devices, Wis. Stats. § 66.0411; authority of municipalities to prohibit criminal conduct, Wis. Stats. § 66.0107.

ARTICLE I. IN GENERAL

Secs. 32-1—32-18. Reserved.

Secs. 32-1—32-18. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 32-19. Statutory authorization.

Sec. 32-20. Citation form and contents.

Sec. 32-21. Schedule of deposits and penalty assessments.

Sec. 32-22. Issuance of citations.

Sec. 32-23. Procedure.

Sec. 32-24. Nonexclusivity.

Secs. 32-25—32-51. Reserved.

Sec. 32-19. Statutory authorization.

The town hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

Sec. 32-20. Citation form and contents.

The citation shall contain the following:

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

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- (5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement that informs the alleged violator:
 - a. That a cash deposit based on the schedule established by the board may be made, which may be delivered or mailed to the clerk of circuit court prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and have submitted to a forfeiture and a penalty assessment imposed by Wis. Stats. § 757.05. If the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - d. That if no cash deposit is made and the alleged violator does not appear in court at the specified time, an action may be commenced to collect the forfeiture and the penalty assessment imposed by Wis. Stats. § 757.05.
 - e. 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 Wis. Stat. § 800.093.
- (8) A direction that if the alleged violator elects to make a cash deposit the statement that accompanies the citation shall be signed to indicate that the statement required under this article has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the town deems necessary.
- (10) The form of the citation to be used by the town is on file with the town clerk and is adopted by reference.

Sec. 32-21. Schedule of deposits and penalty assessments.

The following schedule of cash deposits is established for use with citations issued under this section:

- (1) The cash deposit will be the amount of the forfeiture, plus any fee or assessment imposed by state statute, including, where applicable, court costs, penalty surcharge, jail surcharge, crime lab drug surcharge, court support services surcharge, and justice information system surcharge. Deposits shall be made in cash, personal check, or money order made payable to the county clerk of courts. The officer or person who issues the citation may accept the deposit from the cited person, but shall thereafter forward the deposit, along with the citation, to the clerk of courts.
- (2) For ordinances authorizing forfeitures of not less than \$25.00 nor more than \$500.00 for a first offense and not less than \$50.00, nor more than \$1,000.00 for a second or subsequent offense within one year, cash deposit shall be \$100.00 for the first offense and \$250.00 for a second or subsequent offense within one year, plus fee or assessment imposed by state law, as provided above.

(Res. No. 9402, §§ 1, 2, 9-4-2002)

Sec. 32-22. Issuance of citations.

The county sheriff's department and other persons as may be designated by the town board to enforce town ordinances may issue citations authorized under this article.

Sec. 32-23. Procedure.

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

Sec. 32-24. Nonexclusivity.

Adoption of this citation procedure does not preclude the town board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to same or other matter. The issuance of a citation hereunder shall not preclude the town or any authorized official from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

Secs. 32-25—32-81. Reserved.

State Law reference— Citations for violations of certain ordinances, Wis. Stats. § 66.0113; bond or cash deposition under municipal ordinances, Wis. Stats. § 66.0111.

ARTICLE IV. PUBLIC NUISANCES

Sec. 32-82. Defined.

Sec. 32-83. Penalties and enforcement.

Sec. 32-84. Prohibited.

Sec. 32-85. Specific nuisances.

Sec. 32-86. Enforcement.

Sec. 32-87. Abatement of nuisances constituting immediate danger.

Sec. 32-88. Abatement of nonemergency nuisances.

Sec. 32-89. Remedies not exclusive.

Sec. 32-90. Right of access; permission of owner.

Secs. 32-91—32-108. Reserved.

Sec. 32-82. Defined.

The term "public nuisance" means a thing, act, occupation, condition, or use of property that continues for such a length of time as to:

- (1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

- (2) In any way render the public insecure in life or in use of property;
- (3) Greatly offend the public morals or decency.

(Ord. No. 21, § 2, 7-5-1989)

Sec. 32-83. Penalties and enforcement.

- (a) In addition to any other penalty imposed by this article for the direction, continuance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if the notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.
- (b) Any person violating this article shall upon conviction be subject to penalties as provided in section 1-17.

(Ord. No. 21, § 9, 7-5-1989)

Sec. 32-84. Prohibited.

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

(Ord. No. 21, § 1, 7-5-1989)

Sec. 32-85. Specific nuisances.

The following acts, omissions, places, conditions and things are declared to be a public nuisance affecting the health, peace, and safety of the public, but such enumeration should not be construed to exclude other nuisances offending the public health, comfort, and safety under the definition provided in this article:

- (1) Any place or premises within the town, if this Code, county ordinances, or state laws regarding public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated;
- (2) Any building erected, repaired, or altered in violation of the provisions of this Code, or county ordinances, or state law;
- (3) Any building or structure so old, dilapidated, or out of repair as to be dangerous, unsafe, or unsanitary or otherwise unfit for human use; or
- (4) The placing or permitting to remain within the town upon any public or private property of any garbage, refuse, unused furniture, unused appliances, waste materials from a demolition, improvement, destruction, burning or disposable buildings, or other waste materials which cause injury or discomfort to adjacent residences.

(Ord. No. 21, § 3, 7-5-1989)

Sec. 32-86. Enforcement.

The town board or its designee shall enforce this article and shall make periodic inspections and inspections upon complaint to ensure the provisions of this article are not violated. No action shall be

taken under this article to abate the public nuisance, unless the town board or its designee has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that the nuisance does, in fact, exist.

(Ord. No. 21, § 4, 7-5-1989)

Sec. 32-87. Abatement of nuisances constituting immediate danger.

If the town board or its designee determines that the public nuisance does exist and is of great and immediate danger to the public health, safety, peace, morals, or decency, the town board or its designee may cause the same to be abated and charge the costs thereof to the owner, occupant or person causing or permitting or maintaining the nuisance as the case may be.

(Ord. No. 21, § 5, 7-5-1989)

Sec. 32-88. Abatement of nonemergency nuisances.

If after the town board or its designee determines that a public nuisance exists on private premises, but the nature of the nuisance does not threaten great or immediate danger to the public health, safety, peace, morals, or decency, the town board or its designee shall serve a ten-day notice upon the person causing or maintaining the nuisance to remove the same. If the nuisance is not removed within ten days, then the town board or its designee may cause the nuisance to be removed.

(Ord. No. 21, § 6, 7-5-1989)

Sec. 32-89. Remedies not exclusive.

Nothing in this article shall be construed as prohibiting the abatement of a public nuisance by the town in accordance with state law.

(Ord. No. 21, § 7, 7-5-1989)

Sec. 32-90. Right of access; permission of owner.

Except as may be necessary for abatement of nuisances posing an immediate threat or danger, the town board or its designee shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied. If such permission is denied, the town board or its designee shall apply to any court having jurisdiction for an order assisting the abatement of the nuisance.

(Ord. No. 21, § 8, 7-5-1989)

Secs. 32-91—32-108. Reserved.

ARTICLE V. OFFENSES INVOLVING JUVENILES

DIVISION 1. - GENERALLY

DIVISION 2. - JUVENILE CURFEW

State Law reference— Juvenile justice code, Wis. Stats. § 938.342, § 118.163 & § 60.22(3).

DIVISION 1. GENERALLY

Secs. 32-109—32-129. Reserved.

Secs. 32-109—32-129. Reserved.

DIVISION 2. JUVENILE CURFEW

Sec. 32-130. Curfew hours imposed.

Sec. 32-131. Exceptions.

Sec. 32-132. Parental responsibility.

Sec. 32-130. Curfew hours imposed.

No person under 17 years of age shall congregate, loiter, wander or play in or upon the public streets, public parking lots, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the town, either on foot or in, or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday, and 12:00 a.m. and 6:00 a.m. Friday and Saturday.

Sec. 32-131. Exceptions.

The curfew imposed in this division shall not apply if the person is accompanied by an adult person having legal custody of such person, or unless such person is engaged in the performance of an errand or duty directly by the adult having legal custody of such person or whose employment makes it necessary for such person to be in such public place, or if such person is going home from school activities, church programs, or other similar organizational activities.

Similarly, the curfew imposed in this division shall not apply in circumstances in which the minor was exercising First Amendment rights protected by the United States Constitution or the Wisconsin Constitution, including freedom of speech, the free exercise of religion and/or the right of assembly. Unless flight by the minor or other circumstances make it impracticable, a person authorized to issue town citations shall, prior to issuing a citation for an offense under this division, afford the minor an opportunity to explain his or her reasons for being present in the public place. The person authorized to issue a citation shall not issue a citation for an offense under this division unless the person reasonably believes that an offense has occurred, and that none of the exceptions to the curfew restriction described herein applies.

Sec. 32-132. Parental responsibility.

Any adult person having the legal custody of a person under the age of 17 years suffering or permitting a minor to violate this article shall be subject to penalties as set forth in section 1-17.

Chapter 33 RESERVED

Chapter 34 PARKS AND RECREATION

ARTICLE I. - IN GENERAL

ARTICLE II. - SHORELINE USE PERMITS

State Law reference—Wis. Stat. §§ 27.13, 30.77, 349.13 & 170.105.

ARTICLE I. IN GENERAL

Sec. 34-1. Parking at boat landings and town parking lots restricted.

Sec. 34-2. Removal of ice shanties.

Secs. 34-3—34-18. Reserved.

Sec. 34-1. Parking at boat landings and town parking lots restricted.

It is unlawful to park vehicles, trailers and boats at any town boat landing or boat landing parking lots for a period of more than 48 hours.

(Ord. No. 2012-9-11-1, 9-11-2012)

Sec. 34-2. Removal of ice shanties.

Ice shanties must be removed from all boat landing parking lots not later than March 31 of each year.

(Ord. No. 2012-9-11-1, 9-11-2012)

Secs. 34-3—34-18. Reserved.

ARTICLE II. SHORELINE USE PERMITS

Sec. 34-19. Issuance; fees.

Sec. 34-20. Compliance with regulations required.

Sec. 34-21. Penalties and enforcement.

Sec. 34-22. Revocation of permit.

Sec. 34-19. Issuance; fees.

The clerk is hereby authorized to issue three-year, revocable permits in consideration of the annual permit fee in the amount provided in the town fee schedule to adjacent property owners for the use of the shoreline along Lake Onalaska, which is covered by a lease between the U.S. Department of the Army and the town, in coordination with the town shoreline advisory committee.

(Ord. No. 24, § 1, 8-1-1990)

Sec. 34-20. Compliance with regulations required.

All parties being issued a permit hereunder are required at all times to be in full compliance with the terms and provisions of the shoreline lease for said property between the town and Department of the Army, a copy of which is on file in the office of the town clerk, and are further required to comply at all times with the town shoreline development and management plan and shoreline use regulations issued pursuant to the lease.

(Ord. No. 24, § 2, 8-1-1990)

Sec. 34-21. Penalties and enforcement.

The town board or its designee shall investigate any reports of violation of this article, and shall seek the advice of the shoreline committee regarding any violations. Upon discovery of such a violation, the town board or its designee shall notify the violator, in writing, of the violation and the steps that are necessary to correct the violation. In the event that the violation of this article is not corrected within 30 days of the mailing of written notice of violation by the town board or its designee hereunder, then upon conviction thereof, the person violating the provisions of this article shall forfeit not less than \$25.00 nor more than \$200.00, plus costs of prosecution, including attorneys' fees, and in the default of such payment of forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, not exceeding 90 days for each violation; provided, however, that in no case shall the forfeiture imposed by any violation of this article exceed the maximum fine for the same offense under the laws of the state.

(Ord. No. 24, § 3, 8-1-1990)

Sec. 34-22. Revocation of permit.

In addition to any other remedy under this article, the town board is empowered to revoke any permit issued hereunder upon the conviction of violation of this article. Upon correction of any violation of this article, the property owner shall be eligible to reapply for a permit.

(Ord. No. 24, § 4, 8-1-1990)

Chapter 35 RESERVED

Chapter 36 PEDDLERS AND SOLICITORS

(RESERVED)

State Law reference— Authority for local regulation of transient merchants, Wis. Stats. § 66.0423.

Chapter 37 RESERVED

Chapter 38 PLANNING

ARTICLE I. - IN GENERAL

ARTICLE II. - COMPREHENSIVE PLAN

ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

Secs. 38-1—38-18. Reserved.

ARTICLE II. COMPREHENSIVE PLAN

Sec. 38-19. Adoption of comprehensive plan.

Sec. 38-20. Adoption of additional plan components.

Sec. 38-19. Adoption of comprehensive plan.

The document entitled "Town of Onalaska Comprehensive Plan" is hereby adopted pursuant to Wis. Stats. § 66.1001(4)(c) as the town's comprehensive plan, a copy of which is on file in the office of the town clerk.

(Ord. of 5-26-2005)

Editor's note— The town's comprehensive plan, since its adoption by ordinance, dated May 26, 2005, and the additions adopted by Ordinance No. 2006-05-22-1, dated May 22, 2006, has been amended by the following ordinances: Ord. No. 2007-12-17-1, dated December 17, 2007; Ord. No. 2007-12-17-4, dated December 17, 2007; Ord. No. 2008-1-28-1, dated January 28, 2008; Ord. No. 2008-1-28-2, dated January 28, 2008; Ord. No. 2008-1-28-3, dated January 28, 2008; Ord. No. 2008-1-28-4, dated January 28, 2008; Ord. No. 2008-1-28-5, dated January 28, 2008; and Ord. No. 2008-1-28-6, dated January 28, 2008.

Sec. 38-20. Adoption of additional plan components.

The document entitled "Master Plan for Brice Prairie" as a component to the town comprehensive plan, is hereby formally adopted pursuant to Wis. Stats. § 66.1001(4)(c).

(Ord. No. 2006-05-22-1, 5-22-2006)

Chapter 39 RESERVED

Chapter 40 SIGNS

Sec. 40-1. Stop and yield signs authorized.

The town shall install and maintain stop signs and yield signs at appropriate locations the record of which shall be kept at the town hall.

State Law reference— Lawn signs for elections, Wis. Stats. § 12.04; regulation and prohibition of highway signs, Wis. Stats. § 86.19; installation of stop and yield signs, Wis. Stats. § 349.07.

Chapter 41 RESERVED

Chapter 42 SOLID WASTE

ARTICLE I. - IN GENERAL

ARTICLE II. - WASTE COLLECTION AND DISPOSAL

ARTICLE III. - RECYCLING

State Law reference— Municipal powers and duties for solid waste reduction, recovery, and recycling, Wis. Stats. § 287.09; authority for municipal recycling or resource recovery facilities, Wis. Stats. § 62.225; municipal authority for removal of rubbish, Wis. Stats. § 66.0405; solid waste facilities generally, Wis. Stats. § 289.01 et seq.; hazardous waste management, Wis. Stats. § 291.001 et seq.

ARTICLE I. IN GENERAL

Secs. 42-2—42-18. Reserved.

Sec. 42-1. Definitions.

The definitions provided in Wis. Stats. §§ 287.01, 289.01 & 291.01 and as from time to time amended are hereby incorporated by reference into this Code as if fully set forth herein.

Secs. 42-2—42-18. Reserved.

ARTICLE II. WASTE COLLECTION AND DISPOSAL

Sec. 42-20. Penalty

Sec. 42-21. Waste disposal.

Sec. 42-22. Garbage collection.

Sec. 42-23. Dumping prohibited.

Secs. 42-24—42-49. Reserved.

Sec. 42-20. Penalty

Any person violating any provision of this article shall, upon conviction, be fined not less than \$25.00 and no more than \$200.00 for each offense, together with costs of prosecution, including attorneys' fees, and in default of such fine and costs, may be imprisoned in the county jail for one day for each \$5.00 or fraction thereof of the fine and costs unpaid.

(Ord. No. 8, § 7, 1-7-1987)

Sec. 42-21. Waste disposal.

It shall be unlawful to:

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- (1) Place or permit to remain within the town any garbage or other materials subject to decay other than leaves or grass, except in an authorized legally covered container.
- (2) Cause or permit to accumulate any dirt or trash of such a material that it can be blown away in the wind within the town, except in an authorized covered container.
- (3) Deposit or permit to fall upon any public street, road, water or grounds, or any other place, any garbage, refuse, rubbish, dead animal, dirt, junk, filth, offal, or any other substance which will tend to contaminate the area, or to create a noisome stench or nuisance, or to endanger public health or safety. However, this section does not prohibit the placing of such material in a container complying with the ordinance preparatory to having such material collected and disposed of as provided herein.
- (4) Dump or place garbage, refuse, or any other waste material upon any premises within the town without the consent of the owner of the property.
- (5) Dispose of garbage, refuse, ashes or other waste within the town, except through the garbage collection procedure of the town as set forth herein.

(Ord. No. 8, § 4, 1-7-1987)

Sec. 42-22. Garbage collection.

- (a) The town shall cause to be collected garbage, refuse, ashes, and other waste within the town on a regular basis from all residential premises; provided that materials are properly stored for collection in containers complying with this article.
- (b) Refuse and recycling containers. All solid waste must be prepared for collection by being placed within carts distributed by the Town's contractor to residents. Persons must make their own arrangements for carts in addition to the standard-issue number for use at their households or for properties not serviced by the Town's contractor.
- (c) Placing of refuse and recycling containers. The owners and occupants of every house, building, flat, apartment, tenement or business established for which approved containers for refuse and recycling are required shall on days of collection place such containers clear of the mailbox on postal routes but nonetheless convenient to refuse haulers. Refuse and recycling containers shall be placed so as not to interfere with snow removal. The carts must be set with the handle facing away from the street, one foot from the surface edge of the road and at least three feet from any obstacle or other cart. On collection days, all refuse and recycling must be at the pickup point by 5:00 a.m. to ensure prompt pickup that day. The placing of carts at the pickup location on the night before the pickup is scheduled is considered acceptable practice. Empty refuse and recycling containers must be removed within 24 hours after the day of pickup.
- (d) Large items and noncollectable materials. Residents may contact the Town's contractor directly for removal of large items and noncollectable materials at an additional cost to the resident, or they may make other appropriate arrangements for disposal of such items consistent with all applicable laws. Noncollectable materials are listed in section 42-94.
- (e) Business refuse: Every business establishment must provide for the prompt removal and disposal of all refuse resulting from such business at its own expense. It shall be unlawful to dispose of business refuse through the weekly pickup provided by the town for residents.
- (f) Interference with refuse containers. No person other than the collector employed or contracted by the town, the owner, occupant or tenant of the premises, or his agent, shall deposit any article or thing in refuse containers, deface, displace, injure, destroy, uncover, or disturb the containers or their contents.
- (g) Disposal of yard waste, batteries, major appliances, oil, oil filters and oil absorbent materials, and electronic devices. No person may dispose of yard waste, lead acid batteries, major appliances, oil, oil filters and oil absorbent materials, or electronic devices through the weekly garbage collection

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provided by the town. All such items shall be properly disposed of at the facilities or in the manner provided by the town, or otherwise in compliance with all applicable federal, state, county, or town laws or regulations.

(Ord. No. 8, § 5, 1-7-1987; Ord. of 8-3-1988; Ord. of 1-6-1992, § II; Amended 12-14-17)

Sec. 42-23. Dumping prohibited.

(a) It is unlawful to:

- (1) Dispose of, dump or bury garbage, yard waste or refuse, upon any road right-of-way or upon any public or private lands in the town other than upon those lands duly designated and licensed as sites for the disposing, dumping, or burying of garbage, yard waste, or refuse.
- (2) Accept for dumping, burying, or disposing, or allow the dumping, burying, or disposing of garbage or refuse upon private land unless that land is duly designated and licensed as a site for the dumping, disposing, or burying of garbage and refuse.
- (3) Cause or permit garbage, yard waste, or refuse to be placed in such a place or manner that the garbage, yard waste, or refuse can be blown away by the wind, washed away by water, or conveyed to another location by some other natural process.
- (4) Cause or permit garbage, yard waste, or refuse to fall from any vehicle onto the road or road right-of-way in the town.
- (5) Permit any drain, overflow of sewer from any building, shop, dwelling, pool, or other structure to empty or run into any open sewer, gutter, street, alley, or walk.
- (6) Place, spread, apply, or deposit, in or on any land, public or private, in the town, any sludge, liquid or solid, sewage treatment or raw septic tank or drywall materials without a permit. Permits may be issued by the town board upon written application at least 30 days prior to intended use.

