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AN ORDINANCE REGULATING THE PARKING AND
LOCATION OF HOUSE TRAILERS, LICENSING
AND REGULATING TRAILER CAMPS, PROVIDING
FOR THE TAXATION OF TRAILERS AND PRO-
VIDING A PENALTY.

THE TOWN BOARD OF THE TOWN OF BURNETT DO ORDAIN
AS FOLLOWS:

SECTION 1. Definitions. Whenever used in this ordinance unless a different meaning appears from the context:

(A) A "Trailer" means any coach, cabin, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, and/or capable of being moved by its own power or transported by another vehicle.

(B) "Unit" means a trailer unit.

(C) "Nondependent unit" means a trailer that has both shower and toilet facilities.

(D) "Dependent unit" means a trailer which does not have bathroom or shower and toilet facilities.

(E) A "trailer camp" means any park, court, camp, site, plot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two trailers and shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the trailer camp and its facilities. "Trailer camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

(F) A "space" means a plot of ground in a trailer camp of not less than 2,000 square feet of space designed for the location of one (1) trailer and an automobile, or a space or a plot of ground in a trailer camp of not less than 1,800 square feet of space designed for the location of one (1) trailer only.

(G) The word "Person" shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assign.

SECTION 2. Location Outside Camps.

(A) It shall be unlawful, except as provided in this ordinance, for any person to park any trailer on any street, alley, or highway, or other public place within the Town of Burnett.

(B) Stopping or parking is permitted on any street, alley or highway subject to any prohibitions, regulations, or limitations imposed by the traffic and parking

regulations or ordinances for that street, alley or highway, for other vehicles.

(C) The parking of any occupied trailer outside of an approved trailer camp is hereby prohibited unless the trailer be parked upon privately owned land that is improved, and no more than one (1) trailer shall be so parked on any single parcel of land and such parking shall be temporary and permission therefor shall be first obtained in writing from the Town Board and such parking shall be more than 100 feet from the center line of any State, County or Town road.

SECTION 3. Application to Contain.

(A) Application for mobile home park or trailer park shall be in writing signed by the applicant and shall contain the following:

1. Name and address of applicant.
2. Location and legal description of mobile home park.
3. A scale drawing of the mobile home or trailer park which shall contain the following detailed information:
 - (a) Accurate dimensions of the said mobile home park in feet.
 - (b) All roads and approaches and the method of ingress and egress from public highways.
 - (c) The complete electric service installation and location of poles, wire service, utilities and lighting facilities.
 - (d) A complete layout of unit parking spaces and number of square feet therein, together with dimensions thereof.
 - (e) The location of electric power distributing systems, watermains or wells for water supply, outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers, sewer drain lines, fire protection walls and other building or structure contemplated to be used by such applicant in connection with said business.

(B) Bond. Each application for a license or a renewal thereof shall be accompanied by a license bond in the Sum of One Thousand (\$1,000.00) Dollars for each Fifty (50) trailers or fraction thereof. This bond shall guarantee the collection by the licensee of the monthly parking permit fee and payment of such fee to the Town Treasurer and the payment by the licensee of any fine or forfeiture, including legal costs imposed upon or levied against said licensee for a violation of any ordinance of the Town of Burnett pursuant to which said license is granted.

SECTION 4. Licenses and Revocation or Suspension Thereof.

(A) License; Application. No mobile home park or

trailer camp shall hereafter be constructed, operated or maintained by any person in the Town of Burnett without a license therefor issued by the Town Board, granted and existing in compliance with the terms of this ordinance and the laws of the State of Wisconsin. Original application for mobile home park licenses shall be on a form prescribed by the Town Board and shall be filed with the Town Clerk.

(B) License Fee. Applications for licenses shall be filed with the Town Clerk, together with an annual license fee of Seventy-five (\$75.00) Dollars for first fifty (50) spaces or fraction thereof, and One (\$1.00) Dollar for each additional space within the mobile home park operated by the applicant but such license shall not be issued by the Town Board until the plans and specifications complying with the provisions of the general ordinances of the Town of Burnett and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Town Board and upon completion of the work according to the plans, shall issue the license.

(C) Term of License. The license periods shall be for one (1) year and shall commence on the 1st day of July and shall expire on the 30th day of June in the following year and may be renewed annually thereafter by any licensee and after approval of the Town Board of the Town of Burnett and upon payment of the annual license fee. Upon such renewal the Town Clerk shall issue such certificate renewing such license for one (1) year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms approved by the Town of Burnett.

(D) Certificate of Building Inspector. No license shall be granted to any person within the Town of Burnett until said licensee has erected and installed all necessary equipment, roads, sanitary facilities, lighting facilities, water facilities, and other facilities which may be required in the actual operation of said business, and a certificate certifying as to such compliance on the part of the operator shall have been filed by the Building Inspector of the Town of Burnett. In addition thereto, a certificate of approval of sanitary facilities erected on said park shall be obtained by the licensee from the Town Health Commissioner and filed with the Town Clerk.

(E) Permit Required for Change in Park. No alteration, extension, addition, modification or change shall be made in the mobile home park or trailer park, its facilities, spaces, electric service, water supply, plumbing and sanitary facilities, mobile homes, trailers, buildings or structures without first securing a permit from the Building Inspector. Application for permit must be accompanied by scale drawings and such other information as the Building Inspector may require. Permits will issue if the requirements and conditions of this and other ordinances of the Town of Burnett and the laws of Wisconsin are complied with.

(F) Transfer of License. Any license heretofore granted pursuant to this ordinance may be transferred during the current year upon filing an application therefor, with the Town Clerk and after the

approval of the application by the Town Board and may be made in writing upon said form as may from time to time be established by the Town Board and upon payment of a transfer fee of Ten (\$10.00) Dollars.

SECTION 5. Management.

(A) In every trailer camp or immediately adjacent thereto there shall be located the office of the attendant or person in charge of camp. A copy of the camp license and of this ordinance shall be posted therein and the camp register shall at all times be kept in said office.

(B) It is hereby made the duty of the licensee together with the attendant or person in charge to:

1. Keep a register of all guests, to be open at all times for inspection by the town, state and federal officials in which shall be entered for each guest immediately upon arrival:
 - (a) Names and addresses.
 - (b) Names of children together with their ages and birth dates.
 - (c) Dates of entrance and departure.
 - (d) State of legal residence.
 - (e) Number of children of school age.
 - (f) License numbers of all trailers and towing or other automobiles.
 - (g) States issuing such licenses.
 - (h) Proposed stay in camp.
 - (i) Place of last location and length of stay.
 - (j) Place of employment of each occupant.
2. Maintain the camp in a clean, orderly and sanitary condition at all times.
3. Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violation of this ordinance or any other violations of law which may come to his attention.
4. Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
5. Prevent the running loose of dogs, cats, or other animals or pets.
6. Maintain such type of fire extinguishers and at such convenient places as directed by the fire inspector.
7. Collect the monthly parking permit fee provided for in this ordinance. A book shall be kept showing the names of the persons paying such fees and the amount paid.

8. Prohibit the lighting of open fires on the premises, except for cooking purposes.

SECTION 6. Minimum Park and Camp Standards.

(A) No License shall be issued unless the Town Board shall find from said application, plans and specifications, and drawing that the applicant has conformed with the following requirements:

1. The minimum distance between any point on neighboring trailers shall be twenty (20) feet, the minimum distance from the front of a space, lot line (street edge) to nearest point or projection on a trailer shall be ten (10) feet, and each space shall contain a gravel bed of 1" washed gravel to carry the trailer wheels and the minimum size of the bed shall be 8 feet x 10 feet x 6 inches thick. The service facilities (sanitary, water) shall be installed under the ground and may emerge for connection to the trailer unit either through the gravel bed or immediately adjacent to it, and all service shall be installed in accordance with the ordinances of the Town of Burnett and the Statutes of the State of Wisconsin. No trailer shall be parked within five (5) feet of the boundaries of the trailer camp lot.
2. All driveways or lanes in any mobile home park or trailer park shall have the minimum widths as herein specified:
 - (a) One-way streets with parking on one side shall have minimum width of twenty-one (21) feet.
 - (b) One-way streets with parking on both sides shall have minimum width of twenty-six (26) feet.
 - (c) Two-way streets with parking on one side shall have minimum width of twenty-six (26) feet.
 - (d) Two-way streets with parking on both sides shall have minimum width of thirty-five (35) feet.
3. It shall be unlawful for any licensee to permit any person residing in his mobile home park or trailer park to remove the wheels of his mobile home or trailer, except for temporary purposes of repair, or block up the trailer, or to enclose the space beneath the trailer; and it shall likewise be unlawful for any person occupying or owning a mobile home or trailer, or a licensee of such park, to build or cause to be constructed any foundation, pier, posts or lean-to sheds to any trailer, while parked within any licensed mobile home park or trailer park; nothing herein contained

shall forbid the use of stabilizing equipment.

4. It shall be unlawful for any licensee or occupant to erect upon any licensed mobile home park, any tent, sectional or prefabricated cabin or cottage or any other structure intended to be used for dwelling purposes, or to be used in connection with or added to any trailer legally located on a unit of land in such trailer camp.

5. Where mobile home parks accommodate dependent mobile homes or trailers, the following minimum requirements shall be maintained for said dependent mobile homes or trailers.

(A) Water Supply

- (1) An adequate supply of potable water with supply outlets located not more than two hundred (200) feet from any trailer shall be furnished for drinking water and domestic purposes in all camps. Supply outlets may be located in the service building, if separate from toilet, shower and laundry rooms.
- (2) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.
- (3) Every mobile home park shall provide hot water at all reasonable hours, adequate for bathing, washing and laundry facilities.

(B) Service Building

- (1) Every mobile home park shall have erected thereon a suitable building or buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities pursuant to this regulation, such building or buildings to be known as "service buildings."
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets and seats shall conform to the requirements of the plumbing code for public toilets. Toilet units shall be fly tight and vermin proof with floors and risers constructed of impervious material. Each toilet shall be

enclosed in a separate compartment. Male toilet rooms shall also be provided with individual urinals.

- (3) Lavatories supplied with hot and cold running water shall be provided for each sex, such lavatories to be located in the toilet rooms.
- (4) Separate shower, bathing, facilities with hot and cold running water shall be provided for each sex. Each shower shall be enclosed in a separate compartment at least 3½ feet square. Each shower compartment for women shall be supplemented by an individual dressing compartment at least ten (10) square feet in area.
- (5) Each service building shall be provided with a room containing slop sinks for disposal of liquid wastes originating at the mobile home units.
- (6) Laundry facilities consisting of double tray laundry units, equipped with hot water and cold running water shall be provided in each service building.
- (7) Floors of toilets, showers, and the laundries shall be of concrete, tile or similar material impervious to water and easily cleaned, and pitched to a floor drain.
- (8) Each service building within a mobile home park shall be provided with sufficient fire extinguishers of the type and capacity as shall be approved by the Town of Burnett Fire Department.
- (9) The number of toilets, urinals, lavatories, showers, slop sinks and laundry trays required for mobile home parks of the size indicated are as follows:
For each eight (8) trailer units or part thereof:
 - (a) one toilet each sex
 - (b) one urinal
 - (c) one lavatory each sex
 - (d) one shower each sex
 - (e) one laundry tray
 - (f) one slop sink

(C) Water Disposal

- (1) All liquid waste from showers, water flush toilets, laundry faucets and lavatories, shall be discharged into the public sewer system.

- (2) All sanitary facilities in any trailer which are not connected with the public or an approved sewer system by means of rigid pipe connections shall be sealed and their use is hereby prohibited.
- (3) Substantial fly-tight metal garbage, rubbish, and other waste combustible material containers sufficient to serve each two trailer units shall be provided for the proper storage in each instance.

SECTION 7. Monthly Parking Permit Fee.

(A) In addition to the license fee provided for in paragraph (B) Section 4, each licensee is hereby required to collect from each occupied mobile home occupying space or lots in a mobile home park in the Town of Burnett, a monthly parking permit fee equal to actual cost of services furnished by the school district of the Town of Burnett, which costs shall be determined by the Town Superintendent of Schools, and the costs of the services shall be determined by the Town Board of the Town of Burnett and in both cases charged to the park every year payable monthly for maintenance, debt, retirement, operation of schools and general administrative costs including without limitation because of specific enumeration herein the following: fire protection, police protection, sewage disposal, garbage collection, and health services in lieu of personal property tax. The amount of such parking permit fee that may be levied against each mobile home park shall be determined after a public hearing as herein provided. The monthly parking permit fee shall be paid by the licensee on or before the tenth of the month following the month for which such parking permit fee is due; provided, that the licensee of a mobile home park or trailer camp shall not be required to collect for any space occupied by a mobile home accompanied by an automobile, if said mobile home and automobile bear license plates issued by any other than the State of Wisconsin, for an accumulating period not to exceed Sixty (60) days in any twelve (12) months or if the occupants of the mobile home are non-residents, tourists or vacationists. Exemption certificates in duplicate shall be accepted by the Town Treasurer from qualified non-resident tourists or vacationists in lieu of permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exception from the monthly parking permit fee.

(B) The Town Board, on or before the final budget hearing of each license year, shall make a preliminary determination of the amount of the per mobile home parking permit fee to be levied against a mobile home park and shall give notice of hearing on said proposed parking permit fee to be held in the Town Hall of the Town of Burnett, where any interested person shall have an opportunity to be heard. The Town Clerk shall post a notice of said hearing in at least three (3) places within the town, one posting of which shall be in a conspicuous place in each mobile home park property.

At least one (1) week shall intervene between the date of posting of such notice and the time of such meeting. The Town Board may, at such meeting or at an adjourned meeting, confirm or change the proposed parking permit fee, and upon final determination of the amount of the parking permit fee, it shall cause to be posted a notice on each mobile home park property, stating the amount of the parking permit fee as finally determined.

SECTION 8. Zoning

(A) All mobile home camps or trailer parks shall be constructed in conformity to the zoning laws of the Town of Burnett.

SECTION 9. Applicability of Plumbing, Electrical and Building Ordinances.

(A) All plumbing, electrical, building and other work on or at any mobile home camps licensed under this ordinance shall be in accordance with the ordinances of the Town of Burnett and all state laws and regulations pertaining to such work.

SECTION 10. Time for Compliance.

(A) Any trailer camp or mobile home park now established in the Town of Burnett shall conform to all of the above regulations within Ninety (90) Days after the effective date of this ordinance; except that as to parks heretofore constructed, the Board, upon application of a park operator, may waive such requirements, if such waiver does not affect the sanitation requirements of the town or create or permit to continue any hazard to the welfare and health of the community.

SECTION 11. Penalties for Violating of Ordinance.

(A) Any person violating any provisions of this ordinance, shall upon conviction thereof forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred Dollars and the costs of prosecution, and in default of payment of such forfeiture and the costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding sixty (60) days, for each violation. Each day of violation shall constitute a separate offense.

SECTION 12. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance, and such portion shall be deemed a separate, distinct and independent provision.

SECTION 13. All ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except, nothing in this ordinance shall be interpreted so as to conflict with state laws or order regulating trailers or trailer

camps or any of the requirements of any ordinances of the Town of
Burnett not mentioned or made inapplicable by the express
terms of this ordinance.

