

TITLE 1

General Provisions for Use of Code of Ordinances

Chapter 1	Use and Construction of Code of Ordinances
Chapter 2	Use of Citation

Title 1 ► Chapter 2

Issuance of Citations

1-2-1	Method of Enforcement
1-2-2	Information Contained in Citation
1-2-3	Form of Citation
1-2-4	Schedule of Deposits
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Sec. 1-2-1 Method of Enforcement.

The Town of Friendship hereby elects to use the citation method of enforcement of ordinances. All Town law enforcement officers and other Town personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

Sec. 1-2-2 Information Contained in Citation.

The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The Section of the Ordinance and/or state statute violated.
- (e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled court appearance.
 - (2) That, if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.

- (3) That, if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
- (4) That, if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (h) A direction that, if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection (g) above has been read. Such statement shall be sent or brought with the cash deposit.
- (i) Such other information as the Town deems necessary.

Sec. 1-2-3 Form of Citation.

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

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The date and place of the offense;
- (d) The Section of the Ordinance violated;
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;
- (g) A statement which, in essence, informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That, if the alleged violator makes such a deposit, he/she need not appear in court unless subsequently summoned;
 - (3) That, if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 800.10, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Section 165.87, Wis. Stats.
- (h) A direction that, if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read

the statement required under Subsection (g) and shall send the signed statement with the cash deposit;

- (i) Such other information as may be deemed necessary.

Sec. 1-2-4 Schedule of Deposits.

- (a) The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Chapter according to the penalty provision of this Code, a copy of which is on file with the Town Clerk.
- (b) Deposits shall be made in cash, money order or certified check to the Clerk of Court who shall provide a receipt therefor.

Sec. 1-2-5 Procedure.

Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

Sec. 1-2-6 Nonexclusivity.

- (a) **Other Ordinance.** Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance, including, but not limited to, summons and complaint, relating to the same or other matter.
- (b) **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

TITLE 2

Government and Administration

Chapter 1	General Provisions and Elections
Chapter 2	Town Meetings
Chapter 3	Town Board
Chapter 4	Town Officers and Employees
Chapter 5	Boards, Commissions and Committees
Chapter 6	Ethical Standards

Title 2 ► Chapter 1

General Provisions and Elections

2-1-1	Legal Status; General Town Powers
2-1-2	Village Powers
2-1-3	Voter Registration
2-1-4	Polling Place
2-1-5	Election Poll Hours; Workers; Wards
2-1-6	Official Newspaper

Sec. 2-1-1 Legal Statutes; General Town Powers.

- (a) The Town of Friendship, Fond du Lac County, Wisconsin is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, as the Town of Friendship.
- (b) The Town may:
 - (1) Sue and be sued.
 - (2) Acquire and hold real and personal property for public use and convey and dispose of the property.
 - (3) Enter into contracts necessary for the exercise of its corporate powers.

State Law Reference: Sec. 60.01, Wis. Stats.

Sec. 2-1-2 Village Powers.

The Town Meeting having, by resolution, adopted at the annual meeting on April 3, 1956, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town of Friendship shall have said powers through its Board. This is a continuing grant of powers.

State Law Reference: Secs. 60.10(2)(c), 60.22(3) and Ch. 61, Wis. Stats.

Sec. 2-1-3 Voter Registration.

- (a) Pursuant to the provisions of Sec. 6.27(2) of the Wisconsin Statutes, the Town of Friendship elects that registration shall be required for all primaries and elections in the Town of Friendship.
- (b) The Town Clerk of the Town of Friendship shall forthwith certify this action to the County Clerk and to the Secretary of State.

Sec. 2-1-4 Polling Place.

The polling place serving all wards in the Town of Friendship shall be the Friendship Town Hall.

State Law Reference: Sec. 5.25(2), Wis. Stats.

Sec. 2-1-5 Election Poll Hours; Workers.

- (a) **Poll Hours.** The voting polls in the Town of Friendship, Fond du Lac County, Wisconsin, shall be open from 8:00 a.m. to 8:00 p.m. for all elections.
- (b) **Number of Election Officials.**
 - (1) The Town Clerk shall be authorized to employ election officials (poll workers and tabulators) for each election sufficient to conduct said election effectively, the minimum number of election officials necessary at any one time for any one (1) election being three (3). It is further authorized that two (2) sets of election officials may be used at different times at any one (1) election with the total number of election officials working at one time to be an odd number.
 - (2) The Town Clerk shall have the power to limit or reduce the number of election officials. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Town Clerk shall further redistribute duties among the remaining officials.
- (c) **Tabulators.** The Town Clerk may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Town Clerk shall select and employ tabulators, if needed, for any election.
- (d) **Wards.**
 - (1) Wards have been established in the Town of Friendship for election purposes. However, there are various elections where Town electors from more than one (1) ward vote for offices that are identical to those in other wards, and the Town Board has determined that tabulating vote totals by ward requires more time by election

officials and occasionally require more inspectors to work at elections. Thus, the Town Board has determined that there is no administrative advantage to having vote totals by ward when voting for common offices.