(b) Any person violating this section shall upon conviction thereof forfeit not less than \$50.00 or more than \$200.00, plus the cost of prosecution as provided by Wis. Stats. § 814.63(4) and the jail assessment imposed by Wis. Stats. § 302.46(1). The County Sheriff's Department and a designee of the town board shall have the authority to enforce this ordinance and shall have authority to issue citations or complaints for violations of this section.

(Ord. No. 8, § 6, 1-7-1987; Ord. No. 2012-09-11-2, 9-11-2012)

Secs. 42-24—42-49. Reserved.

ARTICLE III. RECYCLING

DIVISION 1. - GENERALLY

DIVISION 2. - REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-51. Purpose.

Sec. 42-52. Abrogation and greater restrictions.

Sec. 42-53. Interpretation.

Sec. 42-54. Administration.

Secs. 42-55—42-81. Reserved.

Sec. 42-51. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program in the town and to allow the town to comply with Wis. Stats. ch. 287 (Wis. Stats. § 287.01 et seq.) and Wis. Admin. Code ch. NR 544 or their successor provisions.

(Ord. of 6-1-1994, § 1.02; Ord. of 1-4-1995, § 1.02)

Sec. 42-52. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply. Notwithstanding the above, this article supersedes and replaces the town recyclable material collection ordinance, adopted June 1, 1994.

(Ord. of 6-1-1994, § 1.04; Ord. of 1-4-1995, § 1.04)

Sec. 42-53. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code ch. NR 544 or its successor chapter and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Wis. Admin. Code ch. NR 544 standards or its successor chapter in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to the ordinance from which this article is derived this article is derived.

(Ord. of 6-1-1994, § 1.05; Ord. of 1-4-1995, § 1.05)

Sec. 42-54. Administration.

The provisions of this article shall be administered by the town board or its designee.

(Ord. of 6-1-1994, § 1.08; Ord. of 1-4-1995, § 1.08)

Secs. 42-55—42-81. Reserved.

DIVISION 2. REGULATIONS

Sec. 42-82. Separation of recyclable materials.

Sec. 42-83. Separation requirements exempted.

Sec. 42-84. Care of separated recyclable materials.

Sec. 42-85. Batteries, waste oil, yard waste, and major appliances.

Sec. 42-86. Preparation and collection of recyclable materials.

Sec. 42-87. Responsibilities of owners of multiple-family dwellings.

Sec. 42-88. Responsibilities of owners of nonresidential facilities and properties.

Sec. 42-89. Prohibitions of disposal of recyclable materials.

Sec. 42-90. Enforcement; citations.

Sec. 42-91. Scavenging or unlawful removal of recyclable materials.

Sec. 42-92. Recyclable materials and solid waste from outside the town.

Sec. 42-93. No dumping of recyclable materials.

Sec. 42-94. Noncollectable materials.

Sec. 42-95. Ownership of recyclable material.

Sec. 42-82. Separation of recyclable materials.

(a) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

- (1) Lead acid batteries.
- (2) Major appliances.
- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bi-metal containers.
- (7) Glass containers.
- (8) Steel containers.
- (9) Waste tires.
- (10) Oil filters and oil absorbent materials.
- (11) Electronic devices.
- (12) Magazines.
- (13) Newspaper.
- (14) Office paper.
- (15) Numbers 1 through 7 plastic containers.
- (16) Cardboard.

(b) The town board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants or to be collected by the town or its contractor and to designate, after a variance has been obtained by the town board from the DNR under Wis. Admin. Code ch. NR 544.114 or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated or to be collected by the town or by its

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contractors in the town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the town.

- (c) The town board shall provide written notice to known occupants effected by these changes and to any contractor of this written order. Upon any designation notice to known occupants forwarded by first class mail, the town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the town or by its contractor. The town board shall determine the permissible method of disposal of material declared to be nonrecyclable.

(Ord. of 6-1-1994, § 1.11; Ord. of 1-4-1995, § 1.11; Amended 12-14-17)

Sec. 42-83. Separation requirements exempted.

The separation requirements of section 42-82 do not apply to any occupants of the town, regarding the following:

- (1) 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 state department of natural resources that recovers the materials specified in section 42-82 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste from these occupants which is burned as a supplemental fuel at a facility, if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material of these occupants specified in section 42-82(a)(5) through (11) for which a variance has been granted to the town by the department of natural resources under Wis. Admin. Code ch. NR 544.114 or successor provisions.

(Ord. of 6-1-1994, § 1.12; Ord. of 1-4-1995, § 1.12)

Sec. 42-84. (Repealed and reserved 12-14-17)

Sec. 42-85. Batteries, waste oil, yard waste, major appliances, waste tires, oil filters and oil absorbent materials, and electronic devices.

- (a) Residents may contact the Town's contractor directly for removal of lead acid batteries, waste oil, major appliances, waste tires, oil filters and oil absorbent materials, and electronic devices with an additional cost to the resident being possible, or they may make other appropriate arrangements for disposal of such items consistent with all applicable laws.
- (b) Yard waste may be brought to an area so designated by the Town from March 15 through November 15 of each year, weather permitting. However, private mulching and composting is also encouraged and recommended.

(Ord. of 1-4-1995, § 1.14; Amended 12-14-17)

Sec. 42-86. Preparation and collection of recyclable materials.

- (a) Except as otherwise directed by order of the town board, occupants of single-family and two- to four-unit residences shall do the following for the proper preparation and proper recyclable material collection of the separated materials specified in section 42-82(a)(5) through (8) and (12) through (16): to the greatest extent practicable, the materials shall be clean and kept free of contaminations such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Materials shall be protected from wind, rain, and other inclement weather conditions.
- (b) The town or its contractor has the right to reject and leave at the curb or roadside, any recyclable material, waste or other materials placed by a person for recyclable material collection by the town or its contractor where these recyclable materials are not prepared according to the specifications of this article.
- (c) No person may place or deposit for recyclable material collection by the town or its contractor, unless the person is exempt under section 42-83 or, unless provided written permission by the town board, any recyclable materials where the recyclable materials have not been properly separated from the waste or other materials as required by order of the town board, as required by Wis. Admin. Code ch. NR 544 or its successor chapter, or is required by this article and where the recyclable materials have not been properly contained in the carts, or other containers as required by order of the town board or by this article.

(Ord. of 6-1-1994, § 1.15; Ord. of 1-4-1995, § 1.15; Amended 12-14-17)

Sec. 42-87. Responsibilities of owners of multiple-family dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 42-82(a)(1) through (11):
 - (1) Provide adequate, separate, containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements specified in this section do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated as a processing facility licensed by the department of natural resources that recovers for recycling the material specified in section 42-82(a)(1) through (11) from solid waste in as pure a form as is technically feasible.

(Ord. of 6-1-1994, § 1.17(B); Ord. of 1-4-1995, § 1.16(A), (B))

Sec. 42-88. Responsibilities of owners of nonresidential facilities and properties.

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle materials specified in section 42-82(a)(1) through (11):
 - (1) Provide adequate, separate containers for the recyclable materials.

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- (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the recyclable material collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 42-82(a)(5) through (11) from solid waste in as pure a form as is technically feasible.

(Ord. of 6-1-1994, § 1.18(B); Ord. of 1-4-1995, § 1.17(B))

Sec. 42-89. Prohibitions of disposal of recyclable materials.

No persons may dispose of in a solid waste disposal facility or burn in solid waste treatment facility any of the recyclable materials specified in section 42-82(a) which have been separated in the town for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. of 6-1-1994, § 1.19; Ord. of 1-4-1995, § 1.18; Amended 12-14-17)

Sec. 42-90. Enforcement; citations.

- (a) Inspection. For the purpose of ascertaining compliance with the provisions of Wis. Admin. Code ch. NR 544 or its successor chapter and compliance with this article, any authorized officer, employee or representative of the town may, pursuant to Wis. Admin. Code ch. NR 544 or its successor provisions, inspect recyclable material in the town separated for recycling, inspect post-consumer waste in the town intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the town, including any collection areas for single-family, two to four residential dwelling units, multiple-family dwelling units and nonresidential facilities and properties that are controlled by any occupants, any contractor of the town any permittee collector, or any other person participating in any recycling activity in the town, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities or any occupants, any contractor for the town, any permitted collectors or other persons in the town. These records shall be kept confidential by the town board when necessary to protect proprietary information.
- (b) Penalties. Violations of this article shall be enforced by citation pursuant to section 1-17.

Sec. 42-91. Scavenging or unlawful removal of recyclable materials.

No person, unless under contract with the town, unless under permit by the town board or unless provided written permission by the town board, may collect or remove any recyclable material that has been deposited or placed for recyclable material collection by any occupant of the town at the curb or roadside, or at any other location that the town approves by the town board for recyclable material collection. This provision shall not apply to any occupant who has placed recyclable material for recyclable material collection and then withdraws it from recyclable material collection prior to collection.

(Ord. of 1-4-1995, § 1.20)

Sec. 42-92. Recyclable materials and solid waste from outside the town.

No person, unless provided written permission by the town board, may deposit or place for recyclable material collection by the town or its contractor at any location in the town, any recyclable wastes or other materials, where these recyclable materials, wastes, or other materials have been generated from sources outside the town.

(Ord. of 1-4-1995, § 1.21)

Sec. 42-93. No dumping of recyclable materials.

- (a) No person, unless provided written permission by the town board, may litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location, within the town; unless it is deposited or placed properly for collection in the proper bags, bins, receptacles, or containers in the proper manner, date, time, and location specified in this article or as authorized and specified by the town board.
- (b) No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge, or dump any recyclable material upon private land.

(Ord. of 1-4-1995, § 1.22)

Sec. 42-94. Noncollectable materials.

No person, unless provided written permission by the town board, may deposit or place for any recyclable material collection by the town or its contractor, at any location in the town any of the following recyclable materials, wastes, residuals and other materials:

- (1) Hazardous wastes, including household hazardous wastes.
- (2) Toxic wastes.
- (3) Free liquid in any containers, including paints and solvents.
- (4) Pesticides.
- (5) Medical wastes.
- (6) Asbestos.
- (7) Sludge wastes.
- (8) Industrial or commercial wastes.
- (9) Waste from pollution control equipment.
- (10) Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.
- (11) Hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos.
- (12) Ash waste.
- (13) Bio-medical wastes.
- (14) Septage (human or otherwise) wastes.

- (15) Animal fecal wastes.
- (16) Dead animals.
- (17) Wood treated with chemical preservatives.
- (18) Explosive materials.
- (19) Contaminated recyclable materials as determined by the town board or its contractor.

(Ord. of 1-4-1995, § 1.23)

Sec. 42-95. Ownership of recyclable material.

Any recyclable material, waste, or other material not rejected by the town, its employees, agents, or by any of its contractors in its recyclable material collection upon its placement by an occupant in the recyclable material collection bins or containers, shall become the property of the town, unless the town has a contract to the contrary with the contractors.

(Ord. of 1-4-1995, § 1.24)

ARTICLE IV. LOCAL APPROVAL FOR FACILITY SITING REQUIRED

Sec. 42-96. Local approval for facility siting required.

- (a) This ordinance provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.
- (b) Definitions. In this ordinance:
 - (1) "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under § 291.05 (1), (2), or (4), Wis. stats.
 - (2) "Hazardous waste facility" means a site or structure for the treatment, storage, or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
 - (3) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., or source material as defined in § 254.31 (1), Wis. stats., special nuclear material as defined in § 254.31 (11), Wis. stats., or by-product material as defined in § 254.31 (1), Wis. stats.
 - (4) "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.

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- (5) "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
- i. A facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes.
 - ii. A facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
 - iii. An auto junkyard or scrap metal salvage yard.
 - iv. Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
- (6) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- (7) "Solid waste treatment" means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- (c) Coverage.
- (1) No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
 - (2) The permit under this ordinance shall be considered a local approval, as defined in § 289.33 (3) (d), Wis. stats., subject to the requirements of § 289.22, Wis. stats.
 - (3) The permit application fees shall be established annually by resolution of the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.
- (d) Application and permit. The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:
- (1) The name of the applicant and the name of any agent for the applicant.
 - (2) The address of the applicant.

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- (3) The address and legal description of the premises for the facility or site and the current owner of the premises.
 - (4) The age of the applicant, if a natural person not over the age of 18 years.
 - (5) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
 - (6) The length of time in years for construction of the facility, if applicable.
 - (7) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
 - (8) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
 - (9) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
 - (10) The current and proposed zoning and land use plan for the facility premises, if any.
 - (11) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
 - (12) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.
 - (13) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
 - (14) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
 - (15) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
 - (16) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.
- (e) Exemptions. All of the following facilities, sites, or uses in the town are exempt from this ordinance:
- (1) A facility or site under § 289.43 (5), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
 - (2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.

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- (3) The discharge of human waste products into any public sewerage system located within the town, or of the landspreading of human waste products on lands in the town.
 - (4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
 - (5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
 - (6) Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this ordinance, or any expansion of the capacity of the facility or site after the effective date of this ordinance, shall be subject to this ordinance.
 - (7) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under § 289.43, Wis. stats.
 - (8) Any alcohol fuel production system exempt under § 289.44, Wis. stats.
 - (9) Any fruit and vegetable waste facility exempt under § 289.445, Wis. stats.
 - (10) Any recyclable material collection facility approved for collection or processing operations by La Crosse County, the town, or any responsible unit under § 287.09, Wis. stats.
 - (11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
 - (12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
 - (13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.
 - (14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.
- (f) Specific ordinance and permit provisions.
- (1) No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
 - (2) No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.

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- (3) No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
- i. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, La Crosse County, state, and federal agencies.
 - ii. Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
 - iii. Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.
- (4) The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.
- (g) Penalty provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$1,000, plus the application surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek an injunctive relief from a court of record to enjoin further violations.

State Law reference—local approval, Wis. Stats. § 289.22.

Chapter 43 RESERVED

Chapter 44 STREETS, SIDEWALKS, DRIVEWAYS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

ARTICLE II. - TOWN ROAD CONSTRUCTION

ARTICLE III. - DRIVEWAY CONSTRUCTION

ARTICLE IV. - STREET NAMING

State Law reference—Town road standards, Wis. Stats. § 82.50; widening to streets, Wis. Stats. § 66.1031; privileges in streets, Wis. Stats. § 66.0425; street barriers, Wis. Stats. § 66.0429; town highways, Wis. Stats. § 82.01 et seq.; injuries to highways, Wis. Stats. § 86.02; miscellaneous highway provisions, Wis. Stats. ch. 86.

ARTICLE I. IN GENERAL

Secs. 44-1—44-18. Reserved.

Secs. 44-1—44-18. Reserved.

ARTICLE II. TOWN ROAD CONSTRUCTION

Sec. 44-19. Minimum standards.

Sec. 44-20. Illustration of typical road section.

Sec. 44-21. Waiver of requirements.

Sec. 44-22. Seeding of slopes and ditches.

Secs. 44-23—44-47. Reserved.

Sec. 44-19. Minimum standards.

The following are the minimum construction specifications required for acceptance of a proposed road as a town road:

- (1) 12 inches of suitable sand compacted to nine inches.
- (2) 12 inches of rock compacted to nine inches.
- (3) At least 2½ inches of bituminous material to be laid in two layers or one layer or as may be otherwise specified in this Code.
- (4) The width of roads shall be as specified in Wis. Stats. § 82.18.

(Ord. of 2-9-1998, § 1)

Sec. 44-20. Illustration of typical road section.

A graphic illustration of a typical road section is available in the office of the town clerk and is incorporated by reference in this chapter, as if fully set forth herein.

(Ord. of 2-9-1998, § 2)

Sec. 44-21. Waiver of requirements.

Where in the judgment of the town board it would be inappropriate to literally apply provisions of this article, the town board may waive or modify any requirement to the extent it deems just and proper. In addition, the town board may impose such additional requirements and specifications for the road construction, as it deems just and proper under the circumstances. Such relief may be granted or additional requirements imposed where it does not impair the intent and purpose of this article. Reasons for such waiver or modifications shall be stated in the minutes of the meeting.

(Ord. of 2-9-1998, § 3)

Sec. 44-22. Seeding of slopes and ditches.

All slopes and ditches must be seeded in accordance with the county highway plans and specifications.

(Ord. of 2-9-1998)

Secs. 44-23—44-47. Reserved.

ARTICLE III. DRIVEWAY CONSTRUCTION

Sec. 44-48. Purpose and intent.

Sec. 44-49. Driveway permit required for construction or alteration.

Sec. 44-50. Permit application; fee; issuance of permit.

Sec. 44-51. Minimum construction requirements and specifications.

Sec. 44-52. Drainage.

Sec. 44-53. Variances.

Sec. 44-54. Culverts.

Sec. 44-55. Adding culverts to existing driveways.

Sec. 44-56. Removal of violations.

Secs. 44-57—44-85. Reserved.

Sec. 44-48. Purpose and intent.

The purpose of this article is to protect the safety of the general public and to further its necessity, convenience or welfare. The town shall determine the location, size, construction and number of access

points to public roadways within the town. It is the intent of this article to provide safe access to properties abutting public roadways; provided that the access is not dangerous to the general public.

(Ord. No. 2005-6-1, § 1, 6-1-2005)

Sec. 44-49. Driveway permit required for construction or alteration.

No person shall construct, reconstruct, alter, or enlarge any private driveway within limits of any dedicated portion of any public street, roadway or alley within the town without first obtaining a driveway permit from the town.

(Ord. No. 2005-6-1, § 2, 6-1-2005)

Sec. 44-50. Permit application; fee; issuance of permit.

- (a) Application for a driveway permit shall be made to the town clerk on a form adopted by the town, and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered, or enlarged lying within the dedicated portion of a public street, road or alley; the dimensions thereof and a statement of the materials proposed to be used.
- (b) The applicant shall pay a fee in the amount provided in the town fee schedule.
- (c) Upon receipt of the application and fee, the town clerk, upon the recommendation of the town board or the board's authorized representative, shall approve the application, if the proposed driveway complies with the terms and conditions of this chapter, all other applicable provisions of this Code, and any other applicable government laws or regulations.

(Ord. No. 2005-6-1, § 3, 6-1-2005)

Sec. 44-51. Minimum construction requirements and specifications.

- (a) The proposed driveway must enter the public right-of-way at a 90-degree angle, and have a flat area of at least 20 feet before the grade increases or decreases. The slope and grade must not exceed 20 percent for the entire length of the driveway. The driveway width shall be not less than ten feet for the entire length. Any turns in the driveway must be constructed in a manner so as to allow emergency vehicle access to the site without backing up. A minimum height clearance of 14 feet must be maintained at all times.
- (b) The driveway must be installed prior to the start of any construction of any building upon the premises. Site construction access is limited to the approved driveway location, and construction materials shall not be stored on the public roadway.

(Ord. No. 2005-6-1, § 4, 6-1-2005)

Sec. 44-52. Drainage.

The surface of the driveway shall slope downward and away from the roadway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the roadbed.

(Ord. No. 2005-6-1, § 5, 6-1-2005)

Sec. 44-53. Variances.

Any of the requirements of this article may be varied by the town board when the particular nature of the property's design of the roadway makes the adherence to the requirements impossible or impractical.

(Ord. No. 2005-6-1, § 6, 6-1-2005)

Sec. 44-54. Culverts.

- (a) Driveways shall not obstruct or impair drainage and street ditches or roadside areas. Driveway culverts, where required by the town in its sole discretion, shall be adequate for surface water drainage along the street, road or alley and shall not be less than the equivalent of a 12-inch diameter pipe.
- (b) The location of the driveway and type of culvert must be approved by the town board or its designee prior to installation. Culverts shall be purchased by and installed by the property owner at the owner's expense except when otherwise required pursuant to Wis. Stat. § 86.05. All culverts shall be constructed of concrete or galvanized metal.