SECTION 14. This ordinance shall be in full force
and effect from and after its passage and posting as provided by law.

Date Adopted Oct. 3-1961

Date Posted Oct. 4-1961

Effective Date Oct. 10-1961

A. C. Luck

Town Chairman

H. S. W. Johnson

Town Clerk

AN ORDINANCE REGULATING JUNK SHOPS, JUNK YARDS,
AND DEALERS IN JUNK MOTOR VEHICLES

The Town Board of the Township
of Burnett, Dodge County, Wis-
consin. Do Ordain as follows:

SECTION 1. No person or persons, association, partnership, firm or corporation shall keep or maintain in the Town of Burnett, a junk shop, junk yard or other place for deposit and keeping of old iron, brass, or other metal, used motor vehicles or parts thereof, or other articles which, from their worn conditions, are practically useless for the purpose of which they were made and which are commonly classed as junk, without first having obtained a permit to do so from the Town Board of the Town of Burnett.

SECTION 2. Any person desiring to keep and maintain such shop, yard or other place as herein defined, shall make application in writing to the Town Board, which application shall be filed with the Town Clerk, and shall be accompanied by a fee of Twenty Five & NO/100-----Dollars. Such application shall be signed by the applicant and shall set forth the name and residence of the applicant, the correct and accurate description of the premises for which the permit is asked, a statement of the business to be carried on, and an enumeration as nearly as may be of the articles and merchandise to be handled therein. If the applicant is not the owner of the premises for which such permit is asked, such application shall be accompanied by a signed statement of permission from said owner for such use.

SECTION 3. The Town Board may, in its discretion, and upon receiving such application and fee, issue a permit to keep and maintain such shop, yard or other place, and the person receiving such permit may establish such shop, yard or other place and operate same at the location described in said permit for the term of One (1) year from the date thereon, but said permit may be cancelled

or revoked by the Town Board upon giving thirty (30) days notice of such cancellation or revocation to the holder of such permit.

SECTION 4. Each of the premises upon which such shop, yard or other place as herein defined, is kept or maintained shall be enclosed by a proper fence or other structure not less than eight (8) feet in height, constructed so that no dust or other material may pass through the same. Said enclosure shall be maintained in good condition at all times. No article which is commonly classed as junk shall be kept by the holder of such permit without the limits of such enclosure, and no article shall be kept or piled within such enclosure in such manner that it protrudes above same.

SECTION 5. Any person, persons, firm, association, partnership or corporation who, by himself or by itself, or by its or his agent or employee, shall violate any of the provisions of this Ordinance, shall, upon conviction thereof, forfeit not less than Five & No/100-----Dollars, nor more than Twenty
Five & No/100-----Dollars, to the Town of Burnett, with the costs of prosecution for each and every day that such violation shall continue, and in default of payment of such forfeiture and the costs of such prosecution, shall be imprisoned in the County Jail, of Dodge County, Wisconsin, until the same shall have been paid, but not exceeding thirty (30) days.

SECTION 6. This Ordinance shall take effect from and after its passage and publication as required by law and all prior Ordinances, or parts of Ordinances contrary or inconsistent herewith are hereby repealed.

Town Board

Town of Burnett, Dodge County, Wis.

Passed and approved this 1 day of December, 1964.

H. C. Luck

Chairman

ATTEST:

H. B. Dehn

Clerk

AN ORDINANCE TO REGULATE DISCHARGING FIRE ARMS,
EXPLOSIVES AND GUNS OF ALL TYPES

The Town Board of the Town of Burnett, Dodge County, Wisconsin, do ordain as follows:

1. No person shall fire or discharge any shotgun loaded with a single slug or single ball or any rifle in the said Town of Burnett within 300 yards of any occupied permanent dwelling or residence or commercial building.

2. No person shall fire or discharge any shotgun loaded with scatter shot or fine shot loads within 100 yards of any occupied permanent dwelling or residence or commercial building in the said Town of Burnett.

3. No person shall fire or discharge any spring gun or air gun or BB gun of any description within 100 yards of any occupied permanent dwelling or residence or commercial building in the said Town of Burnett.

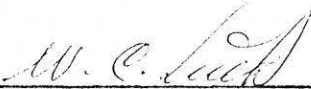
4. This ordinance shall not apply to a sheriff, constable, police officer or their deputies while in performance of the duties of their respective offices.

5. Any person who shall violate any provision of this ordinance shall upon conviction thereof be punished by a forfeiture of not more than \$25.00 and the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding five (5) days, provided that for a first offense any person 18 years of age or under who

shall be found violating the provisions of this ordinance shall be warned of the penalty of such violation by a law enforcement officer and shall be taken and delivered to the custody of the person having legal custody over him, and for a second or subsequent offense he shall be dealt with according to the provisions of Chapter 48 of the Wisconsin Statutes.

This ordinance shall become effective upon passage and publication.

Dated June 7, 1966.



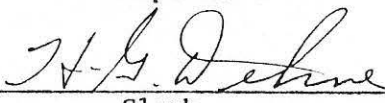
Chairman



Supervisor



Supervisor



Clerk

#6

ORDINANCE

AN ORDINANCE TO REGULATE VEHICULAR TRAFFIC IN THE
TOWN OF BURNETT, DODGE COUNTY, WISCONSIN.

The Town Board of the Town of Burnett, Dodge County,
Wisconsin, does ordain as follows:

Section 1. PROVISIONS OF STATE LAW ADOPTED BY REFERENCE.

(1) STATE TRAFFIC FORFEITURE LAWS ADOPTED. Except as
otherwise specifically provided in this ordinance, all provisions
of chapters 340 to 348 of the Wisconsin statutes describing and
defining regulations with respect to vehicles and traffic for which
the penalty is a forfeiture only, including penalties to be imposed
and procedure for prosecution, are hereby adopted and by reference
made a part of this ordinance as if fully set forth herein. Any act
required to be performed or prohibited by any statute incorporated
herein by reference is required or prohibited by this ordinance.

Sections of chapters 340 to 348 adopted by reference shall
include but not be limited to the following:

- 340.01 (Words and phrases defined)
- 341.11 (4) (Display of registration plates)
- 341.15 (Display of registration plates)
- 341.16 (4) (Issuance of duplicate plates)
- 341.42 (4) (Reciprocity permits)
- 341.44 (Penalty for misuse of plates)
- 341.57 (3) (Registration of finance companies and banks)
- 341.63 (When registration is to be suspended)
- 342.05 (4) (Certificate of title required)
- 342.15 (5), (6) and (7) (Transfer of interest in
vehicle)
- 342.23 (Secured party's and owner's duties)
- 342.30, 342.31, 342.34 (ANTI-THEFT AND ANTI-FRAUD
PROVISIONS)
- 343.01 (Words and phrases defined)
- 343.305 (Implied consent)
- 343.35 (Surrender of licenses upon cancellation,
revocation or suspension.

343.45 to 343.46 (UNLAWFUL PRACTICES RELATIVE
TO LICENSES)
343.60 to 343.72 LICENSING OF DRIVER SCHOOLS
AND INSTRUCTORS)
343.73 (Penalty)
344.01 (Words and phrases defined)
344.45 to 344.47 (PENALTIES FOR VIOLATION OF
CHAPTER)
344.51 (Financial responsibility for domestic
rented vehicles)
345.01 (Words and phrases defined)
345.20 to 345.53 (GENERAL PROVISIONS IN TRAFFIC
FORFEITURE ACTIONS)
345.55 (Traffic officers not to profit from arrests)
346.01 (Words and phrases defined)
346.02 (Applicability of chapter)
346.03 (Applicability of rules of the road to
authorized emergency vehicles)
346.04 (1) and (2), 346.05 to 346.16 (DRIVING,
MEETING, OVERTAKING AND PASSING)
346.17 (Penalty for violating ss. 346.04 to 346.16)
346.18 to 346.21 (RIGHT OF WAY)
346.22 (Penalty for violating ss. 346.18 to 346.21)
346.23 to 346.29 (DRIVERS AND PEDESTRIANS)
346.30 (Penalty for violating ss. 346.23 to 346.29)
346.31 to 346.35 (TURNING AND STOPPING AND REQUIRED
SIGNALS)
346.36 (Penalty for violating ss. 346.31 to 346.35)
346.37 to 346.42 (TRAFFIC SIGNS, SIGNALS, AND
MARKINGS)
346.43 (Penalty for violating ss. 346.37 to 346.42)
346.44 to 346.48 (REQUIRED STOPS)
346.49 (Penalty for violating ss. 346.44 to 346.48)
346.50 to 346.55 (RESTRICTIONS ON STOPPING AND
PARKING)
346.56 (Penalty for violating ss. 346.50 to 346.55)
346.57 (2), (3) and (4) (a) to (c) (SPEED RESTRICTIONS)
first offense in a year
346.57 (4) (d), (5) and (6) to 346.595 (SPEED
RESTRICTIONS)
346.60 (Penalty for violating ss. 346.57 to 346.595)
346.61 (Applicability of sections relating to reckless
and drunken driving)
346.62 (1) and (3) (Reckless driving)-first offense
in four (4) years
346.63 (1), (3) and (4) (Operating under "influence
of intoxicant")-(first offense in five (5) years
346.64 (Employment of drunk operators)-first offense
in a year
346.65 (1) and (2) (Penalty for violating ss. 346.62
to 346.64)
346.66 (Applicability of sections relating to accident
and accident reporting)
346.68 and 346.69 (Duty upon striking unattended
vehicle-upon striking property on or adjacent
to highway)-first offense within a year

346.70 (1), (2) or (3), 346.71, 346.72, 346.73 (Duty to report accident, etc.)
 346.70 (4) (Police and traffic agencies to report)
 346.70 (5) (Falsifying reports)-first offense within a year
 346.77 to 346.81 (BICYCLES AND PLAY VEHICLES)
 346.83 (Penalty for violating ss. 346.77 to 346.81)
 346.87 to 346.94 (MISCELLANEOUS RULES)
 346.95 (Penalty for violating ss. 346.87 to 346.98)
 347.01 to 347.05 (GENERAL PROVISIONS)
 347.06 to 347.29 (GENERAL PROVISIONS)
 347.30 (Penalty for violating lighting equipment requirements)
 347.35 to 347.49 (OTHER EQUIPMENT)
 347.50 (Penalty for violating ss. 347.35 to 347.49)
 348.01 to 348.02 (SIZE, WEIGHT, LOAD - GENERAL PROVISIONS)
 348.05 to 348.10 (SIZE AND LOAD)
 348.11 (Penalty for violating size and load limitations)
 348.15 to 348.20 (WEIGHT)
 348.21 (Penalty for violating weight limitations)
 348.25 to 348.27 (PERMITS)
 348.28 (Permits to be carried - PENALTY)

(2) OTHER LAWS ADOPTED. There are also hereby adopted by reference the following sections of the Wisconsin statutes, but the prosecution of such offenses under this ordinance shall be as provided in chapters 340 to 348 of the Wisconsin statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in section 7 of this ordinance.

941.01 (1) (Negligent operation of vehicle off highway)
 947.045 (Drinking in motor vehicles on highway)

Section 2. SPEED LIMITS. The Town Board of the Town of Burnett, hereby determines that the statutory speed limits on all streets within the limits of the unincorporated Town of Burnett shall be 25 miles per hour.

Section 3. ALL-NIGHT PARKING REGULATED. When signs have been erected at or reasonably near the corporate limits of the town as provided in s. 349.13, Wis. Stats., no person shall park any vehicle for a period of time longer than 30 minutes between the

hours of 2:00 A. M. and 7:00 A. M. of any day from November 1 to April 1 except physicians on emergency calls.

Section 4. SPECIAL AND SEASON WEIGHT LIMITATIONS. The Town Constable shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the town or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving note thereof in accordance with 349.16, Wis. Stats.

Section 5. ABANDONED VEHICLES.

(1) VEHICLE ABANDONMENT PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any town street or highway or any public or private property within the town without the permission of the owner for more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLES. Any vehicle in violation of this ordinance shall be impounded until lawfully claimed or disposed of under section (3), except that if the Town Constable or his designated officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the town prior to the expiration of the impoundment period upon determination by the Town Constable or his designated officer that the vehicle is not wanted for evidence or other reason.

(3) DISPOSAL OF ABANDONED VEHICLES. (a) 1. If the Town Constable or his designated officer determines that the value of the abandoned vehicle exceeds \$100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the town and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold. 2. In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale. The description of the vehicle and the terms of sale shall be posted in three public places 3 days before the sale. 3. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, should be paid into the town treasury. (b) Any abandoned vehicle which is determined by the Town Constable or his designated officer to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(4) OWNER RESPONSIBLE FOR IMPOUNDMENT AND SALE COSTS. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the town against the owner.

(5) NOTICE OF SALE OR DISPOSITION. Within 5 days after the sale or disposal of a vehicle as provided in sections (3)(a) or (3)(b), the Town Constable or his designated officer shall advise the Wisconsin Department of Transportation, Division of

Motor Vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle. (A copy shall also be retained by the Town.)

(6) PENALTY. Any person who shall abandon a vehicle in violation of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed 3 days.

Section 6. OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) TOWN CONSTABLE AUTHORIZED TO PROCURE AND ERECT SIGNS AND SIGNALS. The Town Constable is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals, and markings conforming to the rules of the state highway division giving such notice of the provisions of this ordinance as required by state law. Signs shall be erected in such locations and manner as the Town Board shall determine will best effect the purposes of this ordinance and give adequate warning to users of the street or highway.

(2) REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS. The Town Constable shall have the authority granted by s. 349.09 Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this ordinance or s. 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.

Section 7. PENALTY. The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in ss. 345.20 to 345.53, Wis. Stats..

(1) UNIFORM OFFENSES. Forfeitures for violation of any provision of chs. 341 to 348 adopted by reference in section 1 of this ordinance shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.

(2) SPECIAL LOCAL REGULATIONS. The forfeiture for violation of sections 2, 3, 4, 5 (4) of this ordinance shall be not less than \$5.00 nor more than \$200.00 for the first offense and not less than \$10.00 nor more than \$500.00 for the second offense within 2 years.

(3) MISCELLANEOUS. The forfeiture for violation of any provision of section 1 (2) of this ordinance shall be not less than \$50.00 nor more than \$500.00.

(4) PARKING. The forfeiture for violation of parking regulation in section 3 of this ordinance shall be \$5.00.

Section 8. ENFORCEMENT. This ordinance shall be enforced in accordance with the provisions of ss. 345.20 to 345.53, ch. 299 and s. 66.12, of the Wisconsin Statutes.

(1) STIPULATION OF GUILTY OR NO CONTEST. Stipulations of guilty or no contest may be made by persons arrested for violations of this ordinance in accordance with s. 66.12(1)(b), Wis. Stats., whenever the provisions of s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under s. 345.11, Wis. Stats, and may be accepted

within 5 days of the date of the alleged violation. Stipulations may be accepted by the Town Clerk, Clerk of the County Court or the Police Department.

(2) DEPOSITS. Any person stipulating guilt or no contest under subsection (1) of this section must make the deposit required under s. 345.26 Wis. Stats., or, if the deposit is not established under such statute, such person shall deposit a forfeited penalty as provided in the schedule established by the Town Constable, and approved by the Town Board. Deposits may be brought or mailed to the office of the Town Constable or Clerk of the County Court as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Town Treasurer.