- (2) For the reasons stated above, the Town Board has determined that wards will be combined for vote reporting purposes for those wards voting for common office(s).

State Law Reference: Sec. 7.30(1) and (3), Wis. Stats.

Sec. 2-1-6 Official Newspaper.

The Town of Friendship shall use posting pursuant to the Wisconsin Statutes as its means of giving notice. When publication is required by the Wisconsin Statutes or when directed by the Town Board as a substitute to posting, the official newspaper of the Town of Friendship shall be the *Fond du Lac Reporter*.

Title 2 ► Chapter 2

Town Meetings

2-2-1	Town Meeting Definitions
2-2-2	Powers of Town Meeting
2-2-3	Annual Town Meeting
2-2-4	Special Town Meetings
2-2-5	Presiding Officer at Town Meetings
2-2-6	Procedure at All Town Meetings
2-2-7	Clerk of Town Meetings

Sec. 2-2-1 Town Meeting Definitions.

In this Code of Ordinances the following definitions shall be applicable:

- (a) **Annual Town Meeting.** The Town meeting held under Sec. 60.11, Wis. Stats.
- (b) **Special Town Meeting.** A Town meeting, other than the annual Town meeting, held under Sec. 60.12, Wis. Stats.
- (c) **Town Meeting.** The annual Town meeting or a special Town meeting.

State Law Reference: Sec. 60.001, Wis. Stats.

Sec. 2-2-2 Powers of Town Meeting.

- (a) **Direct Powers.** Town Meeting may:
 - (1) **Raise money.** Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - (2) **Town offices and officers.**
 - a. Fix the compensation of elective Town offices under Sec. 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - b. Combine the offices of Town Clerk and Town Treasurer under Sec. 60.305(1), Wis. Stats.

- c. Combine the offices of Town Assessor and Town Clerk under Sec. 60.305(2), Wis. Stats.
 - d. Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
 - e. Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under Sec. 60.305(1)(b), Wis. Stats.
- (3) **Election of town officers.**
- a. Adopt a plan under Sec. 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
 - b. Provide under Sec. 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.
- (4) **Public Waterways.** Appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, Wis. Stats.
- (5) **Cemeteries.** Authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), Wis. Stats.
- (6) **Administrator agreements.** Approve agreements to employ an Administrator for more than three (3) years under Sec. 60.37(3)(d), Wis. Stats.
- (b) **Directives or Grants of Authority to Town Board.** Except as provided under Subsection (c), directives or grants of authority to the Town Board under this Subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town Meeting directing or authorizing the Town Board to exercise one of the optional powers of this Subsection shall include language that makes the intent of those attending the Town Meeting clear. A resolution adopted under this Subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town Meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This Subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town Meeting may:
- (1) **Raise money.** Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.
 - (2) **Membership of Town Board in populous towns.** If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under Sec. 60.21(2), Wis. Stats.
 - (3) **Exercise of village powers.** Authorize the Town Board to exercise powers of a Village Board under Sec. 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.
 - (4) **General obligation bonds.** Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.

- (5) **Purchase of land.** Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.
- (6) **Town buildings.** Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.
- (7) **Disposal of property.** Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.
- (8) **Watershed protection and soil and water conservation.** Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.
- (9) **Appointed assessors.** Authorize the Town Board to select Assessors by appointment under Sec. 60.307(2), Wis. Stats.
- (10) **Compensation of elective Town offices.** Authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), Wis. Stats.
- (c) **Authorization to Town Board to Appropriate Money.** The Town Meeting may authorize the Town Board to appropriate money in the next annual budget for:
 - (1) **Conservation of natural resources.** The conservation of natural resources by the Town or by a bona fide nonprofit organization under Sec. 60.23(6), Wis. Stats.
 - (2) **Civic functions.** Civic and other functions under Sec. 60.23(3), Wis. Stats.
 - (3) **Insects, weeds and animal diseases.** The control of insect pests, weeds or plant or animal diseases within the Town.
 - (4) **Rural numbering systems.** Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under Sec. 59.07(65), Wis. Stats.
 - (5) **Cemetery improvements.** The improvement of a Town cemetery under Sec. 157.50(5), Wis. Stats.

State Law Reference: Sec. 60.10, Wis. Stats.

Sec. 2-2-3 Annual Town Meeting.

- (a) **Requirement.** The Town of Friendship shall hold an annual Town meeting as provided in this Section.
- (b) **When Held.**
 - (1) Except as provided in Subsection (b)(2) below, the annual Town meeting shall be held on the second (2nd) Tuesday of April.
 - (2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above for the next annual Town meeting if the date is within ten (10) days after the second (2nd) Tuesday of April.