(Ord. No. 2005-6-1, § 7, 6-1-2005)

Sec. 44-55. Adding culverts to existing driveways.

Where the public welfare requires a suitable culvert for an existing driveway, the town shall notify, in writing, the property owner maintaining the driveway in the public right-of-way that the property owner is required to install or replace a culvert at the property owner's expense within ten days of the notice. The owner may appeal the order to the town board, within 30 days, otherwise the order shall become conclusive.

(Ord. No. 2005-6-1, § 8, 6-1-2005)

Sec. 44-56. Removal of violations.

Whenever there is a violation of this article, the town board or its designee shall order such driveway or culvert to be repaired or removed, or so much thereof as shall be necessary, and upon refusal or neglect of the property owner to do so, shall cause the same to be done and charge the expense of removal or repair to the property as a special charge.

(Ord. No. 2005-6-1, § 9, 6-1-2005)

Secs. 44-57—44-85. Reserved.

ARTICLE IV. STREET NAMING

Sec. 44-86. Plat of street and road names.

Sec. 44-86. Plat of street and road names.

In accordance with Wis. Stats. § 82.03 that requires the assignment of names for each street and road under the town's jurisdiction, the town has assigned the public street and road names as shown on the plat of street names available in the office of the town clerk.

(Ord. of 9-1-1976, § 1)

Chapter 45 RESERVED

Chapter 46 SUBDIVISIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - PLAT STANDARDS AND OTHER REQUIREMENTS

ARTICLE III. - OTHER STANDARDS AND REQUIREMENTS

ARTICLE V. - ADMINISTRATION AND ENFORCEMENT

State Law reference— Platting lands and recording and vacating plats, Wis. Stats. § 236.01 et seq.; local subdivision regulation, Wis. Stats. § 236.45.

ARTICLE I. IN GENERAL

Sec. 46-1. Purpose.

Sec. 46-2. Definitions.

Sec. 46-3. Compliance.

Sec. 46-4. Jurisdiction.

Sec. 46-5. Building permits.

Sec. 46-6. Applicability to condominiums.

Sec. 46-7. Land suitability.

Sec. 46-8. Existing flora.

Secs. 46-9—46-34. Reserved.

Sec. 46-1. Purpose.

- (a) The purpose of this chapter is to promote the public health, safety and general welfare. The regulations are designed to:
- (1) Lessen congestion in the streets and highways;
 - (2) Further the orderly layout and use of land;
 - (3) Prevent the overcrowding of land and avoid undue concentration of population;
 - (4) Provide for proper ingress and egress;
 - (5) Enforce the goals and policies set forth in the town comprehensive plan;
 - (6) Secure safety from fire, panic, and other dangers;
 - (7) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land;
 - (8) To promote proper monumenting of land subdivided and conveyancing by accurate legal description;
 - (9) Facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and

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- (10) Facilitate the further division of large tracts of land into smaller parcels.
- (b) The regulations are made with the reasonable consideration of, but not limited to:
- (1) The present character of the town and its environs, with the objectives of conserving the value of the land and improvements placed thereon;
 - (2) Providing the most appropriate environment for human habitation;
 - (3) Providing for the most appropriate use of land in the town.

(Ord. No. 2006-7-31, § 1(14-1-1), 7-24-2006)

Sec. 46-2. Definitions.

For the purpose of this chapter, the following definitions shall apply. Terms used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The term "shall" is mandatory and not directory.

"Agricultural use." The definitions provided in Wis. Stat. § 91.01(2) and as from time to time amended are hereby incorporated by reference into this Code as if set forth fully herein.

"Alley" means a public right-of-way that normally affords a secondary means of vehicular access to abutting property.

"Arterial road" means a road that provides for the movement of relatively heavy traffic to, from, or within the town. Primary arterial roads generally contain the heaviest traffic and are considered major conduits for traffic coming into or through the town from outlying areas. Primary arterial roads may have restricted access to abutting property. Minor arterial roads carry traffic primarily from one part of the town to another and bring traffic from outside the town to a lesser extent than primary arterial roads but will also generally provide access to abutting property. Rural minor arterial roads generally carry traffic from both outside and within the town from outlying rural areas generating less traffic pressure than upon primary arterial roads and also provide access to abutting property.

"Block" means an area of land within a subdivision that is entirely bounded by a combination or combinations of roads, exterior boundary lines of the subdivision and streams, lakes, or other bodies of water.

"Building line" means a line parallel to a lot line and at a distance from the lot line to comply with the county zoning ordinance's yard and setback requirements.

"Certified survey map" means a map of land division, prepared in accordance with Wis. Stats. § 236.34, and in full compliance with other applicable provisions of this chapter. A certified survey map has the same legal force and effect as a land division plat.

"Collector road" means a road that collects and carries traffic from local roads within a discrete area such as a residential neighborhood to arterial roads. The term "collector road" includes principal entrance roads to residential subdivisions. It provides access to abutting property.

"Common open space" means undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development or for agricultural purposes. Land shall not be considered common open space if it is part of an individual residential lot or if it is occupied by any substantial building or structure other than a historic structure, archeological site, Indian mound, or approved recreational facility or structure including, but not limited to, playground equipment, park shelters, and trail or natural history information signs.

"Condominium development" means a real estate development in which the condominium form of ownership, pursuant to Wis. Stats. ch. 703, is utilized.

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“Conservation easement” means, pursuant to Wis. Stats. § 700.40(1)(a), a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, ensuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in Wis. Stats. § 157.70(1)(b), or preserving the historical, architectural; archaeological, or cultural aspects of real property.

“Conservation subdivision” means a housing development characterized by compact lots or the placement of structures and areas of common open space developed according to the criteria set forth in article II, division 4 of this chapter.

“Cul-de-sac” means a local road having one end open to traffic and the other end permanently terminated generally with a bulb or other type of a vehicular turnaround.

“Development envelope” means an area designated on a plat or certified survey map within which grading, lawns, pavement, and buildings are to be located.

“Extraterritorial plat approval jurisdiction” means the unincorporated area within 1½ miles of a fourth-class city or a village and within three miles of all other cities.

“Final plat” means the final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds.

“Frontage road” means a road auxiliary to and located on the side of a major thoroughfare for control of access and for service to the abutting development.

“Gross acreage” means the total area of a parcel including the area of perimeter road rights-of-way to the centerline of the road.

“Homeowners' association” means a nonprofit community association, incorporated under Wis. Stats. ch. 181 or associated under Wis. Stats. ch. 184 serving to combine individual home ownership with shared use, rights or ownership of property or facilities.

“Land division” means any division of land allowing conveyance for separate ownership of parts of a larger parcel of land constituting a subdivision or minor subdivision.

“Local road” means a road used primarily for access to abutting properties and connecting with not more than two local or collector roads and not exceeding 1,000 feet in length.

“Lot” means a parcel of land having frontage on a public road 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. Among the types of lots are:

- (1) Corner lot means a lot abutting intersecting roads at the intersection.
- (2) Reversed corner lot means a corner lot which is oriented so that its rear lot line is coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (3) Through lot means a lot having lot lines abutting two more or less parallel public roads which is not a corner lot. On a through lot, both road lines shall be deemed front lot lines.

“Lot area” means the area contained within the exterior boundaries of a lot excluding roads and land under bodies of water.

“Lot line” means the peripheral boundaries of a lot.

“Lot width” means the width of a parcel of land measured along the front building line.

“Major thoroughfare” means a road used or intended to be used primarily for fast or heavy through traffic. The term "major thoroughfares" includes freeways, expressways, and other highways and parkways, as well as arterial roads.

“Minor subdivision” means the division of land resulting in the creation of not more than two lots or parcels of 35 acres or less.

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“Natural resource” means air, land, water, groundwater, drinking water supplies, wildlife, fish, vegetation, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the federal government, state, and/or the town.

“Nonprofit conservation organization” means any bona fide charitable corporation, charitable association or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, ensuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

“Outlot” means a parcel of land, other than a lot or block, so designated on a plat or certified survey, on which building is prohibited.

“Owner” means the person owning land, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

“Parcel” means contiguous lands under the control of a land divider not separated by roads, highways or railroad rights-of-way.

“Parent parcel” means the existing parcel of record as identified by individual tax parcel numbers as of the effective date of the ordinance from which this chapter is derived.

“Plan commission” means the Town of Onalaska Plan Commission.

“Public way” means any public road, road, highway, walkway, drainageway, or part thereof.

“Replat” means the process of changing, or a plat or certified survey map that changes, the boundaries of a recorded subdivision plat or certified survey map or part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

“Restrictive covenants” means contracts entered into between private parties or between private parties and public bodies, pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

“Sewer service area” means the area in the town currently served by public sanitary sewer and water facilities, or expected to be served by public sanitary sewer and water within the next 20-year period. Such areas shall be designated on a map adopted by the town board.

“Shorelands” means those lands within the following distances: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds and flowages or 300 feet from the ordinary high-water mark of navigable streams or to the landward side of the floodplain, whichever is greater.

“Subdivider” means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat.

“Subdivision” means the division of a lot, outlot, parcel or tract of land by the owner thereof, or a subdivider for the purpose of transfer of ownership or building development where the act of division creates:

- (1) Three or more lots or parcels of 35 acres or less in area;
- (2) Three or more lots or parcels of 35 acres or less by successive divisions within a period of five years, whether done by the original or successor owners or subdividers; or
- (3) A new road or alley, or alters any existing road or alley.

“Wetlands” means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions.

(Ord. No. 2006-7-31, § 1(14-1-2), 7-24-2006)

Sec. 46-3. Compliance.

No person, partnership, corporation, or legal entity of any sort shall divide any land located within the town which results in a subdivision, minor subdivision, or replat, and no such subdivision, minor subdivision, or replat shall be entitled to be recorded, without compliance with all requirements of this chapter and the following:

- (1) The provisions of Wis. Stats. chs. 236 and 82.
- (2) All other town ordinances.
- (3) Applicable provisions of the county code of ordinances.
- (4) The town comprehensive plan.
- (5) All applicable state and local sanitary codes.
- (6) The provisions of Wis. Admin. Code ch. Trans. 233 for subdivisions, minor subdivisions or replats that abut a state trunk highway.
- (7) The regulations of the state government relating to floodplain management, wetlands, shorelands, sewers, and septic systems and pollution abatement.
- (8) All other applicable state and federal statutes and administrative rules.

(Ord. No. 2006-7-31, § 1(14-1-3(a)), 7-24-2006)

Sec. 46-4. Jurisdiction.

These regulations shall apply to all lands within the political boundaries of the town. These regulations shall not apply to:

- (1) Transfers of interests in land by will, succession or court order;
- (2) Leases of not more than ten years, mortgages, and easements;
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this chapter or other applicable laws.

(Ord. No. 2006-7-31, § 1(14-1-3(b)), 7-24-2006)

Sec. 46-5. Building permits.

The town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, minor subdivision or replat originally submitted to the town on or after the effective date of the ordinance from which this chapter is derived until the applicant has complied with all of the provisions and requirements of this chapter.

(Ord. No. 2006-7-31, § 1(14-1-3(c)), 7-24-2006)

Sec. 46-6. Applicability to condominiums.

This chapter is expressly not applicable to condominium developments within the town's jurisdiction, pursuant to Wis. Stats. § 703.37. Condominium developments shall be regulated in the same manner as any other physically identical development occurring under a different form of ownership.

(Ord. No. 2006-7-31, § 1(14-1-3(d)), 7-24-2006)

Sec. 46-7. Land suitability.

No land shall be divided in any manner regulated by this chapter for any purpose which is held unsuitable for such use by the town board, upon the recommendation of the plan commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate septic or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The determination of land suitability will be evaluated through the environmental assessment filed with the preliminary plat or certified survey map under article IV, division 5 of this chapter. The town board, should it determine the land is unsuitable for division, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter the town board may affirm, modify, or withdraw its determination of unsuitability. In addition to the above, the following criteria are to be adhered to:

- (1) All lands to be subdivided shall be at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood on record.
- (2) No building sites shall be created which do not meet the standards as established in the county zoning or sanitary codes.
- (3) Any proposed development areas creating more than 50 home sites shall be located in areas that have direct access to county trunk or state trunk highway road systems within the town.

When applying the provisions of this chapter, the plan commission and town board shall afford the subdivider an opportunity to present evidence regarding the suitability of the proposed land division at a public hearing. At this hearing, the commission shall recite the particular facts upon which it bases its recommendation on the land's suitability for the proposed use(s). These facts shall be recorded in the minutes of that public hearing. The town board may affirm, modify, or override the plan commission's recommendations.

(Ord. No. 2006-7-31, § 1(14-1-3(e)), 7-24-2006)

Sec. 46-8. Existing flora.

The subdivider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses and other nonnoxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths, and trails. The subdivider shall protect and preserve such trees and other flora during construction in accordance with professionally accepted conservation practices whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

(Ord. No. 2006-7-31, § 1(14-1-3(f)), 7-24-2006)

Secs. 46-9—46-34. Reserved.

ARTICLE II. PLAT STANDARDS AND OTHER REQUIREMENTS

Sec. 46-35. Preapplication consultation.

Sec. 46-36. Preliminary plat review and approval.

Sec. 46-37. Supplementary data filed with preliminary plat.

Sec. 46-38. Resource inventory.

Sec. 46-39. Affidavit.

Sec. 46-40. Referral to other agencies:

Sec. 46-41. Plan commission review.

Sec. 46-42. Board review; public hearing.

Sec. 46-43. Board action.

Sec. 46-44. Effect of preliminary plat approval.

Sec. 46-45. Final plat review and approval.

Sec. 46-46. Replat procedure.

Sec. 46-47. Preliminary plats.

Sec. 46-48. Plat data.

Sec. 46-49. Final plat.

Sec. 46-50. Additional information.

Sec. 46-51. Supporting documents.

Sec. 46-52. Survey requirements.

Sec. 46-53. Certified survey map.

Sec. 46-54. Fees for review of plats, replats and certified surveys.

Secs. 46-55—46-78. Reserved.

Sec. 46-35. Preapplication consultation.

Before filing a preliminary plat or certified survey map, the subdivider is encouraged to consult with the plan commission or any staff or subcommittee it may designate for advice regarding general subdivision requirements. The subdivider may obtain information on meeting dates, agenda deadlines and filing requirements from the town clerk. The subdivider may 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 purposes and objectives of these regulations, the other ordinances and planning rules of the town and to otherwise assist the subdivider in planning the development. In so doing, the subdivider and plan commission may reach mutual conclusions regarding the general 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. The town shall charge no fee for this preliminary consultation.

(Ord. No. 2006-7-31, § 1(14-1-4(a)), 7-24-2006)

Sec. 46-36. Preliminary plat review and approval.

- (1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and application. The subdivider shall submit 14 copies of the preliminary plat and accompanying application materials, prepared in accordance with this chapter. The subdivider shall file copies of the plat and the application with the town clerk at least 30 days prior to the meeting of the plan commission at which action is desired. The town clerk shall submit copies of the preliminary plat to the plan commission, town planner, town engineer, and town attorney for review.

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- (2) The preliminary plat shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet layout requirements. Within 90 days the town board, or its designee, shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the town to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.
- (3) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the town may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the town, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.
- (4) A professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the town with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.
- (5) The subdivider or subdivider's agent shall submit to the plan commission an electronic copy of the final plat or a copy of the final plat that is capable of legible reproduction. The town shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider or subdivider's agent. When the town determines to approve the plat, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat. If a plat is rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons shall be supplied to the subdivider or subdivider's agent. If the town fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the town clerk.
- (6) The approval of the town may be based on the copy submitted under par. (5) but the approval must be inscribed on the recordable plat document. Before inscribing its approval, the town shall require the subdivider or subdivider's agent to certify the respects in which the recordable plat document differs from the copy, if any. The town must approve all modifications in the final plat before it gives final approval to the plat. The town shall inscribe its final approval on a plat only after the affixing of the certificate by the Department of Administration pursuant to Wis. Stat. § 236.12 (3).

(Ord. No. 2006-7-31, § 1(14-1-4(b)(1)), 7-24-2006)

Sec. 46-37. Supplementary data filed with preliminary plat.

The subdivider shall also file the following materials with the preliminary plat:

- (1) Preliminary layout of public improvements. The subdivider shall file four complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this chapter, specifically addressing sewer and water service feasibility (size, location, and grade), drainage facilities (size and location), traffic patterns, typical road cross sections, erosion control measures, pavement design, and other improvements necessary in the subdivision.
- (2) Preliminary road plans and profiles. The subdivider shall provide road layout and profiles showing existing ground surface and proposed road grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall meet the approval of the town board.

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- (3) Soil testing. The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in section 46-7, the town board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to groundwater table.
- (4) Restrictive covenants. The subdivider shall submit a draft of any proposed deed restrictions and restrictive covenants.
- (5) Property owners' association. If the subdivider proposes that common property or common elements within a subdivision would be owned or maintained by an organization of property owners the subdivider shall submit a draft of the legal instruments and rules for the proposed association.
- (6) Use statement. A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (7) Zoning changes. If any zoning changes are contemplated, the subdivider shall submit proposed zoning plan for the area, including dimensions.
- (8) Area plan. Where the subdivider owns or has a contract to purchase property adjacent to that proposed for the subdivision which may be developed in the future, the plan commission or town board may require that the subdivider submit a preliminary plat for the remainder of the property to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate with existing or potential adjacent subdivisions.
- (9) Erosion control and stormwater runoff. Four copies of a preliminary erosion control plan and stormwater runoff plan that complies with applicable regulation shall be submitted.
- (10) Environmental assessment. The subdivider shall submit an environmental assessment in the format specified in article IV, division 5 of this chapter. This assessment provides the basis for an orderly, systematic review of the effects of all new subdivisions and minor subdivisions upon the community environment. The town board and plan commission shall use this assessment to determine land suitability under section 46-7. The purpose of this assessment is to eliminate or reduce pollution and siltation to an acceptable standard, ensure ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - a. Application. The environmental assessment shall apply to all subdivisions and minor subdivisions. The plan commission may waive the requirement for the filing of an environmental assessment for minor subdivisions of less than five acres total area.
 - b. Review. The plan commission shall review the environmental assessment as soon as possible after submittal. The plan commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the subdivider and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions on the effects on the environment and that review by other persons is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions may include items that this chapter already enables the plan commission to obtain, or it may include additional information that is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is presented.

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- c. Hearing. Following the return to the plan commission of the data required in the resolution adopted under subsection (10)b of this section, the commission shall make such data available for scrutiny by the subdivider, by town departments, commissions and committees and by other interested persons or agencies. The plan commission may schedule and hold a public hearing on the findings of the report that may be held at the same or a different time from the general hearing on the preliminary plat. The hearing shall be preceded by a class I notice pursuant to Wis. Stats. ch. 985.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(2), (2)(A)—(J)), 7-24-2006)

Sec. 46-38. Resource inventory.

Every environmental assessment shall be accompanied by an inventory of existing resources with a map at a scale of one inch equals 50 feet as follows:

- (1) Topographic contours at two-foot intervals.
- (2) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas or areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury.
- (3) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge, and discharge areas, wetlands, natural swales, drainageways, and steep slopes.
- (4) Land cover on the site, according to general cover type (pasture, woodland, etc.) and stand-alone trees with a caliper of more than 24 inches measured four feet off the ground. The map shall describe the health and condition of the vegetation.
- (5) Current and past land use, all buildings and structures on the land, cultivated areas, brown fields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances such as easements or covenants.
- (6) Critical habitat areas for rare, threatened, or endangered species.
- (7) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with the locations indicated on the map where the photographs were taken.
- (8) Unique geological resources such as rock outcrops and glacial features.
- (9) Cultural resources including, but not limited to a brief description of historic character of buildings and structures, historically important landscapes, and archeological features. Preparation of this inventory shall include a review of any existing inventories, such as, those the Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(2)(K)), 7-24-2006)

Sec. 46-39. 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 in full compliance with the provisions of this chapter.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(3)), 7-24-2006)

Sec. 46-40. Referral to other agencies:

The subdivider or subdivider's agent shall forward copies of the preliminary plat to each approving authority for review as set forth in Wis. Stats. § 236.12.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(4)), 7-24-2006)

Sec. 46-41. Plan commission review.