(3) NOTICE OF DEMERIT POINTS AND RECEIPT. Every officer accepting a forfeited penalty or money deposit under this ordinance shall receipt thereof in triplicate as provided in s. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of ss. 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under s. 345.11, Wis. Stats.

(4) FORFEITURE IN TREASURY; OFFICER TO POST BOND, QUALIFY. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Town Treasurer within twenty (20) days after receipt. Any officer authorized to accept deposits under s. 345.26 Wis. Stats., or this ordinance shall qualify by taking the oath prescribed by s. 19.01, Wis. Stats., and filing an official bond

in the sum of \$ 500.00 as described by s. 19.01.

Section 9. REFERENCES TO STATUTES. References to specific statutory sections where ever used in this ordinance shall mean the Wisconsin statutes of 1971.

Section 10. REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating traffic upon the streets, alleys and highways of the Town of Burnett, Dodge County, Wisconsin, and all ordinances or parts of ordinances heretofore enacted by the Town Board of the Town of Burnett, are hereby repealed.

Section 11. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the town board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 12. EFFECTIVE DATE. This ordinance shall take effect and be in force upon passage and publication as provided by law.

Section 13. This ordinance shall be known as Town of Burnett Municipal Ordinance No. 100.

Passed and adopted this 21st day of October, 1972.

TOWN BOARD, TOWN OF BURNETT
DODGE COUNTY, WISCONSIN

By: Edward O. Wosch
Chairman

Orville Muelle
Supervisor

William F. Berts
Supervisor

ATTEST: Robert H. Hanes
Town Clerk

AN ORDINANCE ESTABLISHING THE SEWER UTILITY OF THE TOWN OF BURNETT OF DODGE COUNTY AND ESTABLISHING SEWER RATES, RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND ALSO CONCERNING GOVERNMENT OF SEWER USERS, LICENSED PLUMBERS AND OTHERS, AND PENALTIES.

The Burnett Sanitary District of Dodge County, Wisconsin, does hereby ordain as follows:

SECTION 1

(1) The management, operation, and control of the sewer system for the Burnett Sanitary District is vested in the Commissioners of said sanitary district; all records, minutes and all written proceedings thereof shall be kept by the Secretary of the Sanitary District; the Treasurer of the Sanitary District shall keep all the financial records.

(2) The sewer utility of the sanitary district shall have the power to construct sewerlines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the sanitary district; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Commissioners shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefor; and the commissioners shall have power to purchase and acquire for the sanitary district all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling or additions thereto.

(3) Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the sanitary district commissioners be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the commissioners shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes.

(4) Title to Real Estate and Personalty. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books, and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said sanitary district.

SECTION 2

User Rules and Regulations: The rules, regulations, and sewer rates of the Burnett Sanitary District hereinafter set forth shall be considered a part of the contract with every person, company, corporation who is connected with the sewer system to the Burnett Sanitary District and every such person, company, or corporation, by connecting with the sewer system shall be considered as expressing his or their assent to bound thereby. Whenever any of said rules and regulations, or such others as the said sanitary district of Burnett may hereafter adopt are violated the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Commission and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Commission may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Commission furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to Commission to change the said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.

SECTION 3

The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established:

(1) Plumbers:

- A. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

(2) Users:

- A. Application for Service. Every person connecting with the sewer system shall file an application in writing to the Burnett Sanitary District, in such form as is prescribed for that purpose.

Blanks for such applications will be furnished at the office of the Commission. The application must state fully and truly all the use will be allowed except upon further application and permission regularly obtained from said commission. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Burnett Sanitary District are referred to herein as "Users".

*Blanks
Done.*

The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Commission may reject the application. If the Commission shall approve the application, it shall issue a permit for services as shown on the application.

Done?

- B. Deposit. Each consumer shall pay prior to hookup, to guarantee payment of all charges herein, a deposit in cash in the amount equal to the minimum quarterly sewer charge pursuant as hereinafter provided. Said minimum charge to be determined by the type of service by which the property is connected to the mains. Such deposits will be refunded after two years of timely payment of quarterly charges, or when the user moves from premises, whichever is first, providing all charges are current.
- C. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Commission.
- D. User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary overburdening of the sewer system, shall be paid by the applicant. No charge, however, shall be made for the services of the superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.

- E. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
- F. User to Permit Inspection. Every user shall permit the Commission, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- G. Utility Responsibility. It is expressly stipulated that no claim shall be made against said Burnett Sanitary District by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Burnett Sanitary District shall, if practicable, give notice to each and every consumer within said Sanitary District, of the time when such service will be so shut off.

(3) Excavations:

- A. In making excavations in streets or highways for laying service pipe or making repairs, the planks, paving stones, and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- B. No person shall leave any such excavation made in nay street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- C. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly rammed or puddled to prevent settling. And this work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Commission. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(4) Tapping the Mains:

- A. No persons, except those having special permission from the Commission, persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Commission.
- B. Pipes should always be tapped on the top, and not within six inches of the joint, or within 23 inches of another lateral connection.

(5) Installation of House Laterals:

- A. All sewer laterals on private property will be installed in accordance with State of Wisconsin Administration Code, Chapter H-62 "Design, Construction, Installation, Supervision and Inspection of Plumbing", specifically, Section H-62.04(4) "Building Sewers"/
- B. Per Section H-62.04(5) all laterals will be inspected. "The building sewer and/or private interceptor main sewer placement of the pipe and before backfilling: and, tested before or after backfilling".

(6) Sewer Service Rates:

- A. The sewer service rates shall be as follows:

1. Residential\$ _____	per month
2. Commercial\$ _____	per month
3. _____\$ _____	per month
4. _____\$ _____	per month
5. _____\$ _____	per month

(7) Mandatory Hookup

- A. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human

habitation or in a block-through which such system is extended, shall connect to such system within _____ days of notice in writing from the Commission. Upon failure to do so the Commission may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wis. Stats. provided however that the owner may within thirty (30) days after the completion of the work file a written option with the Sanitary District Secretary stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 5% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wis. Stats.

- B. In lieu of the above the Commission at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 of Wisconsin Statutes.
- C. This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Sanitary District and fails to assure preservation of public health, comfort, and safety of said Sanitary District.

(8) Maintenance of Services:

All sewer services within the limits of the Sanitary District from the street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant or an agent of the owner,

in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

(9) Payment of Bills:

- A. Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the property delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- B. Billing. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and delivered to the premises referred to on such bill or notice.

(10) Penalty for Improper Use:

- A. It shall be unlawful for any person to willfully injure the system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Sanitary District, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or distributing sewage. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 200mg/l; a surcharge shall be based on the excess of BOD or suspended solids at a rate of \$0.50/pound. The Commission reserves the right to test the sewage at any point within the connection system of the user or

- B. No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, roof run-off, or surface drainage.
- C. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
- (1) Any gasoline, benzene, Naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any ashes, einders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
 - (3) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
 - (4) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
 - (5) Any noxious or molodorous gas or substance capable of creating a public nuisance.
 - (6) Any garbage that has not been properly shredded.
 - (7) Any liquid or vapor having a temperature higher than 150° F.
 - (8) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
 - (9) Any waters or wastes having p^H lower than 5.5 or higher than 9.0 having any corrosive property capable to causing damage or hazard to structures, equipment, and personnel of the sewage works.

(11) Damage Recovery:

The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

(12) Penalties:

Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Burnett Sanitary District; or who shall connect a service pipe without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the Commission from enforcing the connection duties set out in Section ____ for mandatory hookup.

(13) Septic Tanks Prohibited:

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Burnett Sanitary District serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after _____, 19____, the use of septic tanks or any private sewage disposal system within the area of the Burnett Sanitary District serviced by the sewerage system shall be prohibited.

SECTION 4

Miscellaneous Rules and Regulations:

(1) Vacating of Premises and Discontinuance of Service.

Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system by reason of failure to notify the system of a vacancy or any such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(2) Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Town Clerk to be placed on the taxroll for collection as provided by Wisconsin Statutes.

(3) Unit of Service Definition: A unit of Service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office industrial plant, church, or school. Each unit of service shall be regarded as one consumer.

Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses; thus houses and apartments having suites of one, two or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.

When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Commission shall set a separate rate for such complex.

(4) Adoption of Other Rules: There is hereby adopted all the rules and regulations of the state Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations of the State of Wisconsin insofar as the same are applicable to the Burnett Sanitary District of Burnett, Wisconsin.

(5) Severability: If any section, subsection, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Commission hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases by declared unconstitutional.

10

Town Clerk
Adopted 30th day of November 1976
Sanitary District
Adopted 12th day of December 1978.

ORDINANCE 8

AN ORDINANCE TO REGULATE TRESPASSING IN THE TOWN
OF BURNETT, DODGE COUNTY, WISCONSIN.

The Town Board of the Town of Burnett, Dodge County,
Wisconsin, do ordain as follows:

SECTION 1. It shall be unlawful for any person, firm,
or corporation to do any of the following:

a) To enter upon any land of another, for any purpose,
without the express or implied consent of the owner or occupant
to engage in any of those purposes.

b) To enter or remain on any land of another after
having been notified by the owner or occupant not to enter or
remain on the premises.

c) To enter upon any land of another with a vehicle
of any kind without the express or implied consent of the owner
or occupant.

SECTION 2. A person has received notice from the owner
or occupant within the meaning of this section if he has been
notified personally, either orally or in writing, or if the land
is posted. For land to be posted, a sign at least 11 inches square
must be placed in at least 2 conspicuous places for every 40 acres
to be protected. The sign must carry an appropriate notice and the
name of the person giving the notice followed by the word "owner"
if the person giving the notice is the holder of legal title to the
land and by the word "occupant" if the person giving the notice
is not the holder of legal title but is a lawful occupant of the
land. Proof that appropriate signs as herein provided were
erected or in existence upon the premises to be protected within
6 months prior to the event complained of shall be prima facie
proof that the premises to be protected were posted as herein
provided.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force upon its passage and publication as provided by law.

SECTION 5. Penalties. Whoever violates this ordinance shall pay a fine of not less than \$ 50.⁰⁰/₁₀₀, nor more than \$ 200.⁰⁰/₁₀₀, plus costs.

Approved and adopted this 14th day of October, 1980.

Edwin O. Wood

Chairman

ATTEST:

Harvey A. Baunshweig
Clerk

TOWN OF BURNETT

DODGE COUNTY

BURNETT, WISCONSIN

53922

AN ORDINANCE REGULATING WEIGHT
LIMITATIONS ON TOWN ROADS

The Town Board of the Township of Burnett, Dodge
County, do ordain as follows:

- Section 1. That all Town roads be subject to 8 ton limitations because of weakness of some road beds and climatic conditions affecting them. Specifically Tower road which would likely be seriously damaged or destroyed in the absence of such special limitations. The Town has this authority under 349.15 of the Wisconsin Statutes.
- Section 2. All owners and operators of vehicles being operated on these highways will be asked to suspend operation if in its judgement, such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein.
- Section 3. Signs will be erected on or along the highway on which it is desired to impose the limitation, sufficient to give reasonable notice that a special weight limitation is in affect, and the nature of that limitation.
- Section 4. The only exception to this ordinance would be if a vehicle is being operated pursuant to a contract which provides that the Town of Burnett will be reimbursed for any damage done to the highway.
- Section 5. Any vehicle on pick up and delivery, may operate with a permit.
- Section 6. Wisconsin Statutes 86.02 provides for payment of treble damages by any person who injures a highway in any way.
- Section 7. This ordinance shall take affect from and after its passage and publication as required by law. All prior ordinances or parts of ordinances contrary or inconsistant herewith are hereby repealed.

Dated October 6th 1982.

Orville Muller
Chairman

Orville Kerpner
Supervisor

Lester F. Beier
Supervisor

Harvey A. Braunschweig
Clerk

ORDINANCE //

COSTS OF EXTINGUISHING FIRES
INVOLVING HAZARDOUS MATERIALS

The Town Board of the Town of Burnett, Dodge County,
Wisconsin, DOES ORDAIN AS FOLLOWS:

Section 1. Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wis. Adm. Code Chapter IND 8 as the same is now in force and may hereafter from time to time be amended.

Section 2. Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

Section 3. This ordinance shall take effect the day after proof of posting the same in three (3) public places in the Town has been filed and recorded with the Town Clerk.

Passed and adopted this 4th day of January, 1983.

Orville W. Muhle
Orville W. Muhle, Chairman

LaVern F. Beier
LaVern Beier, Supervisor

Orville J. Reifsnider
Orville J. Reifsnider, Supervisor

Attest:

Harvey A. Braunschweig
Harvey Braunschweig, Town Clerk

Proof of posting filed with Town Clerk on Jan 4, 1982.

#12

ORDINANCE REGULATING WASTE DISPOSAL

An ordinance creating regulations on dumping and waste disposal within the Town of

The Town Board of the Town of Burnett do ordain as follows:

SECTION 1 - PURPOSE

The purpose of this ordinance is to regulate the dumping or disposal of waste, garbage, refuse, and sludge by individuals, corporation, and municipalities within the Town of Burnett hereinafter referred to as "Town". Because of the possible danger of the health, safety and welfare of the public, such dumping or disposal within the Town shall only be permitted under the terms and conditions set forth below.

SECTION 2 - DEFINITIONS

A. Dumping or Disposal. Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, with the Town.

B. Waste. Waste is garbage, refuse and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities.

C. Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

D. Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.

E. Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form or manner.

F. Municipality. Municipality is any city, village or town.

SECTION 3 - PERMIT REQUIRED

Except as expressly permitted in Section 4 below, no individual corporation, or municipality shall dump or dispose of waste, garbage, refuse or sludge within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

SECTION 4 - EXCEPTIONS

The following shall not be deemed to come within the scope or meaning of this ordinance:

A. Sites used for the dumping or disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant or lessee of the property, provided however, that such waste, garbage or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.

B. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town, or the discharge of human waste products into the public sewage system located within the Town.

C. A farm on which only animal waste resulting from the operation of the farm are disposed of.

D. Any dumping operation under the direction and control of the Town.

SECTION 5 - GENERAL REGULATIONS

Persons or municipalities who are permitted to engage in dumping or disposal operations shall be subject to the following regulations:

A. The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.

B. The dumping or disposal operations shall be permitted only in the specific area(s) designated on the dumping permit issued by the Town.

C. Persons or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris, or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.

D. A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operation within a reasonable time after the dumping or disposal occurs, not to exceed three days; such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.

SECTION 6 - APPLICATION

There shall be a public hearing on any application for a permit to engage in dumping or disposal operations. The applications shall be on file with the Town Clerk at least 30 days before the public hearing. The application shall contain the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

SECTION 7 - PUBLIC HEARING

A public hearing will be required under the following terms:

A. Notice shall be given as a Class 3 notice as described in Wisconsin Statute 985.07.

B. The cost of publication of such notices shall be deposited by the applicant in advance.

C. A public hearing shall be held on the date specified in the notices or any adjourned date; however, such public hearing shall be

merely advisory in regard to affecting any action which may be taken by Town Board upon such application.