- (c) **Where Held.**
- (1) The annual Town meeting may be held in the Town or in any village or city within or adjoining the Town of Friendship.
 - (2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.
- (d) **Adjournment.** The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under Subsection (b). Business not acted on at the annual meeting, or within the thirty (30) days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under Sec. 60.12, Wis. Stats.
- (e) **Notice.** No public notice of the annual Town meeting is required if held as provided under Subsection (b)(1). If held as provided under Subsection (b)(1), notice of the time and date of the meeting shall be given under Sec. 60.12(3), Wis. Stats.
- (f) **Jurisdiction.** The annual Town meeting may transact any business over which the Town meeting has jurisdiction.
- (g) **Poll List.** The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

State Law Reference: Sec. 60.11, Wis. Stats.

Sec. 2-2-4 Special Town Meetings.

- (a) **Who May Convene.** A special Town meeting may be convened if:
- (1) Called by a Town meeting.
 - (2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk.
 - (3) Called by the Town Board.
- (b) **Time, Date and Purpose to be Stated.** If a special Town meeting is requested or called under Subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- (c) **Notice.** The Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.

(d) **Location.**

(1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.

(2) A special Town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.

(e) **Adjournment.** A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.

(f) **Jurisdiction.** Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

State Law Reference: Sec. 60.12, Wis. Stats.

Sec. 2-2-5 Presiding Officer at Town Meetings.

(a) **Who Presides.**

(1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in Sec. 2-1-1. If the Town Board Chairperson is absent, the First Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.

(2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.

(b) **Duties.** The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

(c) **Enforcement Authority.** The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

State Law Reference: Sec. 60.13, Wis. Stats.

Sec. 2-2-6 Procedure at All Town Meetings.

(a) **Qualified Voters.** Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

- (b) **Definition.** A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.
- (c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.
- (d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.
- (e) **Reconsideration of Actions.**
 - (1) No reconsideration of any vote shall be had at any Town meeting unless it be taken by a majority vote within one (1) hour from the time such vote shall have been passed, or if taken later than one (1) hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a Town meeting shall be determined by a majority of the electors voting.
 - (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under Sec. 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Sec. 60.14, Wis. Stats.

Sec. 2-2-7 Clerk of Town Meetings.

The Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk is absent, the Deputy Town Clerk, if the Town has one, shall serve as town meeting clerk. If the Deputy Clerk is absent, the Town meeting chairperson shall appoint a clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under Sec. 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk within five (5) days after the meeting.

State Law Reference: Sec. 60.15, Wis. Stats.

Title 2 ► Chapter 3

Town Board

2-3-1	Town Board; Elections to
2-3-2	General Powers and Duties of the Town Board
2-3-3	Miscellaneous Powers of the Town Board
2-3-4	Powers and Duties of Town Board Chairperson
2-3-5	Internal Powers of the Board
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2-3-11	Order of Business
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2-3-18	Amendment of Rules
2-3-19	Suspension of Rules

Sec. 2-3-1 Town Board; Elections to.

- (a) **Membership.** The Town Board consists of two (2) Supervisors of the Town of Friendship and the Chairperson.
- (b) **Elections.**
- (1) There shall be elected one (1) Supervisor from the Town at large who shall be designated as the "Chairperson" and whose term shall be for a period of two (2) years.
 - (2) Biennially in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Friendship Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) elected as Supervisors, designated Supervisor 1 and Supervisor 2 respectively.

State Law Reference: Sec. 60.20, Wis. Stats.

Sec. 2-3-2 General Powers and Duties of the Town Board.

The Town Board of the Town of Friendship has the specific authority, powers and duties, pursuant to Sections 60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Friendship. In addition, the Town Board of the Town of Friendship has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats., and as prescribed by this Code of Ordinances.

- (a) **Charge of Town Affairs.** The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).
- (b) **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town is a party.
- (c) **Village Powers.** As authorized under Sec. 60.10(2)(c), Wis. Stats., and Sec. 2-1-2 of this Code, the Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.
- (d) **Jurisdiction of Constable.** Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.
- (e) **Pursue Certain Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

State Law Reference: Secs. 60.10(2)(c) and 60.22, Wis. Stats.

Sec. 2-3-3 Miscellaneous Powers of the Town Board.