The plan commission shall review the preliminary plat and give its recommendation to approve, conditionally approve or reject the plat to the town board in as prompt a manner as practicable to give the town board sufficient time to review the plat and take action within the time period prescribed in section 46-43. If the plan commission has failed to make a recommendation within 30 days from filing the preliminary plat, the town board may take action on the preliminary plat without the plan commission's recommendation. The plan commission may hold a public hearing on the preliminary plat and if so held, notice shall be provided as set forth in section 46-42.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(5)), 7-24-2006)

Sec. 46-42. Board review; public hearing.

The town clerk shall schedule a public hearing on the preliminary plat before the town board. The town clerk shall give notice of the town board's review and public hearing on the preliminary plat by listing it as an agenda item in the board's meeting notice published as a Class 1 notice pursuant to Wis. Stat. ch. 985. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 1,000 feet of the proposed land division shall receive written notice of the public hearing. If the plan commission has held a public hearing under section 46-41, the public hearing before the town board may be waived by the town board.

(Ord. No. 2006-7-31, § 1(14-1-4(b)(6)), 7-24-2006)

Sec. 46-45. Final plat review and approval.

- (a) The subdivider shall file 14 copies of the final plat. The following additional items shall be filed with the final plat:
 - (1) A certified abstract of title or title insurance commitment current to within one week prior to filing, showing title or control in the owner or the subdivider. The town attorney may require further title evidence as deemed necessary.
 - (2) Six copies of the final plans and specifications of public improvements required by this chapter.
- (b) The town clerk shall refer the final plat to the town engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title insurance commitment may be referred to the town attorney for examination and report. The town clerk shall also refer the final plans and specifications of public improvements to the town engineer for review. The recommendations of the plan commission and town engineer shall be made within 30 days of the filing of the final plat. The town engineer shall examine the plat and final plans and specifications of public improvements for technical details and, if found satisfactory, shall so certify in writing to the plan commission. If the plat or the plans and specifications are unsatisfactory, the town engineer shall return them to the subdivider and so advise the plan commission.

(Ord. No. 2006-7-31, § 1(14-1-4(c)), 7-24-2006; Ord. No. 2010-12-16, § 2, 12-16-2010)

Sec. 46-46. Replat procedure.

- (a) Except when an assessor's plat is ordered pursuant to Wis. Stats. § 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat and provide notice of the same as provided in Wis. Stats. §§ 236.40 through 236.445 or 66.1003, as applicable. The subdivider, or person wishing to replat, shall then proceed as specified in this article for preliminary plats.
- (b) The town clerk shall schedule a public hearing before the plan commission when a preliminary plat of a replat of lands within the town is filed, and shall mail notices of the proposed replat and public hearing 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 1,000 feet of the exterior boundaries of the proposed replat.
- (c) Minor subdivision procedure.
 - (1) When a subdivider proposes a minor subdivision, the owner or subdivider shall subdivide by use of a certified survey map, prepared in accordance with Wis. Stats. § 236.34 and this chapter.
 - (2) Submission and review. The subdivider is encouraged to first consult with the plan commission, strategic planning group or any staff or subcommittee the plan commission may designate regarding the requirements for certified surveys before submission of the final map. Following consultation, 14 copies of the final map in the form of a certified survey map shall be submitted to the town. The certified survey shall be reviewed, approved or disapproved by the town board pursuant to the procedures used for preliminary plats in this article, including notice and hearing requirements.

(Ord. No. 2006-7-31, § 1(14-1-4(d), (e)), 7-24-2006)

Sec. 46-47. Preliminary plats.

The preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar, 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:

- (1) Title under which the proposed subdivision is to be recorded, which shall not duplicate the name of any plat recorded in the county.
- (2) Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, town, range, county and state noted immediately under the name of the proposed subdivision.
- (3) Date, scale, and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the subdivision is situated.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the plat owned or controlled by the owner or subdivider, even if only a portion of said area is proposed for immediate development. The plan commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(Ord. No. 2006-7-31, § 1(14-1-5(a)(1)), 7-24-2006)

Sec. 46-48. Plat data.

All preliminary plats shall show the following:

- (1) Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in the U.S. Public Land Survey that establishes one end of this line with a description of the material of which the corner marker is composed and exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the plat.
- (2) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on U.S. Geological Survey datum.
- (3) High-water elevation of all lakes, streams, ponds, flowages and wetlands at the date of the survey and approximate high- and low-water elevations, all referred to U.S. Geological Survey datum, within the exterior boundaries of the plat or located within 100 feet therefrom.
- (4) Location, right-of-way width and names of all existing roads, 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.
- (5) Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- (6) Type, width and elevation of any existing road pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S. Geological Survey datum.
- (7) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catchbasins, 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 their direction and distance from the tract, size and invert elevations.
- (8) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (9) Location, width and names of all proposed roads and public ways. Road names shall not duplicate names of existing roads within the town.
- (10) Approximate dimensions and area in square feet of all lots together with proposed lot and block numbers.
- (11) Location 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 with unusual lot requirements.
- (12) Approximate radii of all curves.
- (13) Existing zoning on and adjacent to the proposed subdivision.
- (14) Town and corporate limit lines within the exterior boundaries of the subdivision or immediately adjacent thereto.

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- (15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (16) Any proposed lake and stream improvement or relocation, and notice of application for department of natural resources approval, where applicable.
- (17) Flood land 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, five feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (18) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

(Ord. No. 2006-7-31, § 1(14-1-5(a)(2)), 7-24-2006)

Sec. 46-49. Final plat.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this chapter.

(Ord. No. 2006-7-31, § 1(14-1-5(b)(1)), 7-24-2006)

Sec. 46-50. Additional information.

The final plat shall also show the following information correctly on its face:

- (1) Exact length and bearing of the centerline of all roads.
- (2) Exact road width along the line of any obliquely intersecting road.
- (3) Railroad rights-of-way within and abutting the plat.
- (4) Setbacks or building lines required by the town board.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (6) Special restrictions required by the town board relating to access control along public ways or to the provision of planting strips.
- (7) Exact location and description of road lighting and lighting utility easements.
- (8) Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.

(Ord. No. 2006-7-31, § 1(14-1-5(b)(2)), 7-24-2006)

Sec. 46-51. Supporting documents.

The subdivider shall submit the following documents when filing the final plat:

- (1) Covenants and restrictions. All restrictive covenants and deed restrictions for the proposed subdivision.
- (2) Property owners association. The legal instrument(s) creating a property owners association for the ownership and/or maintenance of common lands in the subdivision.

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- (3) All certificates required by Wis. Stats. § 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this chapter.
- (4) Draft developers agreements, stormwater management agreements, and any other required agreements or recordable documents.

(Ord. No. 2006-7-31, § 1(14-1-5(b)(3)), 7-24-2006)

Sec. 46-52. Survey requirements.

- (a) Examination. The town board shall examine all final plats within the town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (b) Maximum error of closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (c) Road, block and lot dimensions. All road, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- (d) Plat location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the town, the tie required by Wis. Stats. § 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (e) Surveying and monumenting. All final plats shall meet all other surveying and monumenting requirements of Wis. Stats. § 236.15 not inconsistent with the requirements of this section.

(Ord. No. 2006-7-31, § 1(14-1-5(b)(4)), 7-24-2006)

Sec. 46-53. Certified survey map.

- (a) General. All certified survey maps shall comply in all respects with Wis. Stats. § 236.34 and state survey standards.
- (b) Additional information. The certified survey map shall also show the following information correctly on its face:
 - (1) All existing buildings, watercourses, drainage ditches and other features pertinent to property division, including the location of water wells, dry wells, drain fields, and pipes, culverts and existing roads.
 - (2) The building envelope and its distance to property lines, if a building location was approved by the town board.

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- (3) All lands reserved for future acquisition.
 - (4) Area in acres if the lot is larger than one acre and in square feet if the lot is smaller than one acre.
 - (5) Date of the map.
 - (6) Graphic scale of one inch = 100 feet.
 - (7) Name and address of the owner, subdivider and surveyor.
 - (8) Entire area contiguous to plat owned or controlled by owner or subdivider.
 - (9) Existing zoning on and adjacent to the proposed land division.
- (c) Information required on the signature page. A certified survey map shall include in its certifications, in addition to the information required by Wis. Stats. § 236.34, the following:
- (1) A legal description of the parcel or rural lot; surveyor's signature; and a statement from the surveyor that the surveyor has fully complied with all the provisions of this chapter;
 - (2) The owner's name, address and signature; and
 - (3) Signature lines and dates for approval by the town chairperson and town clerk.
 - (4) Certificates.
 - a. The surveyor shall certify on the face of the map full compliance with all the provisions of this chapter. The town board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - b. Dedication of roads and other public areas shall require, in addition, the owner's certificate and the mortgagees' certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).
- (d) Recordation. The subdivider and land divider shall record the certified survey 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. Failure to do so shall necessitate a new review and reapproval of the map by the town board.

(Ord. No. 2006-7-31, § 1(14-1-5(c)), 7-24-2006)

Sec. 46-54. Fees for review of plats, replats and certified surveys.

- (a) General. The land divider or subdivider shall pay the town all fees required herein and at the times specified. In the event fees are not timely paid, the town shall not be required to take any further action with respect to the plat or certified survey map. Nonpayment of fees shall be deemed sufficient cause for rejection of the plat or certified survey map.
- (b) Engineering fee. The land divider or subdivider shall pay a fee equal to the actual cost to the town for all engineering work incurred by the town in connection with the plat or certified survey map, including inspections required by the town. The land divider or subdivider shall pay a fee equal to the actual cost to the town for such inspection as the town board deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the town or any other governmental authority. The land divider or subdivider shall pay the fee within 15 days of each billing by the town clerk.
- (c) Administrative fee. The land divider or subdivider shall pay a fee equal to the cost of any legal, administrative, or fiscal work that may be undertaken by the town in connection with the plat or certified survey map.
- (d) Escrow for fees. At such time as the land divider or subdivider submits a preliminary plat or certified survey map for review by the plan commission and town board, it shall deposit with the town

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treasurer, in escrow, the sum required by the town fee schedule to guarantee the timely payment of all of the town's fees. In the event the amount deposited with the town treasurer falls below 25 percent of the amount required to be deposited, the plan commission or the town board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event the subdivider withdraws his plat or minor subdivision, or same is approved, and money remains in escrow over and above the town's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of subdivider. The town treasurer, with the approval of the town board, shall have the right to draw upon the escrow to reimburse the town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the town and the status of the escrow shall also be provided to the subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the town may reject the minor subdivision or subdivision.

- (e) Preliminary plat/certified survey map review fee.
 - (1) The subdivider shall pay a nonrefundable fee, as provided in the fee schedule, for each lot or authorized dwelling unit within the preliminary plat or certified survey map to the town treasurer at the time of first application for preliminary plat or certified survey map approval to defray the costs of processing the application.
 - (2) The subdivider shall pay a reapplication fee as provided in the fee schedule, to the town treasurer at the time of reapplication for approval of any preliminary plat that has previously been filed.
- (f) Final plat review fee.
 - (1) The subdivider shall pay a fee as provided in the fee schedule, for each lot or authorized dwelling unit with the final plat to the town treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of processing the application.
 - (2) The subdivider shall pay a reapplication fee as provided in the fee schedule, to the town treasurer at the time of reapplication for approval of any final plat that has previously been reviewed.

(Ord. No. 2006-7-31, § 1(14-1-5(d)), 7-24-2006)

Secs. 46-55—46-78. Reserved.

ARTICLE III. OTHER STANDARDS AND REQUIREMENTS

DIVISION 1. - GENERALLY

DIVISION 2. - ROADS

DIVISION 3. - GENERAL PUBLIC LAND DEDICATION

DIVISION 4. - ALTERNATIVE LOT SIZES AND OTHER STANDARDS FOR DEVELOPMENTS

DIVISION 5. - ENVIRONMENTAL ASSESSMENT AND VARIANCES

DIVISION 1. GENERALLY

Sec. 46-79. Required improvements.

Sec. 46-80. Nonspecified standards.

Sec. 46-81. Development agreement.

Sec. 46-82. Construction plans; inspections.

Secs. 46-83—46-96. Reserved.

Sec. 46-79. Required improvements.

The improvements prescribed in this chapter are required as a condition of approval of any land division. The required improvements described in this chapter shall be installed, furnished, and financed at the sole expense of the subdivider. In the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the town board, be financed through special assessments.

(Ord. No. 2006-7-31, § 1(14-1-6(a)), 7-24-2006)

Sec. 46-80. Nonspecified standards.

The improvements required in this chapter shall be installed in accordance with the engineering standards and specifications that have been adopted by the town board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with professionally accepted engineering practices, approved prior to the start of construction by the town engineer.

(Ord. No. 2006-7-31, § 1(14-1-6(a)), 7-24-2006)

Sec. 46-81. Development agreement.

(a) Contract. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the town requiring the subdivider to furnish and construct the improvements at the subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the town engineer. The subdivider may construct the project in such phases as the town board approves, which approval shall not be unreasonably withheld. If construction in phases is permitted, the amount of any bond or other security required in this article shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary before commencement of the installation of improvements.

(b) Financial guarantees.

(1) As a further condition of approval, the town requires that the subdivider makes and installs any public improvements reasonably necessary or that the subdivider provide security to ensure that he or she will make those improvements within a reasonable time. The security provided at the commencement of a project shall be an amount that is equal to 120 percent of the estimated total cost to complete the required public improvements. It is the subdivider's option whether to execute a performance bond or whether to provide a letter of credit to satisfy the security requirement.

[Due to these changes, could choose to not allow security any more.]

(2) If the required improvements are not completed within the specified period, all amounts held under security shall be turned over and delivered to the town and applied to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider.

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- (3) The time for completion of the work and the several parts thereof shall be determined by the town board upon recommendation of the town engineer and after consultation with the subdivider. The completion date shall form part of the contract.
- (4) If the subdivider's project will be constructed in phases, the amount of security required by the town shall be limited to the phase of the project that is currently being constructed.
- (5) The town requires the subdivider to provide the security for 14 months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide shall be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.
- (6) Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

(Ord. No. 2006-7-31, § 1(14-1-6(b)), 7-24-2006; Ord. No. 2010-12-16, § 3, 12-16-2010)

Sec. 46-82. Construction plans; inspections.

- (a) Engineering reports, construction plans and specifications. As required by section 46-37, preliminary engineering reports and plans shall be submitted with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the town engineer and the ordinances of the town shall be prepared at the subdivider's expense by a professional engineer registered in the state under said engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the town engineer for approval and for estimation of the total cost of the required improvements; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the final plat with the town clerk, or as soon thereafter as practicable, the subdivider shall furnish copies of the construction plans and specifications for the following public improvements, with a copy sent to the appropriate sanitary district:
 - (1) Road plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) If applicable, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities. Where public sewer is not provided, results of percolation tests and any other information required by the town engineer to ensure each lot can properly dispose of expected wastewater discharges.
 - (3) Stormwater plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) If applicable, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities. Where public water is not provided, any information required by the town engineer to ensure each lot has clean drinking water available to it and that the development will have no adverse effects to the groundwater aquifer.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the town's or county's erosion control ordinance, whichever is more stringent.
 - (6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by town officials.

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- (b) Action by the town engineer. The town engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent town ordinances and design standards recommended by the town engineer and approved by the town board. If the town engineer rejects the plans and specifications, the town engineer shall so notify the subdivider, plan commission and town board including an explanation of the reasons for rejection, and the subdivider shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the town engineer shall approve the plans and specifications for transmittal to the town board. The town board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) Construction and inspection.
 - (1) Prior to starting any of the work covered by the plans approved above, the subdivider shall obtain written authorization to start the work from the town engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. The town shall issue no building permits until all improvements required by this chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the final plat by the town board, unless the subdivider demonstrates good cause for the town board to grant an extension.
- (d) Course of construction. During the course of construction, the town engineer shall make such inspections as the town board deems necessary to ensure compliance with the plans and specifications as approved. The subdivider shall pay the actual cost incurred by the town for such inspections. This fee shall be the actual cost to the town of inspectors, engineers, and other parties necessary to ensure satisfactory work.
- (e) As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location and construction of all required improvements. In the alternative, the town may require the "as built" plans to be submitted in an electronic form satisfactory to the town engineer. These plans shall bear the signature and seal of a professional engineer registered in the state. The subdivider's presentation of the as built plans shall be a condition of final acceptance of the improvements and release of the financial security assuring their completion. The town shall retain two copies and forward one copy of such record plans to the appropriate sanitary district, if any.

(Ord. No. 2006-7-31, § 1(14-1-6(c)), 7-24-2006)

Secs. 46-83—46-96. Reserved.

DIVISION 2. ROADS

Sec. 46-97. Standards.

Sec. 46-98. Sanitary sewerage.

Sec. 46-99. Water supply.

Sec. 46-100. Stormwater drainage.

Sec. 46-101. Other utilities.

Sec. 46-102. Road signs.

Sec. 46-103. Roadway trees.

Sec. 46-104. Erosion control during construction.

Sec. 46-105. Fences adjacent to agricultural lands.

Sec. 46-106. Easements.

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Sec. 46-107. Road lamps.

Sec. 46-108. Sidewalks.

Sec. 46-109. Design standards.

Secs. 46-110—46-129. Reserved.

Sec. 46-97. Standards.

- (a) Road improvements. The subdivider shall construct roads and alleys as outlined on the approved plans based on the requirements of this chapter:
- (b) Road construction standards. The design and construction of all roads and alleys in the town shall fully comply with the requirements and specifications of section 46-109.
- (c) Grading.
 - (1) With the submission of the final plat, the subdivider shall furnish drawings that indicate the existing and proposed grades of roads and alleys shown on the plat.
 - (2) Proposed grades will be reviewed by the town engineer for conformance with town standards and good engineering practice. Road grades require the approval of the town board after receipt of the town engineer's recommendations.
 - (3) After approval of the road grades, the subdivider shall grade the full width of the right-of-way of the roads and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (4) In cases where an existing road right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - (5) The subdivider shall grade the bed for the roadways in the road rights-of-way to subgrade elevation.
 - (6) The town engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the subdivider shall grade the utility easements to within six inches of the final grade prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (d) Road construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, roads and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by section 46-109. Construction shall meet town standard specifications for road improvements.
- (e) Completion of road construction.
 - (1) Prior to issuance of any building permits by the town for lands adjacent to roads, all road construction shall be completed by the subdivider, approved by the town engineer and accepted by the town board.
 - (2) The town board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages, such as, cement or asphalt. The issuance of a waiver shall be at the sole discretion of the town board.

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- (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the town board. The waiver shall detail which improvement requirements are temporarily waived and for what period of time.
- (f) Walking and bike paths. The subdivider shall provide paved walking paths and bike paths to provide practical transportation routes within the subdivision connecting parks, open spaces and other places of interest. Whenever possible, paths shall be planned for possible connection with paths outside of the plat.
- (g) Curb and gutter. Where curbs and gutters are required for stormwater drainage improvements, concrete curbs and gutters shall be installed in accordance with plans and standard specifications approved by the town board. Where curbs and gutters are not required, a concrete ribbon shall be installed to provide transition between pavement and yard areas in such fashion as to allow stormwater runoff from roads to properly enter stormwater ditches or other such stormwater management facilities. Wherever possible, provision shall be made at the time of construction for driveway access and curb cuts.

(Ord. No. 2006-7-31, § 1(14-1-6(d)), 7-24-2006)

Sec. 46-98. Sanitary sewerage.

- (a) The subdivider shall make adequate sewerage disposal systems available to each lot within the land division.
- (b) Land divisions in a sewer service area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district or utility.
- (c) Land divisions outside a sewer service area may be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with Wis. Admin. Code chs. SPS 383 and 385 and with the county sanitation ordinances.
- (d) For land divisions in any sewer service area, the subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision including installation of the lateral pipe to the lot line of each lot. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.
- (e) The minimum size for public sanitary sewers shall be eight inches in diameter.