SECTION 8 - BOND AND REVOCATION OF PERMIT

The Town shall require the applicant to post a \$300.00 bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan will be carried out and any penalties imposed shall be paid; if there is a violation of the ordinance or if the dumping or disposal plan will be carried out and any penalties imposed shall be paid; if there is a violation of the ordinance or if the dumping or disposal plan is not carried out, the Town Board shall have the right to revoke the dumping or disposal permit and if necessary obtain a court order terminating such dumping or disposal operation; if after a reasonable demand, the owner of the land does not cover the dumping or disposal area in accordance with the dumping or disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

The applicant for a dumping or disposal permit in making the application grants to the Town the right to go on the land and carry out the dumping or disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

SECTION 9 - ISSUANCE

The application for a permit shall be processed within 90 days of the receipt thereof, and shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

SECTION 10 - REVOCATION

The permit once issued may be revoked after public hearing upon a published Class 1 Notice by the Town at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated.

SECTION 11 - STATE LAW ALSO APPLIES

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

SECTION 12 - REFERENCES

References to the term "person", "anyone" or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context indicates otherwise.

SECTION 13 - SEVERABILITY AND CONFLICT

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14 - PENALTY

Any person violating this ordinance shall be fined not less than \$10.00 nor more than \$200.00 for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof.

SECTION 15 - EFFECTIVE DATE

This ordinance shall take effect the day after proof of posting has been filed and recorded with the Town Clerk.

IN WITNESS WHEREOF, the undersigned Chairman and Clerk of the
Town Board have set their hands and seals this 1st day of March,
1983.

Adopted this 1st day of March 1983.

BY THE TOWN BOARD OF

Orville Marble
Chairman

Orville Leysmiller
Supervisor

Forster F. Beier
Supervisor

Filed this 1st day of March 1983 in the office
of the Town Clerk.

Harvey A. Braunschweig
Town Clerk

ORDINANCE NO. 15

AN ORDINANCE AMENDING THE ZONING ORDINANCE, TOWN OF BURNETT, DODGE COUNTY, WISCONSIN BY LIMITING THE HEIGHT OF ANY TOWER, STRUCTURE, OR PROJECTING AERIAL TO 500 FEET IN ANY AREA OF THE TOWN

WHEREAS THE SUBJECT MATTER OF THIS ORDINANCE HAS BEEN DULY REFERRED TO AND CONSIDERED BY THE TOWN BOARD AND A PUBLIC HEARING HAVING BEEN HELD, AFTER THE GIVING OF REQUISITE NOTICE OF SAID HEARING

THE TOWN BOARD OF THE TOWN OF BURNETT DOES ORDAIN AS FOLLOWS:

Section 1. The Official Zoning Ordinance, Town of Burnett, Dodge County, Wisconsin adopted on 10/2/1990 is hereby amended to add: "In addition, no tower or structure or any projecting aerial shall exceed 500 feet in height in any area of the Town", as the second sentence under Communication Structures, under Section 7.1 Height of Section 7.0 MODIFICATIONS on page 45 of the Ordinance.

Section 2. This ordinance shall be in full force and effect upon adoption.

Section 3. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this ordinance are hereby repealed.

Adopted and approved this 2nd day of October, 1990.

Kenneth E. Nitschke
KENNETH NITSCHKE
TOWN BOARD CHAIRMAN

Harvey A. Braunschweig
HARVEY BRAUNSCHWEIG
TOWN CLERK

ORDINANCE NO. 16

The Town of Burnett, Dodge County, does ordain:

1. PURPOSE. This ordinance sets forth procedure concerning administration of the tax exempt property registration system for Reports (PC-220 at time of passage).

2. DUTIES. By July 1 of each even numbered year, the town clerk must complete and deliver a Taxation District Summary Report (PC-226 at time of passage) to the Wisconsin Department of Revenue. This report should summarize information provided by the tax exempt property owners, with their report due January 31 each even numbered year. The clerk will make a reasonably diligent effort to ensure that all tax exempt property owners are sent the registration form, and have returned the same. When said form has not been received by the clerk by January 31, said clerk shall send the property owner(s) a notice, by certified mail, return receipt requested, stating that the property for which the form is required will be appraised at the owner's expense, and a forfeiture imposed, if a completed form is not received by the clerk within 30 days after the notice is sent. The clerk is responsible for form distribution and review.

3. FEES. Since administration time of an elected official, and possibly other town officer (deputy clerk) or employes to whom duties are delegated by the clerk is involved, and since such workload is due to the existence of tax exempt property within the town, the town board affirmatively states that it is fair and logical to charge a fee, as authorized under state law. After consideration of the administration time involved, the number of parcels per tax exempt entity, and expenses to the town, such as postage, copies, etc., the board believes the following fee is reasonable, to be charged per tax exempt entity, regardless of the number of parcels for each:

\$ 10.00 when paid by January 31 of the registration year

\$ 25.00 late fee if not remitted by the January 31 deadline

4. LICENSING. Prompt payment of fees shall be a condition of receiving or renewing any license issued by the town to the tax exempt property owner, when applicable. Timely submission of the required report is likewise a licensing condition, and requires accurate information.

4. This ordinance shall be in force and effect from and after passage and posting as provided by law.

Passed and adopted this 7th day of January 1992.

TOWN BOARD TOWN OF BURNETT
DODGE COUNTY

By: Kenneth E. Nitschke
Chairman

Kenneth Woack
Supervisor

Lester Pribnow
Supervisor

ATTEST Kerney A. Braunschweig Clerk

ORDINANCE NO. 17
ORDINANCE PROHIBITING ELECTROMAGNETIC FREQUENCY
GENERATING TOWERS

The Town Board of the Town of Burnett, Dodge County, Wisconsin does ordain as follows:

1. PURPOSE.

The purpose of this Ordinance is to regulate the construction of electromagnetic frequency generating towers within the Town of Burnett, Dodge County, Wisconsin.

2. Because of the possible danger to the health, safety and welfare of the public, electromagnetic frequency generating towers are prohibited within the Town of Burnett, Dodge County, Wisconsin. This ordinance shall not prohibit the installation of conventional electric power transmission lines.

3. VIOLATION.

In case of any violation to this Ordinance, the Town Board of the Town of Burnett, Dodge County, Wisconsin and any property owner within the Town of Burnett, Dodge County, Wisconsin may institute appropriate action or proceedings to enjoin a violation of this Ordinance through the Dodge County Circuit Court.

4. PENALTIES.

Any person, firm or Corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) together with costs of prosecution for each violation, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

This Ordinance shall take effect upon proof of posting and publication having been filed and recorded with the Town Clerk.

Dated this 4th day of May, 1993.

Kenneth E. Nitschke
Chairman

Kenneth E Wood
Supervisor

Lester Pribnow
Supervisor

ATTEST:

Harvey A Braunschweig

Ordinance 18

ORDINANCE PROHIBITING LANDFILLS

The Town Board of the Town of Burnett, Wisconsin does ordain as follows:

Purpose:

The purpose of this ordinance is to regulate the disposal of waste, garbage, refuse and sludge by individuals and Corporations within the Town of Burnett.

Because of the possible danger to the health, safety and welfare of the public, disposal such as a Landfill, shall not be permitted under any circumstances, within the Town of Burnett.

This Ordinance shall take affect the day after proof of posting and publishing has been filed and recorded with the Town Clerk.

Kenneth E. Nitschke
Chairman

Kenneth E. Wood
Supervisor

Lester Pribnow
Supervisor

Harvey A. Brammberg
Clerk

Dated May 4, 1993

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ORDINANCE NO. 20

THE TOWN BOARD OF THE TOWN OF BURNETT,
DODGE COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1.01 Title. AN ORDINANCE TO CREATE REGULATIONS WITH RESPECT TO RECYCLING AND REFUSE COLLECTION WITHIN THE THE TOWN OF BURNETT, DODGE COUNTY, WISCONSIN

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., and through the exercise of Town Powers of the Town of Burnett.

1.04 Repeal and Greater Restrictions. It is not intended by this ordinance to repeal, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

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

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

1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Burnett, Dodge County, Wisconsin.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Burnett, Dodge County, Wisconsin.

1.09 Effective Date. The provisions of this ordinance shall take effect pursuant to Wis. Stats. 66.035 or upon passage and publication or posting as provided by law.

1.10 Definitions. For the purposes of this ordinance:

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

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

(3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designed for serving food or beverages.

(b) Consists of loose particles intended to fill space and cushion the packages article in a shipping container.

(c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(4) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(5) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(6) "Magazines" means magazines and other materials printed on similar paper.

(7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove (also known as white goods).

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

(9) "Newspaper" means a newspaper and other materials printed on newsprint.

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

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

(12) "Other resins or multiple resins" means plastic resins

labeled by SPI code #7.

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

(14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

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

(17) "PP" means polypropylene, labeled by the SPI code #5.

(18) "PS" means polystyrene, labeled by the SPI code #6.

(19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(20) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, DPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

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

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

(23) "Solid waste treatment" means any method, technique or process which is designed to change the physical chemical or biological character or composition of solid waste.

"Treatment" includes incineration.

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

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

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard Waste

- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

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

- (1) Lead acid batteries shall be taken to retail battery stores, to a DNR approved disposal facility, or to the Town recycling facility at the announced Spring or Fall cleanup.
- (2) Major appliances may be picked up by a private hauler of white goods.
- (3) Waste oil shall be taken to the the Town recycling center

container or to a DNR approved disposal facility. Anti-freeze or gasoline shall not be placed with waste oil.

(4) Yard waste: the Town is not accepting yard waste at this time. Individual arrangements should be made for composting at Town's people's respective residences and/or business establishments.

1.15 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Town of Burnett, Dodge County, Wisconsin, occupants of single family and multi-family unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

(1) Aluminum containers shall be emptied, cleaned and placed in the appropriate cart (bin) in the recycling building.

(2) Bi-metal containers shall be emptied, rinsed and placed in the appropriate cart (bin) in the recycling building.

(3) Corrugated paper or other container board shall be flattened and tied in 3' by 3' bundles.

(4) Foam polystyrene packaging shall be placed in the appropriate cart (bin) in the recycling building.

(5) Glass containers shall be rinsed clean and placed in the appropriate cart (bin) in the recycling building for the type (color) glass.

(6) Magazines shall be tied in both directions in bundles of 8" or less in height.

(7) Newspaper shall be tied in both directions in bundles of 8" or less in height.

(8) Office paper shall be kept dry and placed in a paper bag.

(9) Rigid plastic containers shall be prepared and collected as follows:

- (a) Plastic containers made of PETE, including #1 SPI Code, shall be emptied, rinsed and placed in the appropriate cart (bin) in the recycling building.
- (b) Plastic containers made of HDPE, including #2 SPI Code, shall be rinsed and placed in the appropriate cart (bin) in the recycling building.
- (c) Plastic containers made of the following materials shall be placed in the Town dumpsters as arrangements have not yet been made for recycling through the Town recycling program: plastic containers made of PVC, including #3 SPI Code; plastic containers made of LDPE, including #4 SPI Code; plastic containers made of PP, including #5 SPI Code; plastic containers made of PS, including #6 SPI Code, and plastic containers made of other resins or multiple resins, including #7 SPI Code.

(10) Steel containers shall be emptied, rinsed and placed in appropriate cart (bin) in the recycling building.

(11) Waste tires shall be taken to local tire retail stores or to the Town's Spring or Fall cleanup at the Town recycling center.

1.16 Responsibilities of Owners or designated Agents of Multiple-Family Dwellings. (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

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

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Prohibition on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.19. It shall be unlawful to anyone other than personnel authorized by the Town Board to remove recyclable materials once they have been deposited at the Town recycling center.

1.20 License. Private firms (whether or not under contract with the Town of Burnett) shall comply with all current local resolutions and ordinances as well as Wisconsin Statutes establishing requirements for private firms providing residential solid waste and/or recyclable material. Disposal and collection services operating within the Town of Burnett shall register with the Town clerk and obtain a license to so operate prior to commencement of operations and shall provide the Town Clerk with an annual report by January 31 of each year detailing by tonnage the refuse and categories of recyclables collected as required by local ordinance and by Wisconsin Statutes.

1.21 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Burnett to include a duly authorized town police officer may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and

properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any such authorized officer, employee or authorized representative of the Town of Burnett who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by a Town of Burnett Police Officer authorized to collect forfeitures. The issuance of a citation shall not preclude any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

- (a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
- (b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

This ordinance shall take effect upon passage and posting or publication as provided by law, to include by application of Wis. Stats. 66.035 if so selected by the Town Board.

Published or posted on this ___ day of _____, 1994.

TOWN OF BURNETT:

Kenneth Nitschke, Chairman

Kenneth Woock, Supervisor

Lester Pribnow, Supervisor

ATTEST:

Harvey Braunschweig, Clerk

AN ORDINANCE RELATING TO REMOVAL OF ABOVE GROUND AND UNDER
GROUND TANK SYSTEMS

The Town Board of the Town of Burnett, Wisconsin, do ordain as follows:

SECTION I. REMOVAL OF ABOVE GROUND AND UNDER
GROUND TANK SYSTEMS.

(1) PURPOSE. This section shall provide the rules and regulations for the removal of any tanks used for the storage of any flammable or combustible liquids.

(2) DEFINITIONS. (a) Combustible liquid. A liquid having a flash point at or above 100 deg. F (37.8 C).

(b) Flammable liquid. A liquid having a flash point below 100 deg. F (37.8 C).

(c) Residential tank. A tank located on a property of a one or two family dwelling.

(3) Tank Removals. The Fire Department must be notified in writing a minimum of fifteen (15) calendar days before the tank closure takes place. All tank removals require a tank removal permit obtained from the Fire Department and no tank removal shall occur on Saturday or Sunday unless in response to an emergency. All removals shall be performed in accordance with the Wisconsin Administrative code ILHR-10 flammable and combustible liquids.

(a) Permit Fees for Tank Removal. The initial fees shall be as set forth herein. Underground tanks: \$75.00 per tank with a maximum of three fees (\$225.00) per site said costs to be paid by property owner. The Town Board may subsequently modify said fees as needed from time to time by adoption of a separate resolution.

SECTION II. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

SECTION III. This ordinance shall take effect and be in force from and after the date of its passage and publication.

Adopted this 7th day of March, 1995.

TOWN OF BURNETT, WISCONSIN

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth E. Woock
Kenneth Woock, Supervisor

Lester Pribnow
Lester Pribnow, Supervisor

Attest

Harvey A. Braunschweig
Harvey Braunschweig, Clerk

Published: March 13, 1995

ORDINANCE NO. 22
TOWN OF BURNETT
REPEAL AND RECREATION OF ORDINANCE FOR
LICENSING AND CONTROL OF DOGS

THIS ORDINANCE repeals all prior dog licensing and control dog ordinances and recreates the ordinance for licensing and control of dogs within the Town of BURNETT, Dodge County, Wisconsin.

(1) LICENSE REQUIRED. It shall be unlawful for any person in the Town of BURNETT to own, harbor, or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through 174.09 Wisconsin Statutes, relating to the listing, licensing, and tagging of the same.

(2) DEFINITIONS. In this Section, unless the context or subject matter otherwise require:

(a) "Owner" shall mean any person owning, harboring, or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this Section.