The Town Board may:

- (a) **Joint Participation.** Cooperate with the state, counties and other units of government under Sec. 66.30, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the Town.
- (b) **Utility Districts.** Establish utility districts under Sec. 66.072, Wis. Stats., and provide that any convenience or public improvement in the district be paid for under that Section. A utility district may be used when special services such as, but not limited to, street lighting, sidewalks, sewers, water systems, etc., are to be installed in a particular area of the Town only.
- (c) **Appropriations for Civic and Other Functions.** If authorized under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gifts or donations to be used to:

- (1) Further civic functions and agricultural societies.
 - (2) Advertise the attractions, advantages and natural resources of the Town.
 - (3) Attract industry.
 - (4) Establish industrial complexes.
 - (5) Establish, maintain and repair ecological areas.
 - (6) Provide for the organization, equipment and maintenance of a municipal band or for the employment of other bands to give concerts and municipal entertainment in the Town.
- (d) **Town Industrial Development Agency.** In order to promote and develop the resources of the Town, appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this Subsection. A Town industrial development agency created under this Subsection and Sec. 60.23(4), Wis. Stats., may:
- (1) Develop data regarding the industrial needs of, advantages of and sites in the Town.
 - (2) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town.
 - (3) Coordinate its activities with the Regional Planning Commission, the Wisconsin Department of Development and private credit development organizations.
 - (4) Engage in any other activity necessary for the continued improvement of the Town's industrial climate.
- (e) **Cooperation in County Planning.** Cooperate with the county in rural planning under Secs. 27.015, 59.07(65) and 59.97, Wis. Stats.
- (f) **Conservation of Natural Resources.** If authorized by the Town meeting under Sec. 60.10(3)(a), Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town or beneficial to the Town. No payment may be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of the work to be done. The plan shall include the name of the owner of any property on which work is to be performed.
- (g) **Obstructions in Non-navigable Waters.** Remove, at the expense of the Town, any obstruction located in the Town which prevents the natural flow of water in a non-navigable stream. One or more Supervisors, or a designee of the Board, may enter upon any land if necessary to remove the obstruction.
- (h) **Emergency Pest and Disease Control.** Appropriate money for the control of insects, weeds or plant or animal diseases if:
- (1) An emergency arises within the Town due to insects, weeds or plant or animal diseases; and
 - (2) The Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.

- (i) **Bowling Alleys, Pool Tables and Amusement Devices.** Regulate, including the licensing of, bowling alleys, billiard and pool tables and other amusement devices maintained in commercial facilities. If a license is required, the Board shall establish the term of the license, not to exceed one (1) year, and the license fee. The Board may suspend or revoke, for cause, a license issued under this Subsection. Any person violating a regulation adopted under this Subsection shall forfeit to the Town an amount established by the Town Board.
- (j) **Reimbursement of School Districts for Providing Transportation in Hazardous Areas.** Reimburse a school district for costs incurred by the district under Sec. 121.54(9), Wis. Stats., in transporting pupils who reside in the Town.
- (k) **Exchange Tax Credit for County Land.** Authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned lands.
- (l) **Associations of Towns.** Appropriate money to purchase membership in any association of town boards, town officials or town government for the protection of Town interests and improvement of Town government.
- (m) **Vacation of Alleys.** Vacate any alley in the Town under Sec. 66.296, Wis. Stats. The Town Board may not vacate, under this Subsection, an alley adjacent to land fronting a state or county trunk highway.
- (n) **Cemeteries.** Provide for cemeteries under Ch. 157, Wis. Stats.
- (o) **Change Street Names.** Name, or change the name of, any street in the Town under Sec. 81.01(11), Wis. Stats.
- (p) **Use of Firearms.** Regulate the careless use of firearms and impose forfeitures for violation of the regulations.
- (q) **Fences in Subdivisions.** Require a subdivider to construct a fence under Sec. 90.02, Wis. Stats., on the boundary of a subdivision, as defined under Sec. 236.02(8), Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under Sec. 90.05(2), Wis. Stats., and repaired under Secs. 90.10 and 90.11.
- (r) **Disposition of Dead Animals.** Notwithstanding Sections 59.07(84) and 95.50(3), Wis. Stats., dispose of any dead animal within the Town or contract for the removal and disposition with any private disposal facility. The Town may enter into a contract with any other governmental unit under Sec. 66.30 to provide for the removal and disposition. The Town may recover its costs under this Subsection by levying a special assessment under Sec. 66.345, Wis. Stats.

State Law Reference: Sec. 60.23, Wis. Stats.

Sec. 2-3-4 Powers and Duties of Town Board Chairperson.

- (a) **General Powers and Duties.** The Town Board Chairperson shall:
 - (1) **Preside at Board meetings.** Preside over meetings of the Town Board.