(Ord. No. 2006-7-31, § 1(14-1-6(e)), 7-24-2006)

Sec. 46-99. Water supply.

- (a) The subdivider shall ensure adequate water supplies are available. Public water shall be provided for all lots in a sewer service area at the developer's cost. Where water is unavailable, the subdivider shall assure that private wells with suitable potable water are available for all lots.
- (b) In a sewer service area, the subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or minor subdivision. The size, type, and installation of all public water mains proposed to be constructed shall comply with plans and specifications approved by the appropriate sanitary district. Water service laterals shall be provided to all lots.
- (c) The minimum size for public water mains shall be six inches in diameter.

(Ord. No. 2006-7-31, § 1(14-1-6(f)), 7-24-2006)

Sec. 46-100. Stormwater drainage.

The subdivider shall provide stormwater drainage facilities which may include curb and gutter, catchbasins and inlets, storm sewers, road ditches, and open channels, as are necessary. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten-year frequency storm; culverts shall be designed to accommodate the ten-year frequency storm and shall be sized so that the 25-year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the town engineer, stormwater swales and ditches may be sized for from 25- to 100-year, 24-hour duration, frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the town board, upon the recommendation of the town engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a 24-inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.

(Ord. No. 2006-7-31, § 1(14-1-6(g)), 7-24-2006)

Sec. 46-101. Other utilities.

- (a) The subdivider shall cause gas, electric power, cable television, telecommunications, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or minor subdivision. Easements for such purposes shall be no less than ten feet in width directly adjacent to, but not within the public right-of-way.
- (b) All new electrical distribution, cable television and telephone lines from which lots are individually served shall be underground unless the town board specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electric power, cable television, telecommunications, and telephone distribution and transmission lines required to service the plat shall be approved by the town board and such map shall be filed with the town clerk.

(Ord. No. 2006-7-31, § 1(14-1-6(h)), 7-24-2006)

Sec. 46-102. Road signs.

The subdivider shall install at the intersections of all roads proposed to be dedicated a road name sign of a design and installation specified by the town engineer.

(Ord. No. 2006-7-31, § 1(14-1-6(i)), 7-24-2006)

Sec. 46-103. Roadway trees.

- (a) The subdivider shall plant in the terrace area at least one tree of a species acceptable to the town board at least six feet in height for each 50 feet of frontage on all roads proposed to be dedicated.

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The required trees shall be planted in accordance with plans and specifications approved by the town board.

- (b) No person shall plant or maintain in the terrace area any tree of the species *Populus Deltoides*, commonly called the Cottonwood, Black Locust, Red Oak, the seed-bearing Box Elder or *Acer Negundo*, which may now or hereafter become infested with Box Elder bugs, Russian Olive, White Poplar, Native Elm, Lombardy Poplar, any evergreen or fir tree, any fruit or nut tree, or any other species, which in the opinion of the town board, will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public.
- (c) The term "terrace area" means the land between the normal location of the road curbing and sidewalk. Where no sidewalk exists, the area six feet from the curblin shall be deemed to be a terrace for the purpose of this chapter.

(Ord. No. 2006-7-31, § 1(14-1-6(j)), 7-24-2006)

Sec. 46-104. Erosion control during construction.

To minimize erosion during construction, the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

(Ord. No. 2006-7-31, § 1(14-1-6(k)), 7-24-2006)

Sec. 46-105. Fences adjacent to agricultural lands.

- (a) When the land included in a subdivision or minor subdivision abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect partition fences satisfying the requirements of Wis. Stats. ch. 90 for a legal and sufficient fence, between such land and the adjacent land.
- (b) When a fence is constructed by a subdivider where the land adjoining the subdivision is not subdivided and is used for farming or grazing purposes, the partition of the fence along the boundary of the subdivision and the other land shall require that afterwards an undivided one-half of the fence be maintained by the owner of the adjoining land not subdivided and the other one-half of the fence divided into equal shares to be maintained by all of the owners of the adjoining subdivided land.

(Ord. No. 2006-7-31, § 1(14-1-6(l)), 7-24-2006)

Sec. 46-106. Easements.

- (a) Utility easements. The town board, on the recommendation of appropriate agencies serving the town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water, and head mains or other utility lines. It is the intent of this chapter to protect all established easements so as to ensure 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:

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- (1) The subdivider shall provide a stormwater easement or drainageway 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 drainageway conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the town engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain and safely pass a 100-year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) Easement locations. All easements shall be at least 12 feet wide, or wider where recommended by the town engineer, and may run across lots or alongside of rear lot lines. Evidence shall be furnished to the town board that easements and any easement provisions incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(Ord. No. 2006-7-31, § 1(14-1-6(m)), 7-24-2006)

Sec. 46-107. Road lamps.

The subdivider shall install road lamps along all roads proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each road intersection and at such interior block spacing as the town board requires upon the recommendation of the town engineer.

(Ord. No. 2006-7-31, § 1(14-1-6(n)), 7-24-2006)

Sec. 46-108. Sidewalks.

Sidewalks are required for the rights-of-way of arterial roads and collector roads, as well as in high traffic areas such as the vicinity of schools, commercial areas and other areas of public assemblage. In addition, the town board may require sidewalks, upon the recommendation of the town engineer, in other locations where necessary for safe and adequate pedestrian circulation.

(Ord. No. 2006-7-31, § 1(14-1-6(o)), 7-24-2006)

Sec. 46-109. Design standards.

The following design standards shall apply to all land divisions except to the extent a particular feature or improvement is not required by this chapter.

- (1) Road design.
 - a. Compliance with statutes. In laying out a subdivision, the subdivider shall conform to the provisions of Wis. Stats. ch. 236 and all applicable town regulations. All roads shall comply with Wis. Stats. § 82.50. In all cases where the requirements of this chapter are different

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from the requirements of chapter 236 or § 82.50 (Wis. Stats. ch. 236 or § 82.50), the more restrictive provision shall apply.

- b. Dedication. The subdivider shall dedicate land and improve roads as provided in this chapter. Roads shall be located with due regard for topographical conditions, natural features, existing and proposed roads, utilities and land used and public convenience and safety. The subdivision or minor subdivision shall be designed to provide each lot with satisfactory access to a public road or road.
 - c. Compliance with comprehensive plan and official map. The arrangement, character, extent, width, grade, and location of all roads shall conform to any town comprehensive plan and official map and to this chapter and shall be considered in relation to existing and planned roads, to reasonable circulation of traffic, to topographical conditions, to stormwater runoff, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such roads. The arrangement of roads in new subdivisions shall make provision for the appropriate continuation at the same width of the existing roads in adjoining areas.
 - d. Areas not covered by official map or master plan. In areas not covered by a comprehensive plan or official map, the layout of roads shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Roads shall be designed and located in relation to existing and officially planned roads, topography and natural terrain, streams, and lakes and existing tree growth, public convenience, and safety and in appropriate relation to the proposed use of the land to be served by such roads.
- (2) Road classifications. Roads shall be classified as indicated below:
- a. Arterial roads. Arterial roads shall provide through traffic for a heavy volume of vehicles.
 - b. Collector roads. Collector roads shall provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the arterial road and major thoroughfare system. Collector roads shall relate properly to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major roads into which they feed.
 - c. Local roads. Local roads shall conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum road area necessary to provide safe and convenient access to abutting property.
 - d. Proposed roads. Proposed roads shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the town board, such extension is unnecessary or undesirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (3) Reserve strips. Reserve strips are prohibited on any plat to control access to roads or alleys, except where control of such strips is placed with the town under conditions approved by the town board.
- (4) Alleys. Alleys are permitted in commercial and industrial districts for off-road loading and service access, but are prohibited in residential districts. Dead-end alleys are prohibited. Alleys shall not connect to a major thoroughfare.
- (5) Continuation. Roads shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed roads shall have a direct connection with, or be continuous and in line with, existing, planned or platted roads with which they are to connect. Proposed roads shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the town board, such extension is unnecessary for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end roads not over 500 feet in length are permitted when necessitated by topography.

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- (6) Number of intersections. The number of intersections of local roads with major roads shall be the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.
- (7) Frontage roads. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the town board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such thoroughfare or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (8) Private roads. The town shall not permit installation of public improvements in any private road.
 - a. All private roads shall be platted as outlets. Every outlet designated as for a private road shall have deed restrictions recorded with the county register of deeds, giving enforcement powers as set forth herein to the town, before a building permit will be issued for a structure on any property served by said private road.
 - b. The deed restriction shall require the landowners served by the private road to provide for maintenance of the road.
 - c. If the property owners fail to fulfill their obligations, then the deed restrictions shall give full authority to the town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property owners served by the road, pursuant to Wis. Stats. §§ 66.0627 & 66.0703.
 - d. Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlet.
 - e. All private roads shall be designed by a state-registered professional engineer, registered land surveyor, or equivalent, and shall be approved by the town engineer prior to construction. Private roads shall conform to the following minimum specifications and criteria:
 1. The minimum traveled road width shall be 16 feet for roads serving two or more parcels.
 2. The roadbed shall be stripped of topsoil and vegetation down to a hard firm subgrade. A minimum of six inches of crushed aggregate base course shall be placed on the roadbed and compacted.
 3. It is permissible to provide for overland flow where the terrain is gentle and rolling. In such instances, the existing ground can be matched.
 4. Where cut or fill sections are needed to provide a reasonable profile grade line, the back slopes and fore slopes shall be constructed to a 3:1 section.
 5. In all drainage swales crossed by the private road, a culvert shall be provided.
- (9) Visibility. Roads shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the town engineer, sufficient vision clearance triangles shall be provided at intersections. Stopping sight distances shall be provided to comply with ch. 3, of A Policy of Geometric Design of Highways and Roads, latest edition, published by the American Association of State Highway and Transportation Officials (AASHTO).
- (10) Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector roads. On all roads, a tangent at least 100 feet long shall be provided between the curve and any intersection.
- (11) Road grades.
 - a. Unless necessitated by exceptional topography subject to the approval of the town board, the maximum centerline grade of any road or public way shall not exceed the following:
 1. Arterial roads: six percent.

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2. Collector roads: seven percent.
3. Local roads, alleys and frontage roads: ten percent.
4. Pedestrian ways: 12 percent unless steps of acceptable design are provided.

The grade of any road shall in no case exceed 11 percent or be less than one-half of one percent.

- b. Road grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and trees, and general leveling of topography.
 - c. All road grade changes shall be connected by vertical curves of a minimum length equivalent in feet to 40 times the algebraic difference in the rate for collector roads and 30 times the difference for local roads. Major roads shall conform to A Policy of Geometric Design of Highways and Roads, latest edition, of the AASHTO.
- (12) Radii of curvature. When a continuous road centerline deflects at any one point by more than one degree, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- a. Arterial roads and major thoroughfares: 500 feet.
 - b. Collector roads: 300 feet.
 - c. Local roads: 150 feet.

Curves should be provided when centerline deflections exceed one degree in rural areas and in urban areas when deflection exceeds three degrees.

- (13) Half-roads. Where an existing dedicated or platted half-road is adjacent to the subdivision, the subdivider shall dedicate the other half-road. The platting of half-roads shall be prohibited.

(14) Intersections.

- a. Property lines at road intersections of major thoroughfares shall be rounded with a radius of 15 feet or greater where the town engineer considers it necessary.
- b. Roads shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- c. Number of roads converging at one intersection shall be reduced to a minimum, preferably not more than two.

- (15) Road names. New road names shall not duplicate the names of existing roads, but roads that are continuations of others already in existence and named shall bear the names of the existing roads. Road names shall be subject to approval by the plan commission and town board. Road names shall be submitted with the preliminary plat.

(16) Cul-de-sacs.

- a. Design. Cul-de-sac roads designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac roads 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 45 feet. The use of culs-de-sac should be avoided where possible.
- b. Temporary dead-ends or cul-de-sacs. 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 45 feet. When a temporary cul-de-sac is extended, the developer shall remove blacktop to create a straight road and shall provide a survey and legal description to vacate the unnecessary right-of-way to abutting lot owners.

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- (17) Major thoroughfare and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a major thoroughfare or railroad right-of-way, the design shall provide the following treatment:
- a. 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 of 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."
 - b. Commercial and industrial districts. Commercial and industrial districts shall have provided, on each side of the major thoroughfare or railroad, roads approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such roads and highway or railroad, but not less than 150 feet.
 - c. Roads parallel to a major thoroughfare. Roads parallel to a major thoroughfare or railroad right-of-way, when intersecting a major road or collector road which crosses said railroad or highway, shall be 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.
 - d. Local roads. Local roads immediately adjacent and parallel to railroad rights-of-way shall be prohibited. Local roads immediately adjacent to arterial roads and highways and to railroad rights-of-way shall be prohibited in residential areas.
- (18) Road dedication and construction; general requirements.
- a. Construction standards. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and its supplements, and this chapter, whichever is more restrictive. The design requirements of this chapter shall apply to all roads and roads proposed for dedication to the town, regardless of whether such roads or roads are part of a new subdivision or minor subdivision.
 - b. Project costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the subdivider. This includes any expense incurred by the town in the preparation of plans and review and inspection of plans and construction.
 - c. Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the town, the subdivider shall notify the town clerk, who will arrange an on-site meeting attended by the town engineer and the subdivider. Plans must be provided in order for the town engineer to check the design and the drainage.
 - d. Material slips. Copies of material slips for all materials furnished for road construction projects shall be delivered to the town engineer before the town approves the final construction.
 - e. Required inspections. Although the town engineer may conduct inspections as necessary at any state of construction, the subdivider shall contact the town engineer for required inspections after the following phases of construction by the subdivider:
 1. Subbase grading;
 2. Crushed aggregate base course;
 3. Bituminous surface course; and
 4. Shouldering.

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Any deficiencies found by the town engineer shall be corrected before proceeding to the next phase of construction.

- f. Tests of materials. The town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine whether the material meets gradation and soundness requirements.
 - g. Pavement samples. The town shall take samples of bituminous asphalt during pavement construction operations for purposes of determining that the material meets specifications.
- (19) Construction standards. All roads and highways constructed in the town or to be dedicated to the town shall fully comply with the following construction standards:
- a. Right-of-way width.
 - 1. Arterial roads: minimum of 80 feet.
 - 2. All other roads: minimum of 66 feet.
 - 3. Cul-de-sacs and bulb radius: minimum of 60 feet radius.
 - 4. Alleys: minimum of 24 feet.
 - 5. Pedestrian ways: minimum of ten feet.
 - b. Roadway ditches. Roadway ditches: minimum ditch slope of 0.50 percent.
 - c. Roadway base thickness.
 - 1. Residential and rural roads shall have a minimum roadway base thickness of eight inches of compacted-in-place crushed aggregate base course of gradation no. 2 in the top layer and gradations no. 1 and no. 2 in the lower layer.
 - 2. On commercial, arterial or other heavy-use roads, as determined by the town board, a base course of ten inches compacted-in-place crush aggregate shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of 1½ inches and no greater than ten percent by weight passing a no. 200 sieve or no. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either three-fourths inch crushed gravel, well-graded with no greater than ten percent passing a no. 200 sieve, or three-fourths-inch traffic-bound crushed rock.
 - 3. In the case of commercial, arterial or other heavy-use roads, the town board may, as an alternative to the above standards, have the town engineer provide specifications for such roads after researching the site and conducting a soil analysis.
 - 4. In any case, the town board shall have the sole discretion to determine the use and construction classification to follow if, based on site conditions the town engineer recommends different standards.
 - 5. In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
 - d. Roadway sub-base. Stable and nonorganic material required. Unstable and organic material must be cut, removed, and replaced with a suitable granular or breaker-run material approved by the town engineer.
 - e. Pavement width. Minimum of 32 feet for local roads, 36 feet for collector roads or roads serving commercial or industrial areas, as shown on figure 1, incorporated herein, 24 feet for rural roads, and wider when required by the town road standards as noted in Wis. Stats. § 82.50, or by this chapter, or by the recommendation of the town engineer based on

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projected traffic and parking requirements, the more restrictive of which shall apply. Figure 2, incorporated herein, illustrates the standard rural cross section.

- f. Pavement thickness. Residential and rural roads shall have a minimum of three inches thick compacted bituminous pavement, placed in two layers - a binder course 1½ inches thick and a surface course 1½ inches thick. Commercial, arterial or other heavy-use roads shall have a minimum of 3½ inches of bituminous pavement, placed in two layers - a binder course two inches thick and a surface course 1½ inches thick. In the case of commercial, arterial or other heavy-use roads, the town board may, as an alternative to the above standards, have the town engineer provide specifications for paving such roads after researching the site and conducting a soil analysis. In any case, the town board shall have the sole discretion in determining the use and construction classification utilized.
- g. Shoulder width. Minimum of two feet wide on each side and wider when required by the town road standards, as noted in Wis. Stats. § 82.50.
- h. Shoulder thickness. Minimum of 2½ inches of compacted in-place crushed aggregate base course - gradation no. 2 or no. 3 over a minimum of eight inches of compacted in-place crushed aggregate base course.
- i. Roadway culverts and bridges. Roadway culverts and bridges shall be constructed as directed by the town engineer and sized utilizing the methods listed in chapter 13, entitled Drainage, from the facilities development manual of the state department of transportation. All roadway culverts shall be provided with concrete, metal or plastic apron end walls.
- j. Driveway culverts. The town engineer shall size driveway culverts. The culverts shall be placed in the ditch line at elevations that will ensure proper drainage, and provided with concrete, metal, plastic or landscape timber end walls.
- k. Topsoil, grass, seed, fertilizer and mulch. All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5 percent slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.
- l. Drainage improvements. In the case of all new roads the town board may require the subdivider to construct stormwater retention areas and storm sewers to provide for proper drainage.

(20) Block and lot design standards.

- a. Block length; arrangement. The lengths, widths, and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,200 feet, nor have insufficient width to provide for two tiers of lots of appropriate depth between road lines. As a general rule, blocks shall be no less than 500 feet in length. A block may have a single tier of lots where it adjoins a railroad, major thoroughfare, river, or park.
- b. Pedestrian pathways. Pedestrian pathways, not less than ten feet wide, may be required by the town board 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.
- c. Lot size. Where a lot is located outside a sewer service area, it shall be at least 1½ acre in size (65,100 square feet). Where a lot is located within the sewer service area, the minimum size is 20,000 square feet, with an additional 2,000 square feet per dwelling unit where the development contemplates more than one dwelling unit on a particular lot. Lot sizes in conservation subdivisions shall be determined according to section 46-119.

(21) Stormwater management system.

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- a. Drainage system required. The town board shall not approve a final plat until the subdivider has submitted plans, profiles and specifications for stormwater management prepared by a registered professional engineer and approved by the town board, upon the recommendations of the plan commission and town engineer, and until the requirements of Wis. Stats. § 236.29(4) have been met.
 - b. Drainage system plans. The subdivider shall submit to the town at the time of filing a preliminary plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 1. Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
 2. Quantities of flow at each inlet or culvert.
 3. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - c. A grading plan for the roads, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - d. The design criteria for storm drainage systems shall be based upon information provided by the town engineer.
 - e. Material and construction specifications for all drainage projects such as pipe, culverts, seed or sod shall be in compliance with specifications provided by the town board, upon the recommendation of the town engineer.
- (22) Grading. The subdivider shall grade each subdivision in order to establish road, block and lot grades in proper relation to each other and to topography as follows: The subdivider shall grade the full width of the right-of-way of all proposed roads in accordance with the approved plans. Block grading shall be completed by one or more of the following methods:
- a. A ridge may be constructed along the rear lot lines that provides for drainage onto the roads.
 - b. Parts of all lots may be graded to provide for drainage to the road or to a ditch along the rear lot line if a drainage easement is provided.
 - c. Draining across rear or side lot lines may be permitted subject to a drainage easement and provided drainage can be confined to such easement.
- (23) Drainage system requirements.
- a. Installation. The subdivider shall install all the storm drainage facilities indicated on the plans required in this section.
 - b. Road drainage. All roads shall be provided with an adequate storm drainage system. All drainage crossing roads shall be conveyed in an underground storm sewer system. On urban roads, maximum inlet spacing shall be 600 feet. The road storm system shall serve as the primary drainage system and shall be designed to carry road, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - c. Off-road drainage. The design of the off-road 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 road right-of-way, the subdivider shall make provisions for dedicating an easement of the town to provide for

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the future maintenance of said system. Easements shall be at least 20 feet wide, but the town may require larger easements if more area is needed due to factors such as topography, or size of watercourse.