(b) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner, shall be deemed to be upon the owner's premises.

(3) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the Town of BURNETT to own, harbor, or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley, or highway in the Township.

(b) Assaults or attacks any person.

(c) Is at large within the limits of the Township.

(d) Habitually barks or howls to the annoyance of any person or persons.

(e) Kills, wounds, or worries any domestic animal.

(f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

The owner of any dog whether licensed or unlicensed, shall keep his dog tied or enclosed in a proper enclosure so as not to allow said dog to interfere with the passing public or neighbors.

(4) IMPOUNDMENT. The town policeman or contract dog catcher may impound any dog which habitually pursues any vehicle upon any street, alley or highway of the Township, assaults or attacks any person, is at large within the limits of the Township, habitually barks or howls, kills, wounds or worries any domestic animal, or is infected with rabies. In order

for an animal to be impounded, the impounding officer must see or hear the violation of this section.

The person who owns or harbors said offending dog, contrary to the provisions of this ordinance, who can be reasonably ascertained, shall be notified in person or by U.S. mail that said dog is impounded.

The person who owns or harbors said offending dog shall be liable to pay all costs reasonably incurred for the capture and impoundment of said dog.

(5) DUTY OF OWNER IN CASE OF DOG BITE. Every owner or person harboring or keeping a dog, who knows that such dog has bitten any person, shall keep such dog confined for not less than fourteen (14) days or such period of time as the health officer shall direct. The owner or keeper of such dog shall surrender the dog to the health officer or any Town or County police officer upon demand for examination.

(6) ENFORCEMENT. A Town or County Police officer may upon observing a violation of this ordinance, issue a citation to the person who owns or harbors the offending animal.

(7) PENALTY. Any person violating the provisions of this chapter shall be fined not less than \$25.00 nor more than \$200.00 together with the costs of the action. In default of payment of such forfeiture and costs, any such person shall be imprisoned in the County Jail of Dodge County until such forfeiture and costs of prosecution are paid, but not exceeding eight (8) days.

This ordinance shall take effect upon proper passage, posting and publications as provided by law.

Passed and adopted this 2nd day of May 1995

TOWN BOARD OF THE TOWN OF
BURNETT, DODGE COUNTY, WISCONSIN

Kenneth E. Nitschke
Kenneth Nitschke Chairman

Kenneth Wood
Kenneth Wood Supervisor

Lester Pribnow
Lester Pribnow Supervisor

ATTEST:

Debra Waldvogel
Debra Waldvogel Clerk

Replaced
Ordinance 1

AN ORDINANCE AMENDING THE TOWN OF BURNETT,
DODGE COUNTY ZONING ORDINANCE

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain as follows:

SECTION I: REPEAL OF PROVISIONS

Section 3.6 Agricultural District

(b) Conditional Use

Item 12 is repealed.

SECTION II. SECTION RECREATED

Section 3.6 Agricultural District

(b) Conditional Use

Item 12 is recreated to read as follows:

Mineral extraction related uses.

SECTION IV. SECTION CREATED

Section 13.0 Definitions is amended to include the following.

Mineral extraction related uses.

Uses related to the loosening and removal of rock, stone, gravel, shale or other minerals by means of stripping, excavation, or blasting and including the related uses of crushing, washing, sorting, stockpiling, asphalt plants, ready mix plants, hauling and retail and wholesale sales of aggregate and minerals, and refining or reprocessing of rock, stone, gravel, shale or other minerals.

SECTION V. EFFECTIVE DATE

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

ADOPTED this 1st day of August, 1995.

TOWN OF BURNETT, WISCONSIN

Kenneth E. Nitschke
Kenneth Nitschke, Town Chairman

Kenneth E. Wood
Supervisor

Lester Ribnow
Supervisor

ATTEST

Debra Waldvogel
Debra Waldvogel, Clerk

Published: _____

ORDINANCE NO. 24

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF ONE INDIVIDUAL TO SERVE IN THE COMBINED OFFICE OF TOWN CLERK AND TOWN TREASURER

The Town Board of the Town of Burnett, Dodge County, Wisconsin does ordain as follows:

1. That pursuant to Wis. Stats. §60.305(1), the combined office of Town Clerk and Town Treasurer shall be filled by **appointment**. Said appointment to be made by the Town Board.
2. The term of office for the combined duties of Town Clerk and Town Treasurer pursuant to Wis. Stats. §60.305(1) shall be a **term for two years**.
3. This ordinance is subject to approval by a **referendum**, which is hereby called by the Town Board to be held at the next general election to be held on November 5, 1996. The referendum question shall be:

"Shall the person holding the combined office of Town Clerk and Town Treasurer for the Town of Burnett, Dodge County, Wisconsin be appointed by the Town Board?"

The salary of the combined offices of Town Clerk and Town Treasurer shall be as set by the Town Board from time to time.

This Ordinance shall be in effect and in force from and after the date of its passage and publication all in accordance with the Wisconsin State Statutes.

Adopted this 4th day of June, 1996.

Town of Burnett, WI

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth Wood
Kenneth Woock, Supervisor

Lester Pribnow
Lester Pribnow, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk
Published 6-5-96

RESOLUTION OF TOWN MEETING

A RESOLUTION TO PROVIDE FOR THE COMBINATION OF THE OFFICE OF TOWN CLERK AND TOWN TREASURER

Be it Resolved that the positions of Town Clerk and Town Treasurer of the Town Board of the Town of Burnett, Dodge County, Wisconsin shall be combined into one office held by one individual.

The combination of said offices shall take effect on the latest date that any current term of the office of Town Clerk or Town Treasurer expires.

Number of adult Town residents at the Annual Meeting voting by raised hand in favor of the Resolution. 22

Number of adult Town residents at the Annual Meeting voting by raised hand against the Resolution. 0

Resolution passed 22 YES

0 NO

Dated this 13th day of April, 1996.

ATTEST:

Debra Waldvogel
Debra Waldvogel, Clerk

ADOPTION OF CODE OF ORDINANCES
UNDER SEC. 66.035, WIS. STATS.

Ordinance No. 25

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES AND BYLAWS OF THE TOWN OF BURNETT, WITH RESPECT TO A CODE OF GENERAL ORDINANCES RELATING TO THE SALE OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

The Town Board of the Town of Burnett, Wisconsin, does ordain as follows:

SECTION 1. The code of ordinances in pamphlet form entitled, "SALE OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES OF THE TOWN OF BURNETT, WISCONSIN" having been placed on file and open to public inspection in the office of the Town Clerk for a period of two weeks, commencing the 21st day of October, 1996, in accordance with the procedure provided under sec. 66.035, Stats., is hereby adopted as the general code of ordinances in and for the Town of Burnett, Dodge County, Wisconsin, and all previously adopted general ordinances of the Town of Burnett with respect to the Sale of Intoxicating Liquor and Fermented Malt Beverages is hereby repealed, except as provided in Section 2 of this ordinance.

SECTION 2. The code of general ordinances relating to the Sale of Intoxicating Liquor and Fermented Malt Beverages hereby adopted shall not be deemed to repeal any special or charter ordinances of the Town of Burnett or any general ordinance or part thereof relating to subjects other than the Sale of Intoxicating Liquor and Fermented Malt Beverages.

SECTION 3. This ordinance shall take effect upon passage and publication as required by law.

Introduced this 1st day of October, 1996 by _____.

Adopted this 4th day of November, 1996 by the Town Board of the Town of Burnett.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk

No. 25

**AN ORDINANCE RELATING TO THE SALE OF
INTOXICATING LIQUOR AND FERMENTED MALT
BEVERAGES IN THE TOWN OF BURNETT,
DODGE COUNTY, WISCONSIN**

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain as follows:

(1) State Statutes Adopted. The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Ordinance in order to secure uniform statewide regulation of alcohol beverage control.

(2) Operators License may be issued for a one (1) year period from July 1 of one year to June 30 of the next year.

No license or permit for the sale of alcohol beverages may be delivered to the applicant by the Town of Burnett, its officers, employees or agents until the applicant files with the Town Clerk of the Town of Burnett a receipt showing payment of the license or permit fee to the Town Treasurer of the Town of Burnett. The Town of Burnett may not require an applicant pay a license or permit fee more than thirty (30) days prior to the date of issuance or re-issuance of the license or permit. The license or permit shall be issued by the Town Clerk of the Town of Burnett prior to any person selling the alcohol beverage in the Town of Burnett.

(3) License Fees. The following is a list of fees to be paid for the licenses as set forth:

(a) Retail Class "A" Intoxicating Liquor License (retail sale of intoxicating liquor for consumption off premises)
-- \$90.00 annually.

(b) Retail Class "B" Intoxicating Liquor License (retail sale of intoxicating liquor for consumption on premises sold by the glass, not in original package or container)
-- \$90.00 annually.

(c) Class "A" Fermented Malt Beverage Retailer's License (retail sale of fermented malt beverages for consumption off premises)
-- \$20.00 annually.

(d) Class "B" Fermented Malt Beverage Retailer's License (retail sale of fermented malt beverage for consumption on or off premises)
-- \$20.00 annually.

TOWN OF BURNETT INTOXICATING LIQUOR AND
FERMENTED MALT BEVERAGES ORDINANCE

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Club license

-- \$20.00 annually.

(e) Special Class "B" Fermented Malt Beverage Picnic
License

-- \$20.00 per events of 10 days or less.

(f) Wholesaler's License

-- \$25.00 annually.

(g) Class "C" Wine (for consumption on premises by glass
or original container - restaurant, without bar
room)

-- \$90.00 annually.

All such licenses are to be pro-rated in the event of application for less than one full license year said fee shall be pro-rated on a monthly basis.

The applicant shall pay to the town the cost of all required publishing with respect to the license application.

(4) License Restrictions. In addition to the requirements imposed by the provisions of the Wisconsin Statutes adopted by reference herein, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

(a) No person or corporation shall be issued or reissued a Class "A"/permit or a Class "B"/permit in the Town of Burnett until the premises comply with all applicable building and plumbing codes and all delinquent taxes and assessments of the Town of Burnett for those premises are paid.

(b) Improper Exhibitions. It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breast at or below the areola thereof; or

(4) Engages in or simulates sexual intercourse and/or any sexual contact, including touching of any portion of the female breast or the male and/or female genitals.

(5) Inspection of Application and Premises. The Town Clerk shall notify the Health Officer, Town Chairman and Building Inspector of all license and permit applications, and these officials shall be authorized to inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Town Board in writing the information derived from any such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board, and no license shall be renewed without a reinspection of the premises and report as herein required.

(6) Health and Sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State of Wisconsin, County of Dodge or Town of Burnett, to include all appropriate statutes, ordinances and regulations.

(7) Search of Licensed Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer, Town Supervisor, or Town Chairman of the Town of Burnett, without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall serve as a basis for revocation of said license.

(8) Point Values for Alcohol Beverages Violation, Revocations and Suspensions.

(a) The Town Board of the Town of Burnett retains jurisdiction at its discretion to revoke or suspend licenses issued pursuant to this ordinance for any infraction it deems sufficient.

In addition the following point schedule is provided to identify habitually troublesome license holders who have repeatedly violated state and local ordinances and is to be used for purposes of recommending suspension or revocation of their alcohol license.

<u>TYPE OF VIOLATION</u>	<u>POINT VALUE</u>
1. Sale of Alcohol Beverages Without License or Permit; Sale of Controlled Substances on Licensed Premises	100
2. Sale of Alcohol Beverages to Underaged Person	50
3. Sale of Alcohol Beverages to Intoxicated Person	50
4. Underaged Person on Premises	50
5. Intoxicated Bartender	50
6. After Hours Consumption	50
7. Refusal to Allow Police to Search Premises or Refusal to Cooperate with Lawful Police Investigation	50
8. Disorderly Conduct on Premises	30
9. Licensee, Agent or Operator Not on Premises all Times	25
10. Persons on Premises After Closing Hours	25
11. Violation of Carry-out Hours	25
12. Licensee Permitting Person to Leave Licensed Premises with Open Alcohol Beverage	25
13. All Other Violations of this Chapter	25

(b) Violations, How Calculated--Point Method. In determining the accumulated demerit points against a licensee within twelve (12) months, the Town Board shall use the date each violation was committed as the basis for the determination.

(c) Suspension or Revocation of License--Point Method.

(1) The Town Board shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated one hundred fifty (150) points in a twelve (12) month period as a result of court-imposed convictions or who have had referred to it reports which, if believed, would result in one hundred fifty (150) demerit points in twelve (12) months.

(2) If the demerit point accumulation, calculated from the date of violation, exceeds one hundred fifty (150) points in a twelve (12) month period, two hundred (200) points in a twenty-four (24) month period or two hundred fifty (250) points in thirty-six (36) month period, the suspension shall be for not less than ten (10) days nor more than ninety (90). If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.

(3) For purposes of this provision, convictions shall mean the date of the violation not the actual date of conviction.

(9) Suspension, Revocation of License; Non-Renewal. All provisions of the Wisconsin Statute relating to suspension and revocation are specifically adopted herein together with the further provisions relating to denial for issuance or reissuance of licenses, whether or not the point method is used by the Town:

(a) It shall be a condition of maintaining and keeping a license in this Town that the licensee continue in business. Issuance of, or retention of a license by a party not doing business, is hereby declared to be against public policy, and lacking in usefulness.

(b) Abandonment of Premises. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The loss or non-use of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Town Board. All persons issued a license to sell alcohol beverages in the Town of Burnett for which a quota exists limiting the number of such licenses that may be issued by the Town Board shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

(10) In lieu of a hearing, the Town Board may accept surrender of the license, and the Town Board shall then determine the time period before another application of the same type of license will be accepted from the former licensee.

(11) Penalty Provisions.

(a) General Penalty. Whenever so provided in this ordinance, any person who shall violate any of the provisions of this ordinance shall upon conviction of violation be subject to a penalty, equal to the penalty provide by the Wisconsin Statutes for the particular violation together with all applicable court costs and costs of prosecution. Upon default of payment of such forfeiture and costs the defendant shall be subject to imprisonment in the county jail until said forfeiture and

TOWN OF BURNETT INTOXICATING LIQUOR AND
FERMENTED MALT BEVERAGES ORDINANCE

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costs of prosecution are paid, but not to exceed thirty
(30) days.

(12) This ordinance is intended to repeal and replace all
prior ordinance relative to the subject matter upon completion of
the adoption and publication process as provided by law.

(13) Severability. In the event any portion of this ordinance
is or becomes invalid or illegal, the remaining portions shall
remain in full force and effect

(14) Effect. This ordinance shall take effect following
passage and publication as provided by law.

Passed on November 4, 1996.

Vote for 3 against 0

Posted on 10-14-96.

Posted at Burnett.

Kenneth E. Nitschke
Chairperson

Kenneth E. Wood
Supervisor

Lester Tribnow
Supervisor

Attest:

Debra Waldvogel
Clerk

Publication in Daily Citizen newspaper on
10-14-96, _____, and _____.