- (2) **Preside at Town meetings.** Preside over Town meetings as provided under Sec. 60.13, Wis. Stats., and Sec. 2-2-5 of this Code.
- (3) **Sign documents.**
 - a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Chairperson. The Board, by ordinance, may authorize use of a facsimile signature.
 - b. Sign all drafts, order checks and transfer orders as provided under Sec. 66.042, Wis. Stats.
- (4) **Assure administration of Statutes.** Supervise the administration of the Wisconsin Statutes relating to the Town and Town operations to see that they are faithfully executed.
- (5) **Act on behalf of Board.** Act, on behalf of the Town Board, to:
 - a. See that Town orders and Ordinances are obeyed.
 - b. See that peace and order are maintained in the Town.
 - c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 166. Wis. Stats.
- (6) **Act on authorization of Board.** If authorized by the Town Board, act on behalf of the Board to:
 - a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval. Although the Town Board may direct the Chairperson to solicit bids and quotations, the final decision as to which bid to accept or the decision to enter into a contract shall be made by the entire Board.
 - b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.
- (b) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.
- (c) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:
 - (1) Nominate election officials when the Town Board disapproves the nominee of a party committee under Sec. 7.30(4)(b)2, Wis. Stats.
 - (2) Serve as caucus official under Sec. 8.05(1)(c), Wis. Stats.
 - (3) Sue on official bonds under Sec. 19.015, Wis. Stats.
 - (4) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under Sec. 24.67, Wis. Stats.
 - (5) Serve as Town fire warden under Secs. 26.13 and 26.14, Wis. Stats.
 - (6) Appoint members of library boards under Secs. 43.54(1)(a) and 43.60(3), Wis. Stats.
 - (7) Exercise the powers and duties specified for a mayor under Sec. 62.13, Wis. Stats., if the Town creates a joint board of police and fire commissioners or joint police or

- fire department with a village under Sec. 61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under Sec. 60.57, Wis. Stats.
- (8) Provide an annual estimate of funds necessary for any utility district established under Sec. 66.072(2), Wis. Stats.
 - (9) Publish annually a notice regarding noxious weeds and appoint one (1) or more commissioners of noxious weeds under Secs. 66.96 to 66.99, Wis. Stats.
 - (10) Sign general obligation bonds issued by the Town under Sec. 67.08(1), Wis. Stats.
 - (11) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), Wis. Stats.
 - (12) Approve the bond of the Town Clerk delivered to the County Treasurer under Sec. 70.67(1), Wis. Stats.
 - (13) Perform duties in connection with selection of jurors in actions relating to the taking of property to provide access to a cemetery, fairground or land used for industrial expositions under Sec. 80.48(3) and (4), Wis. Stats.
 - (14) Sign orders for payment of work performed and materials furnished on Town highways under Sec. 81.04, Wis. Stats.
 - (15) See that all tunnels in the Town are constructed under Sec. 81.35, Wis. Stats., and that they are kept in good repair.
 - (16) If applicable, serve as a member of the County Highway Committee under Sec. 83.015(1)(d), Wis. Stats.
 - (17) If applicable, close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under Sec. 80.09, Wis. Stats.
 - (18) If applicable, appoint members to Airport commissions under Sec. 114.14(2), Wis. Stats.
 - (19) If applicable, vote or designate another Supervisor to vote on whether to abolish a city school district and create a common school district or a unified school district containing the territory of a city school when an order for school district reorganization has been issued under Sec. 120.50, Wis. Stats.
 - (20) Perform the Town Chairperson's duties related to jewelry auction sales under Sec. 130.07, Wis. Stats.
 - (21) Under Sec. 167.10, Wis. Stats., enforce regulation of fireworks.
 - (22) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
 - (23) Perform the Town Chairperson's duties related to distrained animals under Ch. 172, Wis. Stats.
 - (24) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 173, Wis. Stats.
 - (25) If applicable, perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.

- (26) If applicable, cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under Sec. 778.11, Wis. Stats.
- (27) If applicable, notify the district attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
- (28) Approve bonds furnished by contractors for public works under Sec. 779.14(1), Wis. Stats.

State Law Reference: Sec. 60.24, Wis. Stats.

Sec. 2-3-5 Internal Powers of the Board.

The Town Board has power to preserve order at its meetings, compel attendance of Supervisors and punish nonattendance.

Sec. 2-3-6 Meetings of the Town Board.

Regular meetings of the Town Board of the Town of Friendship will be held at the Friendship Town Hall at 7:00 p.m. on the second Thursday of each month, or as otherwise determined by the Town Board. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board, including any special or adjourned meetings that are not held at the Town Hall but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

Sec. 2-3-7 Special Meetings of the Board.

- (a) Any special meeting of the Town Board may be called by the Chairperson or two (2) members of the Town Board of the Town of Friendship in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least twenty-four (24) hours prior to the proposed special meeting of the Town Board with the time specified in the written call for the special meeting.
- (b) No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meeting Law, pursuant to Sec. 19.82, Wis. Stats., have been complied with by the person or persons requesting the public meeting.