- (24) Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the town board and town engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. Generally, ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved.
- (25) Sanitary sewer and water system. The subdivider shall comply with the design standards specified for the development's sanitary sewer and water system by the state department of natural resources, if applicable.
- (26) Standards for nonresidential subdivisions and minor subdivisions.
 - a. General.
 1. If a proposed subdivision or minor subdivision includes land that is zoned for commercial or industrial purposes, the layout with respect to such land shall make such provisions as the town may require.
 2. A nonresidential subdivision shall also be subject to all the requirements of this chapter, as well as such additional standards required by the town and shall conform to the proposed land use standards established by the town comprehensive plan and official map, and the county zoning code.
 - b. Standards. In addition to the principles and standards in this chapter, the subdivider shall demonstrate to the satisfaction of the town board that the road, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The subdivider shall observe the following principles and standards:
 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 2. Road rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
 3. Special requirements may be imposed by the town board with respect to road, curb, gutter, and sidewalk design and construction.
 4. Special requirements may be imposed by the town board with respect to the installation of public utilities, including water, sanitary sewer and stormwater drainage.
 5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 6. Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 2006-7-31, § 1(14-1-7), 7-24-2006)

Secs. 46-110—46-129. Reserved.

DIVISION 3. GENERAL PUBLIC LAND DEDICATION

Sec. 46-130. Requirements and design.

Sec. 46-131. Land dedication.

Sec. 46-132. Reservation of additional land.

Sec. 46-133. Dedicated parkland development.

Sec. 46-134. Fees in lieu of land.

Secs. 46-135—46-155. Reserved.

Sec. 46-130. Requirements and design.

- (a) Dedication requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as, but not limited to, parks and recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall dedicate land for park or other public uses.
- (b) General design. In the design of a subdivision, minor subdivision, or planned unit development the developer shall make provision for suitable sites of adequate area for parks, playgrounds, open spaces, drainageways and other public purposes. Such sites shall be shown on the preliminary plat and final plat, and shall comply with the town comprehensive plan or component of said plan, if any exists for the site. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(Ord. No. 2006-7-31, § 1(14-1-8(a)), 7-24-2006)

Sec. 46-131. Land dedication.

- (a) Dedication calculation. All subdividers shall be required to dedicate developable land to the town for park or other public uses, other than roads or drainageways, at a rate of 0.05 acres per dwelling unit. Whenever a proposed playground, park, or other public area, other than roads or drainageways, designated in the comprehensive plan or comprehensive plan component of the town is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication. The town board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for roads shall not be considered as satisfying land dedication requirements.
- (b) Shoreland.
 - (1) Lake and stream shore plats. All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half-mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the appropriate state agencies, and excluding shore areas where public parks or open-space roads or roads on either side of a stream are provided. This subsection does not require the town to improve land provided for public access.
 - (2) Lots adjacent to lake or stream shore. The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlets or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

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- (c) Unknown number of dwelling units. Where the plat, or certified survey does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the county zoning ordinance and this chapter.
- (d) Access to dedicated land. All dedicated land shall have frontage on a public road and shall have unrestricted public access.
- (e) Utility extensions. The subdivider shall install or provide for installation of water and sanitary lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(Ord. No. 2006-7-31, § 1(14-1-8(b)), 7-24-2006)

Sec. 46-132. Reservation of additional land.

When public parks and sites for other public areas as shown on any master plan or master plan component lie within the proposed area for development and are greater in area than required by section 46-131, the owner shall reserve for acquisition by the town, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after final plat approval, unless extended by mutual agreement.

(Ord. No. 2006-7-31, § 1(14-1-8(c)), 7-24-2006)

Sec. 46-133. Dedicated parkland development.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and
 - (3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the plan commission, fertilized with 16-6-6 at a rate of seven pounds per 1,000 square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
- (b) The town board may require certification of compliance by the town engineer. The cost of such report shall be paid by the subdivider.
- (c) Development of parklands shall be completed as soon as ten percent of the planned lots in the subdivision are sold, as determined by the town board.
- (d) If the subdivider fails to satisfy the requirements of this section, the town board may contract for said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(Ord. No. 2006-7-31, § 1(14-1-8(d)), 7-24-2006)

Sec. 46-134. Fees in lieu of land.

- (a) The town board, upon the recommendation of the plan commission, shall determine whether to require dedication of land or payment of money from any subdivider. If the town board has determined to require payment of money in lieu of dedication of land, such money shall be paid to the town at the time of first application for approval of a final plat of such subdivision in the amount

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per dwelling unit within the plat consistent with the standards set forth in section 46-131. The fee per dwelling unit shall be in the amount decided by the town board to bear a rational relationship to the need created by the subdivision's development..

- (b) Funds paid to the town under this provision or contributed from other sources for parkland and recreational development and improvement shall be placed in a separate nonlapsing fund designated for acquisition of park land and improvement of land for public parks as recommended by the parks committee. The town board shall have the final right to approve or reject such projects. Said account shall be a continuing account which does not lapse at the end of a budget period.
- (c) No payment may be required for a lot created by the division of land under this chapter on which a residential structure already exists, or which is a residual parcel in excess of ten acres not intended for conveyance and development. Where a lot, parcel or dwelling unit for which payment has once been made is further divided, the subdivider shall pay only for the additional lots or parcels created.

(Ord. No. 2006-7-31, § 1(14-1-8(e)), 7-24-2006)

Secs. 46-135—46-155. Reserved.

DIVISION 4. ALTERNATIVE LOT SIZES AND OTHER STANDARDS FOR DEVELOPMENTS

Sec. 46-156. Alternative lot size standards established.

Sec. 46-157. Purpose.

Sec. 46-158. Additional submittals.

Sec. 46-159. Performance standards.

Sec. 46-160. Site standards.

Sec. 46-161. Open space design.

Sec. 46-162. Common open space ownership alternatives.

Sec. 46-163. Management plan.

Secs. 46-164—46-184. Reserved.

Sec. 46-156. Alternative lot size standards established.

This division establishes alternative lot sizes and other standards for developments meeting the criteria set forth herein for all subdivisions and minor subdivisions designated as conservation subdivisions. The regulations in this section shall be followed wherever conservation subdivisions are called for in the town's comprehensive plan. All provisions of this division and all provisions of this chapter not in conflict with this section shall apply to any conservation subdivision.

(Ord. No. 2006-7-31, § 1(14-1-9(a)), 7-24-2006)

Sec. 46-157. Purpose.

In addition to the purposes set forth in section 46-2, this section is adopted for the purpose of:

- (1) Encouraging development that is consistent with and is designed to preserve the rural character of the town through the permanent preservation of meaningful open space and sensitive natural resources.

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- (2) Preserving scenic views by minimizing the visibility of new development from existing roads.
- (3) Preserving prime agricultural land by concentrating development on lands that have low agricultural potential.
- (4) Providing commonly owned open space for recreational use by residents of the conservation subdivision or the community at large.
- (5) Providing buffering between residential development and nonresidential uses.
- (6) Protecting and restoring environmentally sensitive areas and biological diversity, minimizing disturbance to existing vegetation and maintaining environmental corridors.
- (7) Preserving significant archeological sites, historic buildings and their settings.
- (8) Meeting demands for housing in a rural setting.
- (9) Enhancing the ability to locate and coordinate appropriate areas for development and conservation on the development parcel.

(Ord. No. 2006-7-31, § 1(14-1-9(a)), 7-24-2006)

Sec. 46-158. Additional submittals.

In addition to the information required in article II of this chapter, a developer of a proposed conservation subdivision shall submit the following with the preliminary plat, or certified survey: Site Analysis. Using the Environmental Assessment Checklist under division 5 of this article, and the development yield analysis provided in this article, and applying the standards in subsections (4), (5) and (6) of this section, the subdivider shall submit a concept plan including the following information at a scale of no greater than one inch equals 50 feet:

- (1) Open space areas indicating which areas are to remain undeveloped.
- (2) Locations of trails.
- (3) Boundaries of areas to be developed.
- (4) Proposed street and lot layout.
- (5) Number and type of housing units proposed.
- (6) Type and location of water supply, stormwater and sewage treatment facilities.
- (7) Inventory of preserved and disturbed natural features and prominent views.
- (8) Preliminary development envelopes showing areas for lawns, pavement and grading.
- (9) Proposed method of ownership and management of open space.

(Ord. No. 2006-7-31, § 1(14-1-9(b)), 7-24-2006)

Sec. 46-159. Performance standards.

- (a) Residential lot requirements. The following are residential lot requirements under this section:
 - (1) Minimum lot size: 20,000 square feet.
 - (2) Lot coverage: Lots shall be configured to minimize the amount of impervious surfaces. Maximum lot coverage, including buildings and other impervious surfaces shall not exceed 35 percent of the lot.
 - (3) Maximum building height: 35 feet.

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- (4) Lots shall take access from interior local streets wherever possible.
 - (5) Lots shall be configured to minimize the amount of road length required for the subdivision.
 - (6) Development envelopes shall be configured to minimize the loss of woodlands.
 - (7) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
 - (8) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
 - (9) Lots shall be oriented around one or more of the following:
 - a. A central green or square.
 - b. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
 - (10) Development envelopes shall be screened from peripheral public roads or other visually prominent areas and should not be located on ridges or hilltops.
 - (11) A 75-foot buffer measured from the ordinary high-water mark where no land disturbance shall occur shall be maintained around open water areas, unless a specific common beach or grassed area is established. Buffer areas shall also comply with Wis. Admin. Code chs. NR 115 and 216.
- (b) Street standards. Streets shall comply with section 46-109, except as follows:
- (1) Right-of-way width may be 49.5 feet for local streets in conservation subdivisions that have average daily trips less than 100. Streets shall have a surface width of 20 feet with two-foot shoulders for a total roadway width of 24 feet.
 - (2) Cul-de-sacs may be designed as semi-circular and circular loop roads. A minimum 30-foot outside radius around a landscaped island with a minimum ten-foot radius shall be required. Open space internal to these road features may be counted toward the open space requirements.
- (c) Sidewalks and trails. Sidewalks may be required on one side of the street. As an alternative, pedestrian walks may be included along some street segments and through common open spaces. Walks may be meandering in alignment, as opposed to concrete sidewalks paralleling streets. Paths or trails leading into and through common open space may consist of mowed turf, woodchips, shredded bark, gravel, or asphalt, however, the surface shall be appropriate for the slope of terrain and expected traffic.

(Ord. No. 2006-7-31, § 1(14-1-9(c)), 7-24-2006)

Sec. 46-160. Site standards.

- (a) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 12 dwelling units.
- (b) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
- (c) Residential clusters shall avoid encroaching on rare plant communities, high quality sites or endangered species identified by the department of natural resources.
- (d) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails and environmental corridors.
- (e) Residential clusters should be sited to achieve the following goals, to the extent practicable.

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- (1) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
- (2) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
- (3) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through the use of landscaping or other features.
- (4) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (5) Landscaping around the cluster shall be provided when necessary to reduce off site views of residences.

(Ord. No. 2006-7-31, § 1(14-1-9(d)), 7-24-2006)

Sec. 46-161. Open space design.

- (a) Common open space. The minimum open space required shall be owned and maintained under one of the alternatives listed in section 46-162, as approved by the town. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The open space shall be undivided and restricted in perpetuity from future development.
- (b) Open space shall be designated as part of the development. If no density bonus is awarded, the minimum required open space is 50 percent of the gross acreage. If a development bonus is awarded, at no time shall the preserved open space be less than 45 percent of the gross acreage.
- (c) The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site and to best achieve the purposes of this section.
- (d) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (1) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - (2) Privately-held buildings or structures provided they are accessory to the use of the open space.
 - (3) Conservation of natural, archeological or historical resources.
 - (4) Meadows, woodland, wetlands, wildlife corridors, game preserves, or similar conservation oriented areas.
 - (5) Walking or bicycle trails.
 - (6) Active recreation areas, provided they are limited to no more than ten percent of the total open space.
 - (7) Agriculture, horticulture or pasture uses provided that applicable best management practices are used to minimize environmental impacts.
 - (8) Landscaped stormwater management facilities, community wastewater disposal systems and off-site individual wastewater disposal systems located on soils particularly suited to such uses.
 - (9) Easements for drainage, access and underground utility lines.
 - (10) Other conservation-oriented uses compatible with the purposes of this chapter.
- (e) Road rights-of-way shall not be counted towards the required minimum open space.
- (f) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands. This subsection shall not apply to stormwater management facilities.

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- (g) The portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- (h) Accessible open space in upland areas shall be available for recreational uses such as trails, playfields, or community gardens but shall be designed in a manner that avoids adversely impacting archeological sites.
- (i) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned development trails on adjacent parcels shall be identified in the plan.

(Ord. No. 2006-7-31, § 1(14-1-9(e)), 7-24-2006)

Sec. 46-162. Common open space ownership alternatives.

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) Homeowner's association. A homeowner's association shall be established if the common open space is proposed to be owned by a homeowner's association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the town as part of the information required for the preliminary plat. Any future amendments thereto shall be approved by the town board. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:
 - a. The legal description of the common land;
 - b. A description of common facilities;
 - c. The restrictions placed upon the use and enjoyment of the lands or facilities;
 - d. Persons or entities entitled to enforce the restrictions;
 - e. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 - f. A mechanism for resolving disputes among their owners or association members;
 - g. The conditions and timing of the transfer of ownership and control of land or facilities to the association;
 - h. Any other matter the developer deems appropriate.
- (2) Nonprofit conservation organization. If the common open space is to be held by a nonprofit conservation organization proven to the satisfaction of the town that it will be willing and able to uphold the terms of the conveyance. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion to the town in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. The reversion may go to another nonprofit conservation organization upon town board approval, however, the ultimate reversion must go to the town.
- (3) Public dedication of open space and streets.
 - a. The town may accept the dedication of fee title or dedication of a conservation easement to the common open space. The town may accept the common open space provided the common open space is accessible to the residents of the town and the town has adequate access to maintain the common open space.

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- b. Streets or other public ways which have been designated on a duly adopted official map or element of the town comprehensive plan shall be dedicated or reserved by the subdivider to the town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this chapter.
- (4) Individual ownership. An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

(Ord. No. 2006-7-31, § 1(14-1-9(f)), 7-24-2006)

Sec. 46-163. Management plan.

Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the longterm means to properly manage and maintain all common facilities, including any stormwater facilities. The plan shall be approved by the town prior to the final plat approval.

- (1) The plan shall do the following:
 - a. Designate the ownership of the open space and common facilities in accordance with section 46-162.
 - b. Establish necessary regular and periodic operation and maintenance responsibilities.
 - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative describing:
 - (i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - (ii) The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 - (iii) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
 - (iv) The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- (2) In the event that the organization established to own and maintain the common open space and common facilities, or any successor organization, fails to maintain all or any portion of the common open space facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the town may send written notice by certified mail to such organization with copies sent by regular mail to the residents and owners of the common open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the security, if any, may be forfeited, and any permits may be revoked or suspended. The costs of corrective action by the town shall be levied as a special charge pursuant to Wis. Stats. § 66.0627 against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties.

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Management plans can be amended by the owner identified under section 46-162 with the approval of the plan commission and town board

(Ord. No. 2006-7-31, § 1(14-1-9(g)), 7-24-2006)

Secs. 46-164—46-184. Reserved.

DIVISION 5. ENVIRONMENTAL ASSESSMENT AND VARIANCES

Sec. 46-185. Format.

Sec. 46-186. Environmental criteria.

Sec. 46-190. Variance—Application.

Sec. 46-191. Same—Granting.

Sec. 46-192. Same—Approval.

Secs. 46-193—46-214. Reserved.

Sec. 46-185. Format.

The environmental assessment required by article II of this chapter shall generally follow the format herein:

ENVIRONMENTAL ASSESSMENT

This assessment shall be prepared for review, if possible, at the pre-application conference. The information sought will assist the plan commission and town board in determining the suitability of the land for development as required by section 46-7 and to assess the potential threat to existing flora under section 46-8. All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development.

		Yes	No
1.	Land resources		
	Does the project site involve:		
a.	Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two-foot contour intervals)		
b.	A landform or topographic feature of local or regional interest		
c.	A floodplain (if yes, attach two copies of a typical stream valley cross section showing the channel of the stream, the 100-year floodplains limits and the floodway limits (if		

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	officially adopted), of each side of the channel and a cross section of area to be developed)		
d.	An area of soil instability — greater than 18 percent slope and/or organic soils, peats, or mucks at or near the surface	_____	_____
e.	An area of bedrock within six feet of the soil surface	_____	_____
f.	An area with the groundwater table within ten feet of the soil surface	_____	_____
g.	An area with fractured bedrock within ten feet of the soil surface	_____	_____
h.	A drainageway for 50 or more acres of land	_____	_____
i.	Lot coverage of more than 50 percent impermeable surfaces	_____	_____
j.	Prime agricultural land	_____	_____
k.	Wetlands and marshes	_____	_____
l.	Mapped environmental corridors	_____	_____
2.	Water resources		
	Does the proposed project have:		
a.	Location within an area traversed by a navigable stream or dry run	_____	_____
b.	Greater than ten percent change in the capacity of a stormwater storage facility or flow of a waterway within one mile	_____	_____
c.	The use of septic tank-soil absorption fields for on-site waste disposal	_____	_____
d.	Lowering of water table by pumping or drainage	_____	_____

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e.	Raising of water table by altered drainage patterns	_____	_____
f.	Lake frontage	_____	_____
3.	Biological resources		
	Does the project site involve:		
a.	Critical habitat for plants and animals of community interest	_____	_____
b.	Endangered, unusual or rare species of		
1)	Land animals	_____	_____
2)	Birds	_____	_____
3)	Plants	_____	_____
c.	Do there exist trees and shrubs of greater than 3" diameter at breast height; if yes, identify species present and approximate numbers and sizes	_____	_____
d.	Removal or potential damage to over ten percent of the present trees, shrubs, vines, grasses and other nonnoxious plants; if yes, provide aerial photos and/or vegetation surveys to document extent of potential damage		
4.	Human and scientific interest		
	Does the project site involve:		
a.	An area of archaeological interest	_____	_____
b.	An area of geological interest	_____	_____
c.	An area of hydrological interest	_____	_____
d.	An area of historical interest	_____	_____

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	1)	Historic building or monuments	_____	_____
	2)	Building or monuments of unique architecture	_____	_____
	e.	An area of identified community recreational use	_____	_____
5.		Energy, transportation and communications		
	a.	Does the development increase the traffic flow in any collector system by more than ten percent	_____	_____
	b.	Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer)	_____	_____
6.		Population		
	a.	Does the development increase by more than ten percent the school population of any school serving the development?	_____	_____
7.		Comments on any of the above that may have a significant environmental impact.		
8.		Appendices and supporting material, including in all cases the La Crosse County Soil Survey Map for the area as prepared by the United States Department of Agriculture, Soil Conservation Service		

(Ord. No. 2006-7-31, § 1(14-1-10(a)), 7-24-2006)

Sec. 46-186. Environmental criteria.

The following criteria shall serve as guidelines to assist the plan commission and town board in determining suitability of the land for development:

- (1) Recommendations as to soil suitability contained in the soil conservation service soil survey of the county shall govern.
- (2) Land with slopes between 12 and 20 percent will require special design for limiting stormwater runoff and erosion and for sewerage systems.