ORDINANCE NO. 26

AN ORDINANCE PROHIBITING LIVE, TOTALLY NUDE, NON-OBSCENE, EROTIC DANCING IN ESTABLISHMENTS LICENSED TO SELL ALCOHOL BEVERAGES AND CREATING AN EXCEPTION FROM SUCH PROHIBITION FOR THEATERS, CIVIC CENTERS, PERFORMING ARTS CENTERS, AND DINNER THEATERS WHERE LIVE DANCE, BALLET, MUSIC AND DRAMATIC PERFORMANCES OF SERIOUS ARTISTIC MERIT ARE OFFERED ON A REGULAR BASIS.

WHEREAS, the Town board of the Town of Burnett has explicit authority under sec. 125.10(1)m, Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, Stats., and

WHEREAS, the Town board has authority under its general police powers set forth in sec. 61.34(1) to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the town board recognizes it lacks authority to regulate obscenity in light of sec. 66.051(3), Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

WHEREAS, bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of the citizens; and

WHEREAS, the town board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment of the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, however, the governing body is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Town of Burnett; and

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of

property values in neighborhoods where bars and tavern featuring nude dancing exists, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

WHEREAS, the governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Town of Burnett; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

NOW THEREFORE,

The Town board of the Town of Burnett do ordain as follows:

SECTION 1. NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED

it is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

Shows any portion of the female breast below a point immediately above the top of the areola; or

Shows the covered male genitals in a discernably turgid state.

SECTION 2. EXEMPTIONS.

The provision of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

SECTION 3. DEFINITIONS.

For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Town board of the Town of Burnett to sell alcohol beverages pursuant to ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" license granted by the Town board of the Town of Burnett pursuant to Ch. 125, Stats.

SECTION 4. PENALTIES.

Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$ 250, and not more than \$ 500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, Stats.

SECTION 5. SEVERABILITY.

If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as required by law.

Adopted this 8 day of June, 1999, by the Town Board for the Town of Burnett.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth Wood
Kenneth Wood, Supervisor

Todd Peterson
Todd Peterson, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk

ORDINANCE NO. 27

AN ORDINANCE RELATING TO INSPECTIONS

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain as follows:

INSPECTIONS

Section:

Adoption of DIHLR codes.

Authority--Compliance required.

Authority to obtain special inspection warrants.

Authority to issue citations.

Penalty.

Adoption of DIHLR codes. The Town of Burnett adopts the following provisions of the Administrative Code of the State of Wisconsin.

1. Chapter ILHR 32 Safety
2. Chapter ILHR 7 Explosive Materials
3. Chapter ILHR 15 Cleaning and Dyeing
4. Chapter ILHR 10 Flammable and Combustible Liquids
5. Chapter ILHR 11 Liquified Petroleum Gases
6. Chapter IND 221 Spray Coating
7. Chapter ILHR 50-64.. Building, Heating Ventilating and
Air Conditioning
8. Chapter ILHR 70 Historic Buildings
9. Chapter ILHR 12 Liquified Natural Gas
10. Chapter ILHR 13 Compressed Natural Gas
11. Chapter IND 69 Fee Structure
12. Chapter ILHR 14 General Fire Hazards
13. Chapter ILHR 4 Signs for Smoking Areas
14. Chapter ILHR 9 Manufacture at Fireworks
15. Chapter ILHR 16 Electrical Code Vol. 1 & 2
16. Chapter ILHR 18 Elevator Code
17. Chapter ILHR 41-42.. Boiler & Pressure Code
18. Chapter ILHR 43 Anhydrous Ammonia Codes
19. Chapter IND 19 Illumination Code
20. Chapter 160-164 Existing Buildings
21. Chapter IND 220 Dust, Fumes, Vapors &
Gases Code

Authority--Compliance required. The fire chief or a person designated by the chief may inspect any public building within the town to ascertain whether there exist on such premises conditions likely to render the premises a fire hazard. The fire chief or a person designated by the chief may direct the owner or

occupant of such premises to correct the hazardous condition within the length of time specified in such notice to the owner or occupant, and, if the condition is not corrected within such time, the fire chief or person designated by the chief may cause the hazardous condition to be corrected, with the cost of such correction being assessed against the property. In addition, any person who fails to comply with such order shall be subject to a penalty as provided herein.

Authority to obtain special inspection warrants. The fire chief or a person designated by the chief for the inspection of premises within the town is given the authority and directed, in situations in which such person deems inspection necessary, to obtain a special inspection warrant under Section 66.122, Wisconsin Statutes.

Authority to issue citations. The fire chief or a person designated by the chief for the inspection of premises within the town may issue a written citation for violation of this chapter. Such citation may be issued upon the Wisconsin Uniform Municipal Court Citation forms.

Penalty. Any person violating a provision of this chapter shall be subject to a forfeiture of not less than \$30.00 plus costs for the 1st offense and not less than \$50.00 plus costs for each offense thereafter. The maximum penalty for 1st or subsequent offenses shall be \$500.00.

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

INTRODUCED BY: _____ this _____ day
of _____, 2000.

Adopted this 13 day of June, 2000.

Town of Burnett, WI

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth Woock
Kenneth Woock, Supervisor

Todd Peterson
Todd Peterson, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk
Published June 27, 2000

ORDINANCE NO. 28

**AN ORDINANCE AMENDING THE TOWN OF
BURNETT, DODGE COUNTY ZONING
ORDINANCE**

The Town Board of the Town of Burnett, Dodge County, Wisconsin,
Does ordain that Section 3.72, A-G General Agriculture District, of their
Town Zoning Ordinance be amended to include the **buying and selling of
antiques** as a Conditional Use (Part B).

Dated this 13 day of January, 1998.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth E. Wood
Kenneth Wood, Supervisor

Lester Pribnow
Lester Pribnow, Supervisor

ATTEST:

Debra Waldvogel
Debra Waldvogel, Clerk/Treasurer

Curfew Ordinance for Juveniles

Ordinance # 29

(1) **Curfew Established.**

- (a) It shall be unlawful for any person under eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, cemetery, playground, public building or any other public place in the Town of Burnett between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor.
- (b) The fact that said child, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor:

(2) **Exceptions.**

(a) This Section shall not apply to a child:

1. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
2. Who is on his/her own premises or in the areas immediately adjacent thereto.
3. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
4. Who is returning home from a supervised school, church or civic function, but not later than thirty (30) minutes after the ending of such function.

(b) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

(3) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under eighteen (18) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to the Law Enforcement Officials shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this Section.

(4) **Places of Amusement.** It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under eighteen (18) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find persons under eighteen (18) years of age loitering, loafing or idling in such place of business, he/she shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Law Enforcement Officials and inform them of the violation.

(5) **Detaining a Juvenile.** Pursuant to Ch. 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

(6) **Warning and Penalty.**

(a) **Warning.** The first time a minor, parent, legal guardian or person having legal custody of a minor is detained by a law enforcement officer, as provided in Subsection (e), such minor, parent, legal guardian or person having such legal custody shall be advised, personally, if known or by registered mail, as to the provisions of this Section, and further advised that any violation of this Section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.

(b) **Penalty.**

1. Any parent, legal guardian or person having legal custody of a child described in Sections (1) through (5) who has been warned in the manner provided in Section (6) and who thereafter violates any of the provisions of this Section shall be subject to a forfeiture of \$ 50 plus court cost for the first offense and a forfeiture of \$ 100 plus court cost for each subsequent offense. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 938, Wis. Stats.

2. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), together with the cost of prosecution and court costs.

Adopted this 11th day of June, 2002, by the Town Board of the Town of Burnett, Dodge County, Wisconsin.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth Woock
Kenneth Woock, Supervisor

Todd Peterson
Todd Peterson, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk

(TO BE PUBLISHED)

NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Burnett will finalize the adoption of a new ordinance entitled "CURFEW ORDINANCE FOR JUVENILES" at 8 p.m. on the 11 day of June, 2002, at the Town of Burnett, Town Hall.

You are further notified that a copy of said proposed new ordinance will be on file and open for public inspection in the office of the Town Clerk, Debra Waldvogel, N7416 Cty Hwy I, Burnett, Wisconsin for a period of two weeks prior to its adoption, commencing the 28 of May, 2002.

Adopted this 11 day of June, 2002, by the Town Board of the Town of Burnett, Dodge County, Wisconsin.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth Woock
Kenneth Woock, Supervisor

Todd Peterson
Todd Peterson, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk

TOWN OF BURNETT

RESOLUTION FOR THE INSPECTION
AND ADOPTION OF AN ORDINANCE
RELATING TO CURFEW FOR JUVENILIES

WHEREAS, an ordinance entitled, " Curfew Ordinance for Juveniles" has been prepared and approved by the Town Board of the Town of Burnett:

NOW THEREFORE, BE IT RESOLVED, that this ordinance will be presented for final adoption by the Town Board at the next regular meeting on the 14 day of May, 2002; and

BE IT FURTHER RESOLVED, that the Town Clerk in accordance shall file a copy of the proposed "Curfew Ordinance for Juveniles" in her office for public inspection commencing the 28 day of May, 2002, and following adoption of said ordinance will cause a copy thereof to be published in the Beaver Dam Daily Citizen.

Adopted this 14 day of May, 2002, by the Town Board for the Town of Burnett.

Kenneth E. Nitschke
Kenneth Nitschke, Chairman

Kenneth E. Woock
Kenneth Woock, Supervisor

Todd Peterson
Todd Peterson, Supervisor

Attest:

Debra Waldvogel
Debra Waldvogel, Clerk

ORDINANCE NO 30
TOWN OF BURNETT
COUNTY OF DODGE

AN ORDINANCE to control the placement of unlicensed automobile motor vehicles, trucks, and recreational vehicles.

The Town Board of the Town of Burnett do ordain as follows:

DEFINITIONS:

Motor Vehicle - means any vehicle that is or may be propelled upon the public highway.

Licensed - means any license that is required to be carried by any motor driven vehicle when driven, used, or propelled upon the public highway.

Salvage Dealers - are regulated by Wisconsin Statute 175.25.

Application - a written form upon which a request is made for a permit.

Permit - the written authority given by the Town Board to allow storage of unlicensed motor vehicles.

Storage - means the placement of a vehicle upon real property described in the town assessment and tax roll.

Unlicensed Motor Vehicle - means one which is required to be licensed by the State of Wisconsin Department of Transportation when driven or propelled upon a public road, but is not so licensed.

Zoned-Zoning - means any land use control ordinance (county or town) that may be in force.

Enclosure - is the type of construction required to hide and harbor vehicles from public view.

Owner - considered to be the person or persons who hold legal land title to the parcel of land upon which unlicensed motor vehicle(s) are stored or are to be stored.

Occupant - considered to be the person or persons who occupy the premises and who may or may not be the responsible person or persons to harbor such unlicensed motor vehicle.

Administrative Rule - the specific requirements that may be created to regulate the storage of unlicensed vehicles:

- A. Number of vehicles
- B. Size of enclosure (height, width, etc.)
- C. Color
- D. Type of material
- E. Location
- F. Restrictions to certain zones only

G. ETC.

SECTION I: ORDAINED

No unlicensed motor vehicle shall be permitted to be stored, harbored or held upon any parcel of property outside of any building in the Town of Burnett without a proper permit issued by the Town Board for that purpose. The Town Board is authorized to issue permits to store unlicensed motor vehicles upon a parcel of property when certain enclosure requirements have been met. A building shall mean a non transparent structure which conceals the contents stored therein from view.

SECTION II: PERMITS REQUIRED

- A. A written permit to store an unlicensed motor vehicle or vehicles shall be issued upon proper application having been made, and only after the applicant has met all the requirements of any administrative rule in force at the time the application is made, as to the type of enclosure deemed necessary to be constructed, erected and maintained by the owner or occupant of the property.
- B. A written permit form shall be furnished when a permit has been authorized to be issued by the Town Board.
- C. Written application forms shall be furnished to any person (applicant) upon request.
- D. Applications for an "Unlicensed Vehicle Storage Permit" shall be filed with the Town Clerk at least 10 days prior to the next regular scheduled meeting of the Town Board.
- E. Any application for an "Unlicensed Motor Vehicle Storage Permit" shall be acted upon in 60 days after it was filed with the Town Clerk.
- F. If the Permit is issued, such Permit shall be issued for a period of 1 year.
- G. If the Permit is denied, the Permit will not be issued and the Town Board should cause the applicant to be aware of such denial.
- H. An annual Permit fee of \$50 shall be required to be paid into the town treasury before such a Permit is actually issued.
- I. An application for such "Unlicensed Motor Vehicle Permit" shall be required annually.
- J. An application for an "Unlicensed Motor Vehicle Permit" must bear the signature of either the owner or occupant of the property upon which the Permit will be issued.

SECTION III: ENFORCEMENT

- A. The enforcement of this ordinance shall be the responsibility of the Town Board, or the responsibility of the person the Town Board may assign to such duty or

responsibility.

- B. Inspection of an enclosure facility may be executed each year before the next year's annual Permit is acted on by the Town Board.

SECTION IV: PENALTY

- A Permit to store unlicensed motor vehicles may be revoked at any time it is determined that such Permit holder is not in compliance with the terms of this ordinance an/or the amendment and administrative rules for maintaining proper storage enclosures.
- B. Any owner, occupant, person or persons violating any provision of this ordinance and/or its amendment and administrative rule shall forfeit a sum of money not to exceed \$100 plus court costs and in default thereof be imprisoned in the county jail for a period not in excess of 10 days.

SECTION V:

This ordinance shall be in full force and in effect from and after one week from the date of passage and posting of this ordinance and proof of such posting is filed in the official town records of the Town Clerk.

Passed and approved this 13 day of April, 2004.

Filed this 14 day of April 2004.

Published this 20 day of April 2004.

Kenneth E. Nitschke
Chairperson

Debra Waldvogel
Clerk

Kenneth E Wood
Supervisor

John C. McNeil
Supervisor

ORDINANCE NO. 31

**AN ORDINANCE AMENDING THE TOWN OF
BURNETT, DODGE COUNTY, ZONING ORDINANCE**

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain that Sections 2.3; 4.2; 10.5; and 12.3 be amended to replace the specific fee amounts with the statement Fee as determined by the Burnett Town Board.

The Town of Burnett Zoning Ordinance has been amended as follows:

Section 2.3. Fees. A fee as determined by the Burnett Town Board shall be paid to the Building Inspector for each permit for building and for any permitted sign requiring a permit.

Section 4.2. Fee as determined by the Burnett Town Board.

Section 10.5. Fee Receipt from the Town Treasurer in the amount as determined by the Burnett Town Board.

Section 12.3. Fee as determined by the Burnett Town Board.

Dated this 9 day of January, 2007

Tim Fletcher

Tim, Fletcher, Chairman

Kenneth Woock

Kenneth Woock, Supervisor

John G. Meylink

John Meylink, Supervisor

ATTEST:

Debra Waldvogel

Debra Waldvogel, Clerk/Treasurer

ORDINANCE NO. 32

ALL-TERRAIN VEHICLE ROUTE ORDINANCE

STATE OF WISCONSIN
Town of Burnett
Dodge County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Burnett All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles in the Town.

SECTION II – AUTHORITY

The Town Board of the Town of Burnett, Dodge County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. 23.33 (8) (b) and (11) Wis. Stats.