- (c) The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written notice or by having the written notice delivered personally to each member of the Town Board. If any member of the Town Board cannot be personally notified in writing, then the Town Clerk shall deliver or have delivered a copy of the written notice at the home of any such member of the Town Board in the presence of an adult member of the family of the Town Board member. If any member of the Town Board cannot be noticed in writing through an adult family member as noted above, then the Town Clerk shall post such special meeting written notice in the above noted three (3) usual and customary locations.
- (d) The Town Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board. If personal service upon any member of the Town Board was not completed, then the Town Clerk shall so state in the affidavit the type of service or written notice completed.
- (e) Special meetings of the Town Board may be held without such service and notice when all members of the Town Board are present in person or consent in writing to holding of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of any special meeting of the Town Board.
- (f) Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town of Friendship business that may come before the Town Board is such regular Town business was so noted in the written notice to the public as required by the State Open Meeting Law, Sec. 19.82, Wis. Stats.

Sec. 2-3-8 Open Meetings.

All Town Board and official Town committee and commission meetings shall be open to the public and be in compliance with Wisconsin's Open Meeting Law.

State Law Reference: Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-3-9 Quorum.

A majority of the Board shall constitute a quorum, but a lesser number may adjourn if a majority is not present. The Chairperson shall be counted in determining whether a quorum exists. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be thereon adjourned by the members of the Town Board present to a specific date and hour.

Sec. 2-3-10 Presiding Officer; Absence of Chairperson or Clerk.

- (a) **Chairperson to Preside.** The Chairperson shall preside at all meetings of the Town Board when present.
- (b) **Absence of Chairperson at Call to Order of Meeting.**
 - (1) If the Town Chairperson is not present at the time for the call to order, the senior member of the Town Board present, known as "Supervisor I", based on date of original election as a member of the Town Board, shall call the meeting of the Town Board to order, call the initial roll call and shall preside until the Town Chairperson is able to preside at the meeting of the Town Board.
 - (2) If the Town Chairperson will not be able to, at anytime, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chairperson for the meeting of the Town Board until the Town Chairperson is able to preside at the meeting.
- (c) **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy Clerk or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Town Clerk.

Sec. 2-3-11 Order of Business.

- (a) **Order of Business.** At all meetings, the following order may be observed in conducting the business of the Town Board:
 - (1) Call to Order by presiding officer;
 - (2) Roll call;
 - (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
 - (4) Reports from officials of the Town;
 - (5) Reports from committees;
 - (6) Unfinished business remaining from preceding sessions in the order in which it was introduced;
 - (7) New business; ordinances and resolutions may be introduced and considered;
 - (8) Business as may be presented by the Chairperson and Supervisors;
 - (9) Presentation of petitions, memorials, remonstrances, and communications;
 - (10) Miscellaneous;
 - (11) Adjournment.

(b) **Agenda Preparation.**

- (1) The Town Clerk shall prepare an agenda incorporating the matters comprising the order of business; and
- (2) There be included on said agenda a time for hearing citizens wishing to address the Board; and
- (3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Clerk at least five (5) business days prior to the meeting, (except in emergency situations as determined by the Chairperson or Town Clerk), nor shall the agenda be amended to include said matter, either prior to ordering the meeting, except when the members of the Board unanimously agree to the agenda addition.

(c) **Order to be Followed; Citizen Comments.**

- (1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.
- (2) a. At meetings of the Town Board no person, other than the members of this Board, shall address the Town Board or any member of the Town Board. This provision shall not apply to:
 1. The Town Clerk.
 2. The Town Treasurer.
 3. The Town Constable.
 4. Any member of the Town Board.
 5. Town Engineer or Town Attorney.
- b. This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.
- c. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board, following the guidelines in Section 2-3-14.

- (d) **Roll Call; Procedure When Quorum Not in Attendance.** As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members of alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn.

Sec. 2-3-12 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written

material introduced shall be read and then discussed and acted upon as the Board deems appropriate.

- (b) **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the number and title of the Ordinance to be amended or repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
 - (1) The Town Board may take action on an Ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.
 - (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk in written form a minimum of two (2) days prior to the meeting at which action is requested (except in emergency situations as determined by the Chairperson or Town Clerk).
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk or other Town officer for reference to the Town Board, shall be delivered by the Clerk or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

Sec. 2-3-13 Conduct of Deliberations.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.
 - (3) When requested by the State Statutes of Wisconsin.
- (b) All aye and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Copyright 1992*, which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:
 - (1) No Supervisor shall address the Board until he/she has been recognized by the presiding officer. The Supervisor shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

Sec. 2-3-14 Procedure at Public Hearings.

- (a) The Chairperson shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking on behalf of the proposition shall be limited in time of five (5) minutes.
- (c) The Chairperson shall then call on those persons who wish to oppose the proposition.
- (d) Each such person wish to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the Chairperson in his discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Sec. 2-3-15 Motions; Voting.