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- (3) Development is ordinarily prohibited on land with slopes equal to or greater than 20 percent. Under extraordinary circumstances, the town board may permit development on land with slopes equal to or greater than 20 percent only if all of the following minimum criteria are met:
 - a. At least 60 percent of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
 - b. Plans and design calculations acceptable to the town engineer are submitted for retaining walls and other erosion control measures for each lot.
 - c. Lots large enough so that no buildings or driveways shall be constructed on or through land with existing slopes of 20 percent or greater while maintaining normal building setbacks.
 - d. The soils as shown on the county soil survey map for the land have no more than a slight erosion hazard potential as determined by the soil conservation service.
 - e. The soil limitations for dwellings with basements, local roads septic tank (if applicable) shall be no greater than moderate as determined by the soil conservation service.
 - f. A special public hearing having been held to assess effects of the specific property on surrounding property owners.
 - g. Such special studies of soils, slope stability, stormwater runoff, erosion and safety as have been requested by the plan commission having been conducted by the developer and presented to the town board prior to official submittal of the preliminary plat.
- (4) Soils with severe erosion hazard potential as determined by the soil conservation service will require special design to limit stormwater runoff and erosion.
- (5) No structure shall be constructed with a basement floor below the normal groundwater elevation. Groundwater level shall be determined by a minimum of three soil borings.
- (6) Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.
- (7) Areas of archaeological and/or historical interest shall be designated by the state historical society.
- (8) Areas of geological interest shall be designated by the state geological and natural history survey.
- (9) Suitability of land for private sewerage systems shall be determined in accordance with Wis. Admin. Code ch. SPS 383.
- (10) Public utilities shall not be extended through or around vacant land to serve new development.

(Ord. No. 2006-7-31, § 1(14-1-10(b)), 7-24-2006)

Sec. 46-190. Variance—Application.

Where, in the judgment of the town board, on the recommendation of the plan commission, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the town board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat or certified survey is filed for consideration, stating fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans, or other additional data which may aid the town board in the analysis of the proposed project.

(Ord. No. 2006-7-31, § 1(14-1-12(a)), 7-24-2006)

Sec. 46-191. Same—Granting.

The plan commission shall not recommend nor shall the town board grant a variance 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 variance 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 variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(Ord. No. 2006-7-31, § 1(14-1-12(b)), 7-24-2006)

Sec. 46-192. Same—Approval.

- (a) The town board, if it approves of the variance, shall do so by motion or resolution and instruct the town clerk to notify the subdivider. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the town in accordance with any town comprehensive plan or component thereof, or this chapter. A majority vote of the entire membership of the town board shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the board.
- (b) The town board may waive the placing of monuments, required under Wis. Stats. § 236.15(1)(b), (c) or (d), for a reasonable time on condition that the subdivider provide security in an amount and form satisfactory to the town to ensure the placing of such monuments within the time required.

(Ord. No. 2006-7-31, § 1(14-1-12(c), (d)), 7-24-2006)

Secs. 46-193—46-214. Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 46-215. Violations.

Sec. 46-216. Penalties.

Sec. 46-217. Appeals.

Sec. 46-218. Abrogation; interpretation; severability.

Sec. 46-215. Violations.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the state statutes and no person shall be issued a building permit by the town authorizing the building on, or improvement of, any subdivision, minor subdivision, or replat within the jurisdiction of this

chapter until the provisions and requirements of this chapter have been fully met. The town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable state statutes.

(Ord. No. 2006-7-31, § 1(14-1-13(a)), 7-24-2006)

Sec. 46-216. Penalties.

Any person, partnership, corporation, or other legal entity that fails to comply with any provision of this chapter shall upon conviction be subject to penalties and forfeitures no less than \$100.00 nor greater than \$500.00 or as otherwise provided in Wis. Stats. §§ 236.30, 236.31, 236.32, 236.335 and 236.45. Each day a violation exists or continues shall constitute a separate offense.

- (1) Improper recordation has penalties provided in Wis. Stats. § 236.30.
- (2) Conveyance of lots in unrecorded plats has penalties provided in Wis. Stats. § 236.31.
- (3) Monuments disturbed or not placed has penalties provided in Wis. Stats. § 236.32.
- (4) Unlawful sale of lots is a public nuisance, which may be enjoined by a court of record.

(Ord. No. 2006-7-31, § 1(14-1-13(b)), 7-24-2006)

Sec. 46-217. Appeals.

Any person aggrieved by an objection to a plat or a failure to approve a plat or certified survey map may appeal therefrom, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)(10), (14) and (15), within 30 days of notification of the rejection of the plat.

(Ord. No. 2006-7-31, § 1(14-1-13(c)), 7-24-2006)

Sec. 46-218. Abrogation; interpretation; severability.

- (a) Abrogation and more restrictive requirements. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (b) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by the state statutes.
- (c) Severability. If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.
- (d) Repeal of conflicting ordinances. All other ordinances or parts of ordinances of the town inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.
- (e) Disclaimer.
 - (1) Multiple jurisdictions. All persons reviewing the provisions of this chapter should be aware that the town is only one of a number of reviewing agencies that may have jurisdiction over proposed land divisions, subdivisions or development. The town cannot make any representations on behalf of any other governmental body. No land division or subdivision may be made unless all required approvals have been given.

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- (2) Binding acts. No statement or action by any official, employee, agent, or committee of the town should be construed or taken as a binding act of the town except a resolution, motion, or ordinance that has been adopted by the town board at a lawfully conducted town board meeting. This includes, but is not limited to, interpretation of this chapter.
- (3) Compliance assurance. The town expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the town are in compliance with any ordinances, regulations or rules. The town also assumes no responsibility for assuring the suitability of any property whose subdivision or land division has been approved by the town board.

(Ord. No. 2006-7-31, § 1(14-1-14), 7-24-2006)

Chapter 47 RESERVED

Chapter 48 TAXATION

ARTICLE I. - IN GENERAL

ARTICLE II. - PROPERTY TAXES

State Law reference— General property taxes, Wis. Stats. § 70.01 et seq.; tax exemptions generally, Wis. Stats. § 70.11; local sales taxes, income and franchise taxes for state and local revenues, Wis. Stats. § 71.01 et seq.; property tax collection, Wis. Stats. § 74.01 et seq.; taxation of public utilities and insurers, Wis. Stats. § 76.01 et seq.; motor vehicle fuel taxes, Wis. Stats. § 78.005 et seq.; town appropriations, Wis. Stats. § 60.23; town tax increment law, Wis. Stats. § 60.85.

ARTICLE I. IN GENERAL

Sec. 48-1. Tax collection bond exempted.

The Town of Onalaska hereby obligates itself to pay, in case the Town Treasurer fails so to do, all taxes of any kind required by law to be paid by the Town Treasurer to the La Crosse County Treasurer. Therefore, the Town Treasurer is hereby exempted from having to give the tax collection bond specified in Wis. Stat. § 70.67(2).

(Created 11-15-17.)

Secs. 48-2—48-18. Reserved.

ARTICLE II. PROPERTY TAXES

DIVISION 1. - GENERALLY

DIVISION 2. - BOARD OF REVIEW

DIVISION 1. GENERALLY

Secs. 48-19—48-39. Reserved.

Secs. 48-19—48-39. Reserved.

DIVISION 2. BOARD OF REVIEW

Sec. 48-40. Alternate members for board of review.

Sec. 48-41. Confidentiality of income and expense records.

Sec. 48-42. Procedures and criteria for allowing alternative forms of sworn testimony.

Sec. 48-40. Alternate members for board of review.

- (a) Pursuant to Wis. Stats. §§70.47(1) & (6m)(c), the town establishes and shall maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review.
- (b) The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate and kept in the office of the clerk. The town clerk shall notify any named member who has been lawfully removed under Wis. Stats. §§ 70.47 (6m) (a) or (b), and shall then notify the alternate member of his or her appointment to replace another member of the board of review.

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- (c) The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stat. § 19.59, shall then take the oath of office and act as a member of the board of review under Wis. Stat. § 70.47 (6m) (c).
- (d) In addition, the appointed town clerk, if a resident of the town, is appointed with this ordinance as a regular voting member of the board of review.

Sec. 48-41. Confidentiality of income and expense records.

- (a) The town provides by this ordinance for the confidentiality of information about income and expenses that is provided to the assessor pursuant to Wis. Stat. § 70.47(7)(af), with the necessary exceptions for persons using the information in the discharge of duties imposed by law or the duties or their office or by order of a court.
- (b) Information provided to the town pursuant to Wis. Stat. § 70.47(7)(af) is not subject to the right of inspection and copying pursuant to Wis. Stat. § 19.35(1), the state public records law, unless a court determines that it is inaccurate.

Sec. 48-42. Procedures and criteria for allowing alternative forms of sworn testimony.

- (a) Pursuant to Wis. Stat. § 70.47(8) the board of review may consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review.
- (b) In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
 - (1) The legal requirement to provide notice of intent to appear at board of review must be satisfied; and
 - (2) An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the board of review as required by law.
 - (3) If the two requirements above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the board of review.
- (c) The board may consider any or all of the following factors when deciding whether to grant or deny the request:
 - (1) The requester's stated reason(s) for the request as indicated on the PA-814;
 - (2) Fairness to the parties;
 - (3) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony;
 - (4) Ability to cross examine the person providing the testimony;
 - (5) The board of reviews technical capacity to honor the request; and

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- (6) Any other factors that the board deems pertinent to deciding the request.

Chapter 49 RESERVED

Chapter 50 TELECOMMUNICATIONS

(RESERVED)

State Law reference— Restrictions on local regulation of telecommunications facilities, Wis. Stats. § 66.0422.

Chapter 51 RESERVED

Chapter 52 TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

ARTICLE II. - PARKING, STANDING AND STOPPING

ARTICLE III. - SPEED LIMITS

ARTICLE IV. - SNOWMOBILES

ARTICLE V. - BICYCLES

State Law reference— Authority for local authorities to obstruct and barricade certain streets, Wis. Stats. § 66.0429; authority for local prohibition of leaving keys in parked motor vehicles, Wis. Stats. § 66.0431; local registration of vehicles, Wis. Stats. § 341.35; rules of the road, Wis. Stats. § 346.01; restriction on local traffic regulations, Wis. Stats. § 349.03; authority for local adoption of traffic regulations in strict conformity with state law, Wis. Stats. § 349.06; authority for local regulation of parking, standing, and stopping, Wis. Stats. § 349.13; authority of local governments to regulate heavy traffic, Wis. Stats. § 349.17; authority for local regulation of bicycle lanes and bicycle ways, Wis. Stats. § 349.23.

ARTICLE I. IN GENERAL

Sec. 52-2. Enforcement by citation.

Sec. 52-3. Request for suspension of registration.

Sec. 52-4. Notification of state department of transportation.

Sec. 52-5. Definitions.

Secs. 52-6—52-26. Reserved.

Sec. 52-2. Enforcement by citation.

It is hereby established that enforcement of this chapter and all other traffic ordinances of the town will be in accordance to Wis. Stats. §§ 66.0114 and 345.20—345.53. Stipulations shall conform with the uniform traffic citation and may be accepted by the town clerk within ten days of the alleged violation. Deposits shall be made in accordance with Wis. Stats. § 345.26. If a deposit is not established by this article, deposits shall be the forfeiture or penalty as provided by the town and approved by the town board.

(Ord. No. 8499, § 5, 8-4-1999)

Sec. 52-3. Request for suspension of registration.

In addition to other penalties provided under this chapter and by state statute, the chairperson or his designee is authorized, according to Wis. Stats. § 345.285, and any amendments thereto, to request suspension of the registration of any vehicle involved in the violation of this chapter or request refusal of registration of any vehicle owned by the violator. The chairperson is also authorized to do all acts necessary in connection with the implementation and enforcement of Wis. Stats. § 345.28 and any amendments thereto including, but not limited to, recovery of all costs in connection with the

implementation of said vehicle registration and the person charged with violation of this chapter shall be liable for the costs of using the state traffic violation registration program.

(Ord. No. 23, § 5, 2-6-1991)

Sec. 52-4. Notification of state department of transportation.

In addition to or in lieu of imprisonment or suspension, the court prosecuting any violation of this article may notify the state department of transportation, in the form and manner prescribed by the state department of transportation, that a judgment has been entered against the defendant and remains unpaid in accordance with Wis. Stats. § 345.47 and Wis. Admin. Code ch. Trans 128. The court is also authorized to do all acts necessary in connection with the implementation of the department of transportation vehicle registration program, including, but not limited to, recovering of all costs of using the state department of transportation registration vehicle program.

(Ord. No. 23, § 6, 2-6-1991)

Sec. 52-5. Definitions.

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

Truck tractor, trailer, and tractor-semitrailer combination have the meaning and definitions as set forth in Wis. Stats. § 340.01, and any subsequent amended thereto, which definitions are specifically incorporated herein by reference.

Vehicle has the meaning and definition as set forth in Wis. Stats. § 340.01(74), and any subsequent amendment thereto, which provisions are specifically incorporated herein by reference.

(Ord. No. 23, § 2, 6-6-1990; Ord. No. 23, § 3, 2-6-1991; Ord. No. 0403-02, 3-3-2002)

Secs. 52-6—52-26. Reserved.

ARTICLE II. PARKING, STANDING AND STOPPING

Sec. 52-27. Penalties.

Sec. 52-28. Vehicle defined.

Sec. 52-29. Parking prohibited in certain locations.

Sec. 52-30. Restricted parking during certain months.

Sec. 52-31. Parking of trucks and trailers restricted.

Sec. 52-32. Parking at boat landings and town parking lots restricted.

Secs. 52-33—52-50. Reserved.

Sec. 52-27. Penalties.

Any person violating this article shall upon conviction forfeit not less than \$25.00, nor more than \$100.00, plus the costs of prosecution, which shall include attorneys' fees, and in default of payment of

such forfeiture and costs of prosecution, including attorneys' fees, shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, including attorneys' fees, not exceed 90 days for each violation.

(Ord. No. 23, § 3, 6-6-1990; Ord. No. 23, § 4, 2-6-1991)

Sec. 52-28. Vehicle defined.

The term "vehicle," as used in this article, means a motor vehicle, trailer, semitrailer, or a mobile home as defined in chapter 30 whether or not the vehicle is registered under chapter 341 of the Wis. Stats. (Wis. Stats. ch. 341).

(Ord. No. 27, § 2, 12-4-1991)

Sec. 52-29. Parking prohibited in certain locations.

The streets described in this section, shall be marked by traffic signs as "No Parking" areas. No person shall park at any time, stop, or leave standing, whether attended or unattended, any vehicle, on the following streets, or others similarly designated, located within the town:

Frontage Road.

Lake Park Drive.

Balduzzi Drive.

Lark Avenue.

Robin Street.

Cardinal Drive.

Schaller Drive.

Bernard Street.

(Ord. No. 23, §§ 1, 2, 6-6-1990; Ord. No. 23, § 1, 2-6-1991; Ord. No. 0403-02, 3-3-2002)

Sec. 52-30. Restricted parking during certain months.

From November 1 to April 1, vehicles may not be parked on the circular turn-around portion of any cul-de-sac on any street or road located within the town.

(Ord. No. 27, § 1, 12-4-1991)

Sec. 52-31. Parking of trucks and trailers restricted.

No person shall park at any time, stop, or leave standing, whether attended or unattended, any truck tractor, trailer or tractor-semitrailer combination on the following streets within the town:

- (1) The north side of Abbey Road, from N5536 to N6782.
- (2) The south side of Abbey Road, from W6757 to W6773.

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- (3) Industrial Blvd., from Commerce Road to Frontage Road.
- (4) The east side of Commerce Road, from OT to Abbey Road.
- (5) The south side of Penny Lane, from N5515 to N5485.

(Ord. No. 0403-02, 3-3-2002)

Sec. 52-32. Parking at boat landings and town parking lots restricted.

It is unlawful to park vehicles, trailers and boats at any town boat landing or town parking lot for a period of more than 48 hours.

(Ord. No. 2012-9-11-1, 9-11-2012)

Secs. 52-33—52-50. Reserved.

ARTICLE III. SPEED LIMITS

Sec. 52-51. Statutory authorization.

Sec. 52-52. Maximum speed limit of 35 miles unless otherwise designated..

Sec. 52-53. Maximum speed limit of 15 miles per hour on certain streets.

Sec. 52-54. Maximum speed limit of 25 miles per hour on certain streets.

Sec. 52-55. Maximum speed limit of 35 miles per hour on certain streets.

Secs. 52-56—52-83. Reserved.

Sec. 52-51. Statutory authorization.

The town has designated vehicle speed limits as set forth herein, in accordance with Wis. Stats. §§ 346.57(4) and 349.11(3)(c).

Sec. 52-52. Maximum speed limit of 35 miles unless otherwise designated.

Except as otherwise provided in this article, the maximum speed limit of 35 mph is hereby established on all streets, roads, or highways within the town.

(Ord. No. 8499, §§ 2—4, 8-4-1999)

Sec. 52-53. Maximum speed limit of 15 miles per hour on certain streets.

A maximum speed limit of 15 mph is hereby established on the following streets, roads, or highways, contiguous to or adjacent to a public park or recreation area when children are going to or from or playing in such area:

Reef Road and the north end of Sunset Drive.

(Ord. No. 8499, §§ 2—4, 8-4-1999)

Sec. 52-54. Maximum speed limit of 25 miles per hour on certain streets.

A maximum speed limit of 25 mph is hereby established on the following streets, roads, or highways:
Sandy Knolls Addition, including:

Reef Road.

Sunset Drive.

Quarterdeck Drive.

Sandpiper.

(Ord. No. 8499, §§ 2—4, 8-4-1999)

Sec. 52-55. Maximum speed limit of 35 miles per hour on certain streets.

The maximum speed of 35 mph is hereby established on Hauser Road.

(Ord. No. 9022004, § 1, 9-2-2004)

Secs. 52-56—52-83. Reserved.

ARTICLE V. BICYCLES

Sec. 52-118. Definitions.

Sec. 52-119. Operation of vehicles on bicycle way prohibited.

Sec. 52-120. Exceptions.

Sec. 52-118. Definitions.

The following definitions shall be applicable in this article:

“Bicycle way” has the meaning as defined in Wis. Stats. § 340.01(5s), including any subsequent amendments or modifications thereto, which are incorporated herein by reference.

“Motor vehicle” means any vehicle that is self-propelled and shall include, but not limited to, automobiles, trucks, jeeps, vans, motorcycles, motor bikes, go-carts, motorized three-wheeled vehicles, all-terrain vehicles, utility terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. The term “motor vehicle” does not include any wheelchair or bicycle or any motor vehicle while it is being operated solely for the purpose of construction or maintenance of a bicycle way or being operated by or at the direction of public employees or utility company employees as part of their employment duties.

(Ord. No. 4-11-2005, § I, 5-17-2005)

Sec. 52-119. Operation of vehicles on bicycle way prohibited.

No person shall operate a motor vehicle upon a bicycle way.

(Ord. No. 5-11-2005, § II, 5-17-2005)

Sec. 52-120. Exceptions.

This article shall not prohibit the operation of a motor vehicle on the Great River Trail, where such operation is not otherwise prohibited by other laws, ordinances, or regulations.

(Ord. No. 4-11-2005, § III, 5-17-2005)

Chapter 53 RESERVED

Chapter 54 UTILITIES

ARTICLE I. - IN GENERAL

ARTICLE II. - STORMWATER UTILITY

State Law reference—public utilities generally, Wis. Stats. § 66.0801 et seq.; municipal public works projects, Wis. Stats. § 66.0901 et seq.; public utilities, Wis. Stats. § 66.0801 et seq.; combining water and sewer utilities, Wis. Stats. § 66.0819; water and sewer generally, Wis. Stats. § 281.01 et seq.; water and sewage facilities; septage disposal, Wis. Stats. § 281.41 et seq.; authority of town board to establish utility districts, Wis. Stats. § 60.23(2).

ARTICLE I. IN GENERAL

Secs. 54-1—54-18. Reserved.

Secs. 54-1—54-18. Reserved.

ARTICLE II. STORMWATER UTILITY

Sec. 54-19. Stormwater utility established; county stormwater regulations applicable.

Sec. 54-20. Authority.

Sec. 54-21. Management and operations.

Sec. 54-22. Powers and duties.