SECTION III ADOPTION OF ORDINANCE

The Town Board of the Town of Burnett, Dodge County, Wisconsin, by this ordinance, adopted on proper notice with a quorum call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles in the Town.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to s 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an all-terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the Town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

SECTION V –DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following route is designated as an all-terrain route in the Town:

Burnett Ditch Road from the State Trail to the end of the road (ending at the Horicon Marsh). (All streets in the unincorporated Village of Burnett are available for All-terrain vehicles to access the route.)

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the Town all-terrain vehicle routes designated by this resolution:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to sign marking Town all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - 2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the Town Clerk to the Dodge County Sheriff's Department.
- D. All ATV operators shall observe posted roadway speed limits.
 - All ATV operators shall ride single file.
 - All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION VIII – PENALTIES

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

SECTION IX – SEVERABILITY

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

SECTION X – EFFECTIVE DATE

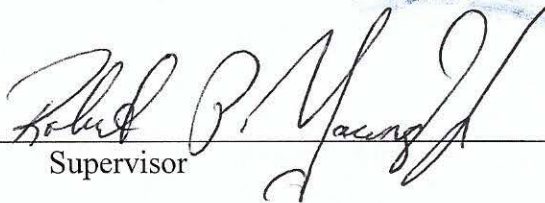
This ordinance is effective on publication or posting.

The Town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

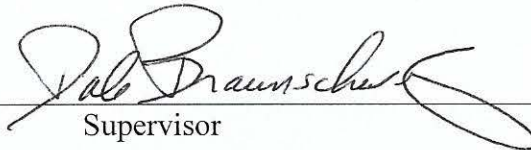
Adopted this 10 day of April 2007.



Chairman



Supervisor



Supervisor

Attest: 
Clerk/Treasurer

Ordinance No. 32A

All-Terrain Vehicle Route Ordinance Amendment

Amending Town of Burnett Ordinance No. 32 entitled All-Terrain Vehicle Route Ordinance

The Town Board of the Town of Burnett, Dodge County, pursuant to its authority under Sections 23.33 (8)(b) and (11) Wis. Stats. does hereby amend the Town of Burnett All-Terrain Vehicle Route Ordinance and does ordain as follows:

1. Section V – Designation of All-Terrain Vehicle Routes is hereby amended as follows:

The following route is designated as an all-terrain route in the Town:

Burnett Ditch Road from the State Trail to the end of the road (ending at the Horicon Marsh)
All streets in the unincorporated Village of Burnett are available for all-terrain vehicles to access the route
Prospect Road from Hwy. E to Hwy. I
Swan Road from Hwy. E to Hwy. I
Walnut Road from Hwy. I to Fir Road
Fir Road from Walnut Road to Breezy Point Road
Breezy Point Road
Burnett Ditch road from Hwy. 26 to Superior Street
Superior Street
Clay Street
Market Street
Main Street
W. Main Street

Adopted this 12th day of March, 2019.

Town of Burnett Town Board

Chairperson Terin Fletcher

Supervisor 1 Al. A.

Supervisor 2 Todd Thiede

Town Clerk Chris Merker

ORDINANCE NO. 33

SMALL WIND ENERGY SYSTEM ORDINANCE

Town Board of the Town of Burnett, Dodge County, Wisconsin
does ordain as follows:

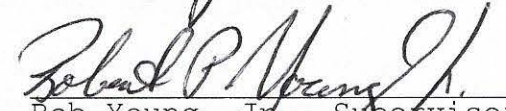
The attached Small Wind Energy System Ordinance is hereby adopted
by the Town of Burnett, Dodge County, Wisconsin.

This Ordinance shall be in effect and in force from and after the
date of its passage and publication all in accordance with the
Wisconsin State Statutes.

Adopted this 9 day of June, 2009.



Timothy Fletcher, Chairman



Bob Young, Jr., Supervisor



Dale Braunschweig, Supervisor

Attest:



Debra Waldvogel, Clerk

Published on the 16 day of June, 2009.

Town of Burnett

Small Wind Energy System Ordinance

00.01 Title.

This ordinance may be referred to as the Small Wind Energy System Ordinance.

00.02 Authority.

This ordinance is adopted pursuant to authority granted by:
Wis. Stat. § 60.61 or 60.62 and 62.23(7), or 60.22(3) and 66.0401

00.03 Purpose.

The purpose of this ordinance is to:

- (1) Oversee the permitting of small wind energy systems
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stat. §. 66.0401).

00.04 Definitions.

In this ordinance:

- (1) "Administrator" means the Town of Burnett Land Use Administrator or Planning and Zoning Administrator
- (2) "Board" means the Town of Burnett Board of Supervisors
- (3) "Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- (4) "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (5) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (6) "Small wind energy system" means a wind energy system that
 - (a) is used to generate electricity;
 - (b) has a nameplate capacity of 100 kilowatts or less; and
 - (c) has a total height of 170 feet or less.
- (7) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (8) "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
- (9) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (10) "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

00.05 Standards.

A small wind energy system shall be a permitted use in all zoning districts subject to the following requirements:

- (1) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:
 - (a) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) any overhead utility lines, unless written permission is granted by the affected utility;
 - (c) all property lines, unless written permission is granted from the affected land owner or neighbor.
 - (d) Small wind systems shall not be placed within highway setbacks
- (2) Access.
 - (a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground.
- (3) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (4) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (5) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the land use permit.
- (6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (7) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (8) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- (9) Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system
- (10) Signal Interference. The applicant shall take reasonable steps to eliminate and/or mitigate any interference with radio or television signals caused by any wind energy system.
- (11) Minimum Ground Clearance. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than fifty (50) feet.

00.06 Permit Requirements.

- (1) Land Use Permit. A Land Use permit shall be required for the installation of a small wind energy system.
- (2) Documents: The Land Use permit application shall be accompanied by a plot plan which includes the following:

- (a) Property lines and physical dimensions of the property
 - (b) Location, dimensions, and types of existing major structures on the property
 - (c) Location of the proposed wind system tower
 - (d) The right-of-way of any public road that is contiguous with the property;
 - (e) Any overhead utility lines;
 - (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
 - (g) Tower foundation blueprints or drawings
 - (h) Tower blueprint or drawing
- (3) Fees. The application for a land use permit for a small wind energy system must be accompanied by the fee required for a land use permit for a Permitted Accessory Use.
- (4) Expiration. A permit issued pursuant to this ordinance shall expire if:
- (a) The small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or,
 - (b) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

00.07 Abandonment.

- (1) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- (2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind energy system, the Administrator may pursue a legal action to have the wind energy system removed at the Owner's expense.

00.08 Land Use Permit Procedure.

- (1) An Owner shall submit an application to the Administrator for a land use permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in 00.06 (2) above.
- (2) The Administrator shall issue a permit or deny the application within 45 days of the date on which the application is received.
- (3) The Administrator shall issue a land use permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.
- (4) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.
- (5) If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.
- (6) The Owner shall conspicuously post the land use permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

00.09 Violations.

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a land use permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

00.10 Administration and Enforcement.

- (1) This ordinance shall be administered by the Administrator or other official as designated.
- (2) The Administrator may enter any property for which a land use permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
- (3) The Administrator may issue orders to abate any violation of this ordinance.
- (4) The Administrator may issue a citation for any violation of this ordinance.
- (5) The Administrator may refer any violation of this ordinance to legal counsel for enforcement.
- (6) The transfer of title to any property shall not change the rights and duties under this ordinance.

00.11 Penalties.

- (1) Any person who fails to comply with any provision of this ordinance or a land use permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in the Town of Burnett zoning code.
- (2) Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.

00.12 Severability.

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

ORDINANCE NO. 34

**AN ORDINANCE AMENDING THE TOWN OF BURNETT ZONING
ORDINANCE AND MAP TO MORE CLOSELY FOLLOW THE
TOWN OF BURNETT COMPREHENSIVE PLAN AND THE NEW
WORKING LANDS INITIATIVE (FARMLAND PRESERVATION)**

WHEREAS the Town of Burnett adopted its Year 2030 Comprehensive Plan on April 10, 2006

WHEREAS the Town Zoning Ordinance needs to be revised to more closely follow the Comprehensive Plan

WHEREAS the Town of Burnett Zoning Update Committee has reviewed and made recommendations for revisions and a Public Hearing on these revisions was held on February 7, 2011

WHEREAS the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) has certified that these changes comply with farmland preservation zoning standards and is consistent with the County Farmland Preservation Plan

The Town Board of the Town of Burnett, Dodge County, Wisconsin, does ordain the recommended comprehensive revisions to the Town of Burnett Zoning Ordinance and map. Ordinance and map are attached.

Adopted this 13th September, 2011



Tim Fletcher, Chairman



Bob Young, Jr., Supervisor



Gerald Beier, Supervisor



Debra Waldvogel, Clerk/Treasurer

RESOLUTION # 91311

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN

MEMBERS:

WHEREAS, Dodge County, a Body Corporate under the laws of the State of Wisconsin, had adopted a comprehensive zoning ordinance which is in full force and effect, and

WHEREAS, the Town Board of the Town of Burnett has adopted a Town Zoning Ordinance for said town, the power to adopt a Town Zoning Ordinance having been granted by a referendum vote of the electors of the Town of Burnett held at the time of a regular annual town meeting, and

WHEREAS, pursuant to Section 60.62(3) of the Wisconsin Statutes adoption and amendment of a town zoning ordinance by a town board is subject to approval of the county board in counties having a zoning ordinance in force and effect, and

WHEREAS, a public hearing as to the proposed amendments to the Town Zoning Ordinance of the Town of Burnett was held by the Town Plan Commission of the Town of Burnett on February 7, 2011, and the proposed amendments to the zoning ordinance of the Town of Burnett having been adopted by the Town Board of the Town of Burnett on Sept. 13, 2011,

THEREFORE BE IT RESOLVED, that the amendments to the Town Zoning Ordinance of the Town of Burnett as represented by "Exhibit A" attached to and made a part of this resolution be and hereby are approved, by the Board of Supervisors of Dodge County, Wisconsin.

All of which is respectfully submitted this ___ day of _____, 2011.

Supervisor



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

July 7, 2011

Dean Perlick, Manager of Planning and Economic Development
Dodge County Land Resources and Parks Department
127 E. Oak Street
Juneau, WI 53039

Dear Dean:

Re: Farmland Preservation Zoning Ordinance for the Town of Burnett

Attached is a department order certifying the Town of Burnett's revised farmland preservation zoning ordinance text and map under s. 91.36, Wis. Stats. through 2021. We appreciate your patience as we implement major legislative changes to the farmland preservation program.

The department is certifying the revised zoning ordinance based on the department's review and determination that the zoning ordinance meets applicable certification requirements, including the town's and the county's certification that the zoning ordinance is consistent with the county farmland preservation plan. The certification is contingent upon the town adopting the zoning ordinance in the form certified, dated June 2011 (map) and June 15, 2011 (text).

Please send a letter confirming the town board adoption of the certified ordinance, along with a copy of the ordinance so adopted.

In our final review of the ordinance text, we noted one typo that resulted from the deletion of the CO – Conservancy district. Correcting this typo will not be considered a change from the certified ordinance draft of June 15, 2011. On page 22, change the reference from Section 3.3 (2)(B) to 3.3.1.B.

Thanks again for your cooperation. We look forward to working with you in the future on farmland preservation in the Town of Burnett. If you have any questions, feel free to contact me.

Sincerely,

Alison Volk
Land Management Section
608-224-4634

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STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

TOWN OF BURNETT (DODGE COUNTY) FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP)	DOCKET NO. 11-F-07-14-OTM (ARM Division Docket No. 11-18-14-006-O) ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2021
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INTRODUCTION

The Town of Burnett in Dodge County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s currently certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28 (“new law”).

(2) The Town of Burnett is a town in Dodge County, Wisconsin. The Town of Burnett is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Burnett currently has a certified farmland preservation zoning ordinance. The ordinance is currently certified through December 31, 2013.

(8) Dodge County has a certified farmland preservation plan. This plan is currently certified through December 31, 2021.

(9) On April 4, 2011, DATCP received an application from the Town of Burnett, in which the town asked DATCP to certify revisions to the town's currently-certified farmland preservation ordinance. The Town of Burnett submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) On April 6, 2011, DATCP confirmed by letter that the Town of Burnett's certification application was complete, and that DATCP would proceed to review the complete application.

(11) In subsequent email and telephone communications, the Town of Burnett asked or agreed to make certain technical changes to the proposed ordinance revision. This certification decision applies to the proposed ordinance *text dated June 15, 2011 (as that text was submitted to DATCP) and map dated June 2011 (as that map was submitted to DATCP)*.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an *amendment* to a certified ordinance must normally expire on the same date that the *existing ordinance certification* expires (in this case, December 31, 2013), except that DATCP may elect to certify a *comprehensive ordinance amendment* for a longer period of up to 10 years. See s. 91.36(2)(b), Wis. Stats.

(13) The proposed ordinance revisions may or may not qualify as a *comprehensive ordinance amendment*, within the meaning of ss. 59.69(5)(d) and 91.36(2)(b), Wis. Stats., for which certification could be extended for up to 10 years. Regardless of whether the proposed amendment qualifies as a *comprehensive ordinance amendment*, DATCP elects to certify the ordinance until December 31, 2021, to coordinate with the expiration of the certified Dodge County farmland preservation *plan*, which is scheduled to expire on December 31, 2021.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Burnett in its application for certification of a revised farmland preservation ordinance, DATCP concludes as follows:

- (a) The proposed Town of Burnett farmland preservation ordinance, consisting of a proposed ordinance text dated June 15, 2011, and map dated June 2011, meets certification requirements under s. 91.38, Wis. Stats.
- (b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2021.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Burnett adopting the ordinance, in the form certified (other than correction of one noted minor typographical error), before December 31, 2011.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Burnett farmland preservation ordinance, consisting of the proposed ordinance text dated June 15, 2011, and map dated June 2011 is hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning district for the Town of Burnett is the A-1 Prime Agricultural District.

(3) This certification is contingent upon the Town of Burnett adopting the certified ordinance, in the form certified (allowing for the noted correction), before December 31, 2011.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2021.

Dated this 19th day of July, 2011

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Burnett

Copies to:

Dean Perlick, Manager of Planning and Economic Development
Dodge County Land Resources and Parks Department
127 E. Oak Street
Juneau, WI 53039

DATCP Agricultural Resource Management Division

Copies to:

Kathy F. Pielsticker, Director, Bureau of Land and Water Resources
Keith Foye, Chief, Farmland Preservation Section

Capital Newspapers Proof of Publication Affidavit

Ad #: 1709617 Price: \$76.84 Ad ID: board & zoning committee

Retain this portion for your records.
Please do not remit payment until you receive your advertising invoice.

Mail to:

TOWN OF BURNETT
Deb Waldvogel
N7416 COUNTY RD I
JUNEAU, WI 53039

STATE OF WISCONSIN }
Dodge County }

ss.