- (a) **Motions Stated.** Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Town Board and provided to the Town Clerk prior to the meeting shall be provided priority in the appropriate order of business. The Town Chairperson may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter.
- (b) **Change of Vote.** No member of the Town Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (c) **Motions With Preference.** During any meeting of the Town Board certain motions will have preference. In order of precedence they are:
 - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the

- action item, business item, motion or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
- (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.
 - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Town Board.
 - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
 - (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
 - (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (d) **Public Directory Votes.** No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as

a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

Sec. 2-3-16 Reconsideration of Questions.

It shall be in order for any member if, in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

Sec. 2-3-17 Publication or Posting of Ordinances and Resolutions.

- (a) **General Requirement.** The Town Clerk shall publish as a Class 1 notice under Ch. 985, Wis. Stats., or post in at least three (3) places in the Town likely to give notice to the public, the following, within thirty (30) days after passage or adoption:
 - (1) Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under Sec. 60.10, Wis. Stats.
 - (2) Ordinances adopted by the Town Board.
 - (3) Resolutions of general application adopted by the Town Board and having the effect of law.
- (b) **Requirement for Forfeitures.** If an ordinance imposes a forfeiture, posting may not be used in lieu of publication under Subsection (a).
- (c) **Effective Upon Publication.** An ordinance, resolution, motion or other action required to be published or posted under this Section shall take effect the day after its publication or posting, or at a later date if expressly provided in the ordinance, resolution, motion or action.
- (d) **Affidavit of Posting.** If an ordinance, resolution, motion or other action is posted under this Section, the Clerk shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

State Law Reference: Sec. 60.80, Wis. Stats.

Sec. 2-3-18 Amendment of Rules.

The rules of this Chapter shall not be rescinded or amended unless the proposed ordinance amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-third (2/3) of all the members of the Board.

Sec. 2-3-19 Suspension of Rules.

Any of the provisions of Sections 2-3-13 through 2-3-16, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.

Title 2 ► Chapter 4

Town Officers and Employees

2-4-1	Election of Town Officers; General Provisions
2-4-2	Temporary Vacancies
2-4-3	Official Oath and Bond
2-4-4	Compensation of Elective Town Offices
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2-4-7	Town Clerk
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2-4-17	Custody of Official Property
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2-4-19	Form of Official Oath

Sec. 2-4-1 Election of Town Officers; General Provisions.

- (a) **Elected Town Officers.** At the annual spring election, the Town shall, in odd-numbered years, elect a Chairperson and two (2) Supervisors. The following officers of the Town of Friendship shall be chosen at the annual Town election in odd-numbered years for terms of two (2) years commencing on the first Tuesday of April in the year of their election:
- (1) A Town Clerk.
 - (2) A Town Treasurer.
- (b) **Restrictions.**
- (1) Only an elector of the Town may hold a Town office, other than an Assessor appointed under Sec. 60.307, Wis. Stats., if the Town elects to change the office of Assessor to an appointed position.

- (2) No person may hold the offices of Town Treasurer and Town Assessor at the same time. No person may assume the office of Town Assessor unless certified by the Department of Revenue, under Sec. 73.09, as qualified to perform the functions of the office of Town Assessor. If the Town reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Town Board shall fill the vacancy from a list of persons certified by the Department of Revenue.
- (c) **Notice of Election.** Within five (5) days after completion of the canvass under Sec. 7.53, Wis. Stats., the Town Clerk shall transmit a notice of election to each person elected to a Town office.
- (d) **Term of Office.**
 - (1) Every elected Town officer shall hold the office for two (2) years.
 - (2) The regular term of elected Town officers, other than the Town Assessor, if elected, commenced on the second (2nd) Tuesday of April in the year of their election.

State Law Reference: Section 60.30, Wis. Stats.

Sec. 2-4-2 Temporary Vacancies.

- (a) If any elected Town officer, other than a Supervisor, is absent or temporarily incapacitated for any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under Sec. 60.31, Wis. Stats.
- (b) Vacancies on the Town Board shall be filled by appointment by the remaining Supervisors and the Town Clerk, except when the vacancy is caused by removal by the Circuit Judge as provided by law, which latter vacancy shall be filled by appointment by the said Judge. Persons appointed under this Subsection to fill vacancies shall hold office for the residue of the unexpired term.
- (c) If any elected Town officer, other than a Supervisor, refuses to perform any official duty, the Town Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under Sec. 60.31, Wis. Stats. This paragraph does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.

State Law Reference: Section 60.30(5), Wis. Stats.

Sec. 2-4-3 Official Oath and Bond.

- (a) **Official Oath.** Except as provided in Subsection (c), every elected or appointed Town officer shall take and file the oath under Sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.