Sec. 54-23. Definitions.

Sec. 54-24. Rates and charges.

Sec. 54-25. Credits.

Sec. 54-26. Customer classifications.

Sec. 54-27. Billing and penalties.

Sec. 54-28. Appeals.

Sec. 54-29. Special assessment and charges.

Sec. 54-30. Permit and other fees.

Sec. 54-19. Stormwater utility established; county stormwater regulations applicable.

The stormwater utility is hereby established as a separate utility of the town to operate and maintain the stormwater management facilities and functions of the town in accordance with the policies and directives of the town board, this article, and the county stormwater management requirements included in chapter 29 of the Lacrosse County Code, as amended from time to time, which is hereby incorporated by reference into this Code as if set forth fully herein. In applying county regulations within the town the following construction of terms shall apply:

- (1) References to the governing body of the county shall be deemed to refer to the town board;

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- (2) References to the unincorporated areas of the county shall be deemed to refer to the area encompassed in the geographical limits of the town only; and
- (3) References to the county planning, resources and development committee shall be deemed to refer to the town plan commission.

(Ord. No. 2005-10-25, § 1(28.1.0), 10-24-2005; Ord. No. 2005-20-25, 10-25-2005)

Sec. 54-20. Authority.

The stormwater utility is created pursuant to the authority provided in Wis. Stats. chs. 60, 61 and 66 of the Wisconsin Statutes including, without limitation, the authority granted in the following sections: Wis. Stats. §§ 60.22(3), 61.34, 61.36, 66.0621, 66.0627, 66.0701, 66.0703, 66.0809, 66.0811, 66.0813 and 66.0821.

(Ord. No. 2005-10-25, § 1(28.1.1), 10-24-2005)

Sec. 54-21. Management and operations.

The operation of the stormwater utility shall be under the general supervision of the stormwater utility technical advisory committee (SWUTAC) and the town board. The utility director will oversee and be in charge of the day to day operations of the utility.

(Ord. No. 2005-10-25, § 1(28.1.2), 10-24-2005)

Sec. 54-22. Powers and duties.

- (a) Facilities. The town, through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage and finance such facilities as are deemed proper and reasonably necessary for a system of storm and surface water management. Such facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, basins, streets, roads, ditches, and such other facilities as will support a stormwater management system.
- (b) Rates and charges. The town board shall establish such rates and charges as are necessary to finance any necessary property or easement acquisition and the planning, design, construction, maintenance and operation of stormwater management facilities in accordance with the procedures set forth in this article for the stormwater utility. The town may advance funds or services to the stormwater utility from time to time and the utility shall reimburse the actual amount or value of such advances as determined by the town board.
- (c) Budgeting process. The utility director and the SWUTAC shall prepare an annual budget for the stormwater utility, which shall include all operation, maintenance and capital costs, debt service and other costs related to the operation of the utility. The costs shall be allocated among the various rate classifications as determined by the town board. The budget shall be approved by the board in accordance with the procedures and requirements of Wis. Stats. § 65.90.
- (d) Excess revenues. All stormwater fees collected, and any other revenues appropriated to, or attributable to the operation of, the stormwater utility shall be maintained in a segregated stormwater utility enterprise fund. Any excess of revenues over expenditures from stormwater utility operations in a given year shall be maintained in the enterprise fund and shall be used in future years exclusively for purposes consistent with this article.

(Ord. No. 2005-10-25, § 1(28.1.3), 10-24-2005)

Sec. 54-23. Definitions.

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

“Director” means the utility director or his designee.

“Duplex” means a residential building containing two dwelling units.

“Duplex unit” means a dwelling unit within a duplex.

“Dwelling unit” means one or more rooms within a building that are arranged, designed or used as living quarters for one group of individuals living as a single housekeeping unit.

“Equivalent runoff unit” or ERU means the estimated average horizontal measurement of impervious area of a fully developed single family parcel within the town as determined from time to time by the town board. One ERU is determined on the effective date of the ordinance from which this article is derived to be equivalent to 3,709 square feet.

“Exempt property” means all existing municipal and government lands and buildings that will not be charged a fee by the stormwater utility.

“Farmstead home site” means that portion of any agricultural property that contains a single-family home, duplex unit, or multifamily unit, regardless of whether the dwelling unit is on a separate lot or parcel.

“Impervious area or impervious surface” means a horizontal surface, or the horizontal area included in a sloped surface, that is compacted or covered with a layer of material such that it significantly reduces the ability of rainwater or other surface water to penetrate the ground below. The term includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, patios, parking lots, driveways, and other similar surfaces.

“Multifamily property” means a residential building consisting of three or more dwelling units.

“Multifamily unit” means a dwelling unit within a multifamily property.

“Nonresidential property” means any developed lot or parcel other than residential property as defined herein, and includes, but is not limited to, transient rentals (such as, hotels and motels), manufactured and mobile home communities, commercial, industrial, institutional, governmental property, and parking lots.

“Residential property” means any lot, parcel, or farmstead home site developed for residential purposes, including single-family homes, duplex units, multifamily units, but not including transient rentals (such as, hotels and motels) and manufactured and mobile home communities

“Single family home” means any residential building containing only one single dwelling unit.

“Undeveloped property” means property that has not been altered by the addition of any improvements, such as, a building or other structure, paving, or the installation of substantial impervious landscaping. A property shall be considered developed, pursuant to this article, upon issuance of a certificate of occupancy or upon substantial completion of construction if no such certificate is issued or where construction is at least 50 percent complete and construction is halted for a period of three months.

(Ord. No. 2005-10-25, § 1(28.1.4), 10-24-2005)

Sec. 54-24. Rates and charges.

- (a) The rates charged by the stormwater utility shall be established from time to time by town board resolution at sufficient levels to fund the capital, operating, and other expenses set forth in the adopted budget which is not funded by other sources of revenue. Service charges so established shall be in addition to any assessments or charges imposed under any other provision of this Code.

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- (b) A copy of the current rates shall be maintained at all times on file with the town clerk and available to the public during normal business hours.
- (c) Service charges established by the board may include the following components:
 - (1) Base charge (BC). The BC shall be the basic service fee charge to each property in the town based upon its total area determined from annual tax records.
 - (2) Equivalent runoff unit charge (ERU). The ERU charge shall be the basic service fee charged to each property in the town based upon the amount of impervious area as reasonably determined by the director.
 - (3) Special charge (SC). A special charge may be imposed on property located in an area specially benefited by a particular stormwater management facility or service. Any special charge will be developed to reflect the benefits and/or services in a particular area that the board determines cannot equitably be charged to all property throughout the town.
 - (4) Connection charge. A one-time charge may be imposed when a property is converted from undeveloped to developed property or otherwise becomes connected to the town stormwater management system. The charge shall be determined by the town board from time to time, and may vary based on the size of the parcel of property or other factors determined appropriate by the town board.
- (d) The town board may make such other classifications of properties or customers in order to achieve a reasonable and fair allocation of the costs of the stormwater utility among the properties benefited.

(Ord. No. 2005-10-25, § 1(28.1.5), 10-24-2005)

Sec. 54-25. Credits.

- (a) The town board may grant credits against the BC, ERU, SC, and connection charges, as provided in this section. The total of all credits may not exceed the total of all applicable charges.
- (b) Any property owner requesting a credit shall file with the SWUTAC an application therefore on a form provided by the SWUTAC, together with a review fee established by the town board, identifying the stormwater facilities, management practices or services for which the credit is claimed and the financial benefit to the utility. If the SWUTAC determines that additional engineering analysis is necessary to properly complete his review and to make an appropriate recommendation thereon, the SWUTAC may deny the application unless the applicant agrees to pay the cost of the necessary engineering services.
- (c) Credits may be granted under any of the following circumstances:
 - (1) Any property owner may seek a credit against the ERU charge where the owner has installed and maintained facilities that result in the detention, retention, or infiltration of stormwater on site and such facilities demonstrably reduce the financial obligations of the stormwater utility.
 - (2) Any multifamily or nonresidential property owner may seek a credit against the ERU charge for that portion of the property that does not drain into any stormwater conveyance or facility operated or maintained by the stormwater utility.
 - (3) Any property owner may seek a credit against the SC charge if stormwater from the property does not drain into any stormwater conveyance or facility that is the subject of the special charge.
 - (4) Any property owner may seek a credit against any applicable charges based on services rendered to, and at the request of, the utility in the form of public educational programs relating to stormwater management or other topics determined to be beneficial to the utility by the town board.

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- (d) The SWUTAC shall evaluate the quantifiable benefits in both quantity and quality management measures in reviewing requests for credits, where applicable. In all cases, the SWUTAC shall submit a written recommendation to the town board as to whether a request for credit should be granted, denied, or granted in part and denied in part. The written recommendation shall also set forth the reason or reasons for such recommendation.
- (e) Credit applications shall be decided by the SWUTAC and shall be either one-time credits or may be continuing credits against recurring charges as determined appropriate by the director. The director shall grant a credit under subsection (c)(3)a of this section, only if it finds all of the following:
 - (1) If the credit is based on special facilities or management practices under subsection (c)(3)a of this section:
 - a. The facilities installed or practices undertaken will reduce the expenses incurred by the utility by limiting the quantity and/or improving the quality of discharges into the facilities of the utility from the property;
 - b. The property owner has, by contract, deed restriction or other method approved by the director, ensured that the town may legally enforce any operational or maintenance programs necessary to assure that the facilities or practices will continue to provide the benefits on which the credit is based;
 - c. The investment of the property owner in the facilities or management practices exceeded the investment that would otherwise be necessary in order to comply with any other town ordinance or to obtain any land division or development approval from the town;
 - d. The investment of the property owner in such facilities or management practices is disproportionate to the investment made by the average property owner subject to the same normal charges such that it would be inequitable to charge the applicant on the same basis; and
 - e. The amount of the credit does not exceed the cost savings to the utility from the facilities and management practices maintained by the applicant.
 - (2) If the credit is based on subsection (c)(3)a of this section:
 - a. That the absence of drainage from the property or a portion thereof into the facilities of the utility results in financial savings to the utility.
 - b. Adequate assurances are provided that the area of the property for which the credit is given will not be altered in such a way as to allow drainage into the facilities operated by the utility.
 - c. The drainage from the property is managed in a way that complies with all town ordinances and does not cause a nuisance condition.
 - d. The amount of the credit does not exceed the cost savings to the utility determined under subsection (a) of this section.
- (f) The town board may revoke the credit in any case where the circumstances forming the basis for the credit have materially changed. The committee shall provide at least 30 days advance written notice of any proposed credit revocation.
- (g) A denial or revocation of any credit may be appealed under section 54-28.

(Ord. No. 2005-10-25, § 1(28.1.6), 10-24-2005)

Sec. 54-26. Customer classifications.

- (a) For purposes of imposing the ERU charges, all lots and parcels within the town shall be classified into the following six customer classes:

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- (1) Residential: Single-family, including farmstead home sites.
 - (2) Residential: Duplex.
 - (3) Residential: Multifamily, including condominiums.
 - (4) Nonresidential.
 - (5) Undeveloped.
 - (6) Exempt: All existing municipal and government lands and buildings.
- (b) The town utility director shall prepare a list of properties within the town and assign a customer classification to each lot or parcel.
- (c) ERU's shall be calculated for each property classification as follows:
- (1) Residential: Single-family (also farmstead home sites): one ERU.
 - (2) Residential: Duplex: two ERU.
 - (3) Residential: Multifamily: four ERU.
 - (4) For nonresidential parcels more than three acres in size, the director shall be responsible for determining the impervious area from available information, including, but not limited to, data supplied by the town assessor, the property owner, tenant or developer, aerial photography, or by actual onsite measurement. The director may require additional information from the property owner as necessary to make the determination. The ERU value for a nonresidential property shall be determined by dividing its impervious area by the number of square feet per ERU and rounding the quotient to the next higher 0.1 ERU. The billing amount shall be updated by the director as necessary based on changes to the amount of impervious area on the property.
 - (5) For nonresidential parcels less than three acres that have limited site information available the director shall determine the initial ERU value by multiplying the total area of the parcel by the average percentage of impervious area per parcel found in the other large parcels and dividing the product by the number of square feet per ERU.
 - (6) Undeveloped properties: 0 ERU.
 - (7) Exempt: 0 ERU.

(Ord. No. 2005-10-25, § 1(28.1.7), 10-24-2005)

Sec. 54-27. Billing and penalties.

- (a) Stormwater utility charges will be billed annually with the tax billing. All charges shall be due and payable 30 days after the date of billing.
- (b) Billings for stormwater utility charges shall be mailed to the designated property owner. The owner of the property shall be liable for all stormwater utility charges in the event payment is not made as required in this article. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the town to determine whether such charges for such property have been paid at the office of the utility billing clerk during normal business hours.
- (c) Any stormwater utility charges remaining unpaid more than 30 days from the date of billing shall be deemed delinquent and shall be subject to late payment charge in addition to all other charges in recognition of the increased administrative expense of collecting late payments. All delinquent charges shall be collected as provided in Wis. Stats. §§ 66.0821(4) and 66.0809.

(Ord. No. 2005-10-25, § 1(28.1.8), 10-24-2005)

Sec. 54-28. Appeals.

- (a) Any stormwater utility charge, determination of ERU's, or ERU credits for any individual property may be appealed by filing a written appeal with the town clerk not later than 30 days after the date the payment is due. The appeal shall specify all bases for the appeal and the amount of the stormwater charge the appellant asserts is appropriate. Any appeal not filed within the time permitted by this section shall be deemed waived. As a condition to maintaining an appeal, the appellant shall pay all charges billed under protest prior to filing the appeal.
- (b) The director shall review the appeal and determine whether the challenged determination is fair and reasonable and consistent with the provisions of this article, and whether a refund is due the customer. The director shall determine its procedure for deciding such appeals which, at a minimum, shall provide the appellant with written notice by regular mail at least ten days prior to the meeting at which the appeal will be reviewed, and an opportunity to present evidence and be heard on the appeal at such meeting. The director shall provide the appellant with its decision in writing within 15 days after the date of the decision.
- (c) The appellant may appeal the decision of the director within 30 days from the date of mailing the director's decision. An appeal to the town board shall be limited to the evidence presented to the director, but the appellant shall be afforded the opportunity to present arguments based on that evidence.
- (d) If the board or the director determines that the decision appealed from should be reversed or modified, it shall determine whether a refund is due the customer. Any refund ordered shall be applied as a credit against the customer's next stormwater billing to the extent that the refund will not exceed the customer's next stormwater billing, and any remainder will be refunded by the town treasurer.

(Ord. No. 2005-10-25, § 1(28.1.9), 10-24-2005)

Sec. 54-29. Special assessment and charges.

- (a) In addition to any other method for collection of the charges established pursuant to this article for stormwater utility costs, the town board may order that the charges be levied against the property as a special charge pursuant to Wis. Stat. § 66.0627. The mailing of an invoice reflecting the charges due to the owner shall be notice to the owner that failure to pay the charges when due may result in such charges being placed upon the tax roll.
- (b) In addition to any other method of charging for stormwater utility expenses, the town board may by resolution levy special assessments on property in a limited and determinable area for special benefits conferred upon property by any public improvements pursuant to Wis. Stat. § 66.0703. The failure to pay such special assessments shall result in a lien on the property and shall be enforced pursuant to Wis. Stat. § 66.0703(13).

(Ord. No. 2005-10-25, § 1(28.1.10), 10-24-2005)

Sec. 54-30. Permit and other fees.

- (a) Permits. Persons applying for a construction permit shall pay permit fees as provided in the town fee schedule. Re-submittal fees will be assessed at the actual cost. When a permit is acquired only after work was begun without obtaining a permit, all fees in this subsection shall be two times the ordinary fee for the project in recognition of the increased expense of determining an appropriate permit with a disturbed site.
- (b) Fee in lieu of on-site stormwater management practices. If the town waives all or any part of the minimum on site stormwater management requirements for a property or a waiver is based upon the

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provision of adequate stormwater facilities provided by the town downstream of the proposed land development, the applicant shall be required to pay a fee in an amount determined by the town, considering and equitable distribution of the costs of administration, land, design, inspection, surveying and construction.

(Ord. No. 2005-20-25, 10-25-2005)

Chapter 55 RESERVED

Chapter 56 VEGETATION

ARTICLE I. - IN GENERAL

ARTICLE II. - WEEDS

State Law reference— Public parks and places of recreation, Wis. Stats. § 27.01 et seq.; city forester duties and tree planting, Wis. Stats. § 27.09; nuisance weeds, Wis. Stats. § 23.235; duty to control noxious weeds, Wis. Stats. § 66.0407.

ARTICLE I. IN GENERAL

Secs. 56-1—56-18. Reserved.

Secs. 56-1—56-18. Reserved.

ARTICLE II. WEEDS

Sec. 56-19. Excessive weed growth prohibited.

Sec. 56-20. Weed growth constituting public nuisance.

Sec. 56-21. Notice of violation and order to abate.

Sec. 56-22. Abatement by town; costs.

Sec. 56-23. Court order directing compliance.

Sec. 56-19. Excessive weed growth prohibited.

It shall be the duty of every owner, possessor or occupier of any lot or other parcel of land in the town or any person having charge of any such lands, to at all times, cut and mow the grass and weeds before the grass and weeds grow to a height of more than eight inches. These provisions do not apply to grass grown for agricultural purposes or land in a designated floodplain area, wetland or used for nonresidential purposes.

(Ord. No. 25, § 1, 10-3-1990; Ord. of 10-6-1999, § 1)

Sec. 56-20. Weed growth constituting public nuisance.

The growth of grass and weeds with a height of eight inches is hereby declared a public nuisance that adversely affects the health and safety of the public, and has an adverse impact upon the values of other properties within the town.

(Ord. No. 25, § 2, 10-3-1990; Ord. of 10-6-1999, § 2)

Sec. 56-21. Notice of violation and order to abate.

If the owner, possessor, or occupier of land, or the person in charge thereof, refuses or neglects to comply with the provisions of this article within the time limited herein, the town shall serve personally or by mail a copy of this article, together with a notice to said owner, possessor or occupier of land, to cut or cause to be cut grass and weeds, within the period of five days from and after the service of such notice.

(Ord. No. 25, § 3, 10-3-1990; Ord. of 10-6-1999, § 3)

Sec. 56-22. Abatement by town; costs.

In case such owner, possessor, or occupier shall fail to conform with the provisions of this article within the time limited therefor in the notice served as set forth above, it shall be the duty of the town to cause the grass and weeds to be cut down, in order to comply with this article, and charge the cost thereof to each piece of land describing the same, and upon non-payment of such charges, the charges and amounts due will be filed with the town clerk, under the amount chargeable on each tract of land on the next tax roll as tax on the lands upon which the grass and weeds were cut, it shall be collected as other taxes. The town shall charge the rates provided in the town fee schedule for cutting down the weeds and grass under this section.

(Ord. No. 25, § 3, 10-3-1990; Ord. of 10-6-1999, § 3)

Sec. 56-23. Court order directing compliance.

In addition to all of the penalties provided for in this article, the town may institute proceedings in a court of competent jurisdiction, to obtain an order requiring the owner, possessor or occupier of land to comply with the provisions of this article.

(Ord. No. 25, § 4, 10-3-1990; Ord. of 10-6-1999, § 4)

Chapter 57 RESERVED

Chapter 58 ZONING

(RESERVED)

Editor's note—The town has elected to be subject to the zoning regulations adopted by La Crosse County, Wisconsin.

State Law reference— City planning, Wis. Stats. § 62.23; floodplain zoning, Wis. Stats. § 87.30; platting lands and recording and vacating plats, Wis. Stats. § 236.01; municipal zoning of wetlands in shorelands, Wis. Stats. § 62.231; construction site erosion control and stormwater management zoning, Wis. Stats. § 62.234.

CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted through October 27, 2008, that are included herein. Ordinances adopted prior to such date were incorporated into the 2002 Code, as supplemented. Ordinances adopted through October 27, 2008, and not listed herein, have been omitted as repealed, superseded or not a general and permanent nature. [Editor’s note: table last updated by Municode in 2014.]

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