Rosalie Kramer

being duly sworn, doth depose and say that
he (she) is an authorized representative of
Capital Newspapers, publishers of

Daily Citizen

a newspaper, in the city of Beaver Dam, in said County and State,
and that an advertisement of which the annexed is a true
copy, taken from said paper, was published therein on
January 24th, 2011
January 31st, 2011

PDAC

(Signed)

Rosalie A Kramer

Principal Clerk

Subscribed and sworn to before me on

1/31/2011

Nancy Schaefer

Notary Public, Wisconsin

My Commission expires February 17th, 2013

HEARING NOTICE TOWN OF BURNETT

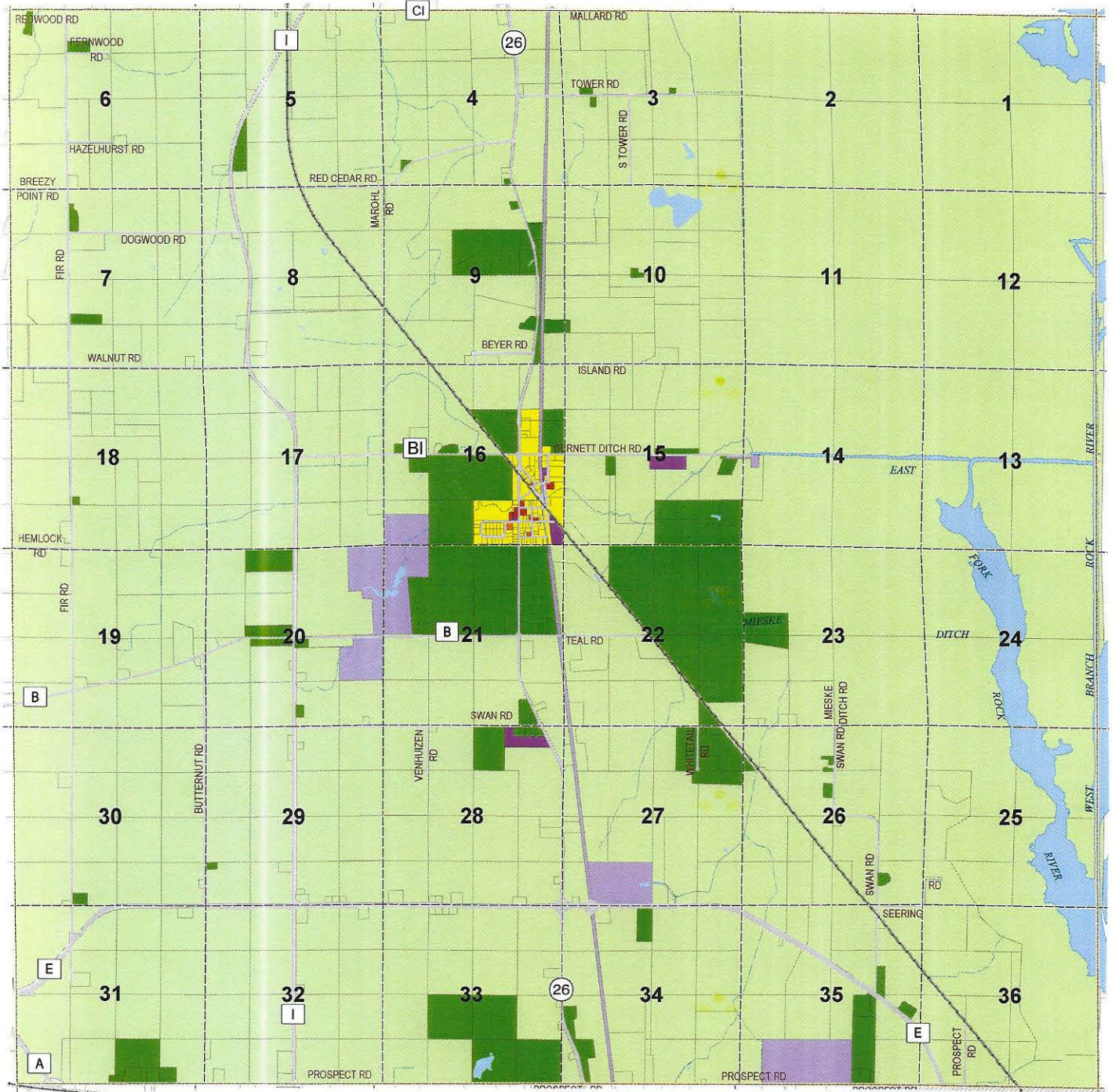
Notice is hereby given that a Public Hearing of the Town of Burnett board & Zoning Update Committee will be held on Monday, February 7, 2011 at 7p.m. at the Burnett Town Hall. The purpose of the Hearing is to review the proposed amendments to the Town Zoning Ordinance to more closely follow The Town of Burnett Comprehensive Plan and the new Working Lands Initiative (Farmland Preservation). The Zoning Update Committee may make their recommendation for further action on this proposed amended ordinance. An electronic copy of the proposed ordinance may be obtained by calling the Town Clerk/Treasurer at 920-885-5529.

/s/ Debra Waldvogel, Clerk/Treasurer

Publish Daily Citizen January 24 & 31, 2011
1709617

WNAXLP

Town of Burnett Farmland Preservation Zoning Map Dodge County, Wisconsin



Inset Unincorporated Burnett



1 inch = 900 feet

Legend

- U.S. Highway
- State Highway
- County Highway
- Town Road
- Railroad
- Town Boundary
- Section Line
- Tax Parcel Boundary
- Rivers and Streams
- Intermittent Stream

Zoning

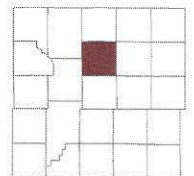
- A-1 Prime Agricultural
- A-2 General Agricultural
- C-1 Commercial
- RC Recreational
- I-1 Industrial
- R-1 Single Family Residential
- R-2 General Residential
- Road Right-of-Way
- Waterbody

THIS IS TO CERTIFY THAT THIS MAP IS A CERTIFIED COPY OF THE OFFICIAL ZONING MAP ADOPTED AND APPROVED WITH THE ZONING ORDINANCE, TOWN OF BURNETT, DODGE COUNTY, WISCONSIN ON _____ BY THE TOWN BOARD OF THE TOWN OF BURNETT. (COUNTY BOARD APPROVED _____)



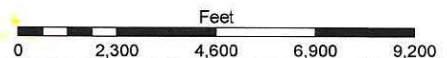
Dodge County
Land Resources and Parks
Department

Dodge County Wisconsin



Town of Burnett

Source: Dodge County Land Resources and Parks Department, June 2011





Dodge County

Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

October 19, 2011

Town of Burnett – Clerk
Debra Waldvogel
N7416 County Road I
Juneau, WI 53039

RE: County Board Resolution – Zoning Ordinance Text Amendment

On October 18, 2011 the Dodge County Board of Supervisors took up the Town's resolution to amend the Town's Zoning Ordinance.

This letter is to inform you the Dodge County Board voted to approve the Town's Zoning Ordinance Amendment resolution.

If you have any questions regarding the approval, feel free to contact this office at any time so that we may be of assistance.

Sincerely,

Joseph Giebel
Manager – Code Administration

Ordinance to Extend Town Officer Terms In Response to Election Law Changes

No. 35

Whereas, the term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April;

Whereas town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes;

Whereas this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013;

Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired;

Therefore, be it hereby ordained by the Town Board of the Town of Burnett, Dodge, County, that the terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 12 day of February 2013.

By the Town Board of the Town of Burnett, Dodge County, Wisconsin:


Town Chairperson

Attest: 
Town Clerk

Town of Burnett

Ordinance to Opt-In for Category B—IOHs to Comply with the Table of Statutory Weight Limits under Sec. 348.15(3) (g)

Ordinance No. 36

Whereas, 2013 Wis. Act 377 under Sec. 348.15 (9) (f) 1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1.b., but does apply gross vehicle weight limitations to these vehicles, and

Whereas, Wis. Stat. 348.15 (9) (f)1. authorizes the municipality or county to require compliance with axle weight limitations established under Section 348.15 (3)(g) for Category B implements of husbandry defined in Sec. 340.01(24)(a)1.b on all highways under its jurisdiction,

Now, therefore, BE IT HEREBY ORDAINED by the Town Board of the Town of Burnett, Dodge County, that pursuant to Sec. 348.15 (9)(f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry defined in Sec. 340.01(24) (a) 1.b may not exceed the weight limits imposed by Chapter 348.15 (3) (g) of Wis. Statutes.

Further, BE IT HEREBY ORDAINED that to exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the municipal jurisdiction.

Further, BE IT HEREBY ORDAINED that pursuant to Sec. 348.27 (19) (b) 4m.a in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Sec. 340.01 (24) (a) 1.b, the municipal jurisdiction or county is required to provide and approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under the entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01 (24) (a) 1.b.

Further, BE IT HEREBY ORDAINED that this ordinance shall remain in effect until rescinded by further action of the board.

Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website.

Adopted by the Town Board this 17 day of March 2015.



Town Chairperson

Attested to by the Town Clerk/Treasurer



Town Clerk/Treasurer

AN ORDINANCE OPTING IN FOR CATEGORY B-IMPLEMENTS OF HUSBANDRY TO COMPLY WITH THE TABLE OF STATUTORY WEIGHT LIMITS UNDER WIS. STAT. § 348.15(3)(G).

WHEREAS, 2013 Wis. Act 377 under Wis. Stat. §348.15(9)(f) 1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b., but does apply gross vehicle weight limitations to these vehicles;

WHEREAS, Wis. Stat. § 348.15(9)(f) 2.a. authorizes the governing body of a county to require compliance with axle weight limitations established under Wis. Stat. § 348.15(3)(g) for Category B implements of husbandry defined in Wis. Stat. § 340.01(24)(a)1.b. on any highways under its jurisdiction; and,

WHEREAS, the Dodge County Board of Supervisors finds, after due consideration, that regulating the weight of implements of husbandry on a per axle basis is more appropriate for maintenance purposes of all highways under the jurisdiction of Dodge County.

SO NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DODGE DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Wis. Stat. § 348.15(9)(f), all implements of husbandry (including Category B implements of husbandry) defined in Wis. Stat. § 340.01(24)(a) 1.b. operating on highways under the jurisdiction of Dodge County may not exceed the weight limits imposed by Wis. Stat. § 348.15(3)(g).

Section 2. To exceed the length and/or weight limitations on highways under the jurisdiction of Dodge County a no-fee permit may be applied for from the Dodge County Highway Department.

Section 3. Pursuant to Wis. Stat. § 348.27(19)(b)4m.a., in the event an application for a no-fee permit is made to Dodge County for a Category B implement of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b., Dodge County is required to provide an approved alternate route, which may include highways that are not under jurisdiction of Dodge County if prior approval has been given by the jurisdiction over the alternate routes not under jurisdiction of Dodge County for operation of Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b.

Section 4. This Ordinance shall be in full force and effect upon enactment and publication as required by law, but no earlier than January 1, 2015.

Section 5. This Ordinance shall remain in full force and effect permanently until either duly amended or repealed by the Dodge County Board of Supervisors or until January 1, 2020, as mandated by Wis. Stat. § 348.15(9)(g).

Section 6. All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this Ordinance are hereby repealed.

Respectfully submitted this 16th day of September, 2014.

Dodge County Highway Committee:

Harold Johnson
Harold Johnson

Chester Caine
Chester Caine

Randy Grebel
Randy Grebel

William T. Mucho
William T. Mucho

Jeff Berres
Jeff Berres

Enacted and approved this 16th day of September, 2014.

ADOPTED
BY DODGE COUNTY BOARD

SEP 16 2014

AYES 30 NOES 0
ABSENT 3
ABSTAIN 0

Karen J. Gibson
County Clerk

Russell Kottke
Russell Kottke, Chairman
Dodge County Board of Supervisors

Karen J. Gibson
Karen J. Gibson, County Clerk

Figure 348.15 (3) (g):

Maximum gross weight in pounds on a group of—

Distances in feet between foremost and rearmost axles of a group	2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
4	39,500	45,000	51,500	58,500	65,000	72,000	79,000
5	40,500	46,000	52,500	59,000	66,000	72,500	79,500
6	41,500	47,000	53,000	60,000	66,500	73,500	80,000
7	43,000	47,500	54,000	60,500	67,000	74,000	80,500
8	44,000	48,500	54,500	61,000	68,000	74,500	81,500
9	45,000	49,500	55,500	62,000	68,500	75,500	82,000
10	46,000	50,500	56,000	62,500	69,000	76,000	82,500
11		51,000	57,000	63,500	70,000	76,500	83,500
12		52,000	57,500	64,000	70,500	77,500	84,000
13		53,000	58,500	65,000	71,500	78,000	84,500
14		53,500	59,500	65,500	72,000	78,500	85,500
15		54,500	60,000	66,000	72,500	79,500	86,000
16		55,500	61,000	67,000	73,500	80,000	86,500
17		56,500	61,500	67,500	74,000	80,500	87,500
18		57,000	62,500	68,500	75,000	81,500	88,000
19		58,000	63,000	69,000	75,500	82,000	88,500
20		59,000	64,000	70,000	76,000	82,500	89,500
21		60,000	64,500	70,500	77,000	83,500	90,000
22		60,500	65,500	71,500	77,500	84,000	90,500
23		61,500	66,000	72,000	78,000	84,500	91,500
24		62,500	67,000	72,500	79,000	85,500	92,000
25		63,000	67,500	73,500	79,500	86,000	
26		64,000	68,500	74,000	80,500	86,500	
27		65,000	69,000	75,000	81,000	87,500	
28		66,000	70,000	75,500	81,500	88,000	
29			71,000	76,500	82,500	88,500	

Distances in feet between foremost and rearmost axles of a group	2 axles of a vehicle or combination of vehicles	3 axles of a vehicle or combination of vehicles	4 axles of a vehicle or combination of vehicles	5 axles of a vehicle or combination of vehicles	6 axles of a vehicle or combination of vehicles	7 axles of a vehicle or combination of vehicles	8 axles of a vehicle or combination of vehicles
30			71,500	77,000	83,000	89,500	
31			72,500	77,500	83,500	90,000	
32			73,000	78,500	84,500	90,500	
33			74,000	79,000	85,000	91,500	
34			74,500	80,000	86,000	92,000	
35			75,500	80,500	86,500		
36			76,000	81,500	87,000		
37			77,000	82,000	88,000		
38			77,500	83,000	88,500		
39			78,000	83,500	89,500		
40			79,000	84,000	90,000		
41			80,000	85,000	90,500		
42			80,500	85,500	91,500		
43			81,500	86,500	92,000		
44			82,500	87,000			
45			83,000	88,000			
46			84,000	88,500			
47			84,500	89,000			
48			85,500	90,000			
49			86,000	90,500			
50			87,000	91,500			
51			87,500	92,000			
52			88,500				
53			89,000				
54			90,000				
55			90,500				
56			91,500				
57			92,000				

SECTION 47. 348.15 (8) of the statutes is amended to read:

348.15 (8) Unless the department provides otherwise by rule, any axle of a vehicle or combination of vehicles which does not impose on the highway at least 8% of the gross weight of the vehicle or combination of vehicles may not be counted as an axle for the purposes of sub. (3) (c) and (g).

SECTION 48. 348.15 (9) of the statutes is created to read:

348.15 (9) (a) Except as provided in pars. (c), (e), and (f), the increased weight allowance for implements of husbandry and agricultural commercial motor vehicles under sub. (3) (b) and (g) applies in lieu of, not in addition to, any other increased weight allowance for implements of husbandry authorized under this chapter.