- (b) **Official Bond.** The Town Clerk, Town Treasurer and elected Assessor, if applicable, shall execute and file an official bond provided by the Town. No natural person may be a surety on a bond under this Subsection. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within ten (10) days in an amount fixed by the Board. If the Town Board establishes Deputy Clerk or Treasurer positions, such persons shall be bonded.
- (c) **Exceptions.** If the Town reverts to a system of electing an Assessor and/or creates a Municipal Court:
- (1) An elected Assessor shall take and file the official oath and bond at any time between May 27 to May 31.
 - (2) The Municipal Judges shall take and file the official oath and bond under Sec. 755.03, Wis. Stats.
- (d) **Failure to File Oath or Bond.** If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

State Law Reference: Section 60.31, Wis. Stats.

Cross-Reference: Section 2-4-19.

Sec. 2-4-4 Compensation of Elective Town Offices.

- (a) **Established by Town Meeting or Board.**
- (1) Except as provided under Subsection (2) below, the Town meeting shall establish the compensation of elective town offices.
 - (2) If authorized by the Town meeting under Sec. 60.10(2)(k), Wis. Stats., the Town board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.
- (b) **Nature of Compensation.** Compensation under this Section may be:
- (1) An annual salary.
 - (2) A per diem compensation for each meeting necessarily devoted to the service of the Town and the discharge of duties. Board members or Town officials shall be the Town's authorized representative at a meeting or be attending an authorized convention/training session to be eligible for per diem compensation.
 - (3) A combination of the above.
- (c) **Changes During Term.** Subject to Subsection (d), the Town meeting or, if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.

- (d) **When Established.** Compensation under this Section shall be established prior to the latest date and time for filing nomination papers for the office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office.

State Law Reference: Section 60.32, Wis. Stats.

Sec. 2-4-5 Reimbursement of Expenses.

- (a) **Generally.** The Town Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:
- (1) Traveling expenses, including mileage, lodging and meal expenses.
 - (2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- (b) **Manuals.** The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

State Law Reference: Section 60.321, Wis. Stats.

Sec. 2-4-6 Compensation When Acting in More Than One Official Capacity.

Except for offices combined under Sec. 60.305, Wis. Stats., the Town may not compensate a Town officer for acting in more than one (1) official capacity or office of the Town at the same time.

State Law Reference: Sections 60.323 and 946.13, Wis. Stats.

Sec. 2-4-7 Town Clerk.

The Town Clerk, shall:

- (a) **Clerk of Town Meeting.** Serve as Clerk of the Town meeting under Sec. 60.15, Wis. Stats.
- (b) **Clerk of Town Board.**
- (1) Serve as Clerk of the Town Board, attend meetings of the Board and keep a full record of its proceedings.

- (2) File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.
 - (3) File with the Town Board claims approved by the Clerk, as required under Sec. 60.44(2)(c), Wis. Stats.
- (c) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board. The financial records a Town Clerk is expected to maintain are in addition to, not in lieu of, those a Town Treasurer is expected to maintain.
- (d) **Elections and Appointments.**
- (1) Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.
 - (2) Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.
 - (3) Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Town, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Clerk shall include in the notice the name of the incumbent who vacated the office.
- (e) **Sale of Real Property.** Execute the conveyance of real property of the Town. However, prior to the sale of any property by the Town Board, the electors attending a Town meeting must have given the Town Board authorization to do so.
- (f) **Notices.**
- (1) Publish or post ordinances and resolutions as required under Sec. 60.80, Wis. Stats.
 - (2) Give notice of annual and special Town meetings as required under Sections 60.11(5) and 60.12(3), Wis. Stats.
- (g) **Records.**
- (1) Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.
 - (2) Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk shall dispose of the books and papers as required by law.
- (h) **Licenses.** Issue any license or permit granted by the Town Board when any required fee has been paid.
- (i) **Schools.**
- (1) Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.

- (2) Within ten (10) days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk's office.
- (3) Make and keep in the Clerk's office a map of the Town, showing the exact boundaries of school districts within the Town.
- (4) Apportion, as provided by law, tax revenues collected by the Town for schools.
- (j) **Highways and Bridges.** Perform the duties specified in Chapters 80 to 92, Wis. Stats., relating to highways, bridges and drains.
- (k) **Notice of Property Tax Revenue.** Notify the Clerk of the county in which the Town is located, by March 15, of the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., that is to be disbursed by the County Clerk to each taxing jurisdiction located in the Town.
- (l) **Recording Orders and Certificates.** Obtain and maintain a cancellation book pursuant to Sec. 66.081, Wis. Stats.
- (m) **Statement of Indebtedness to Secretary of State.** Furnish, pursuant to Sec. 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.
- (n) **Managed Forest Act.** Receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Sec. 77.82(5), Wis. Stats. The Town Clerk shall receive copies of notice of hearings established pursuant to Sec. 77.82(6), Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8), Wis. Stats.
- (o) **Notice of Cessation of Operations.** Receive the appropriate notice, pursuant to Sec. 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town; the Town Clerk shall then immediately inform the Town Board of receipt of such information.
- (p) **Release and Publication of Tax Roll.** Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.
- (q) **Rabies Control Program.** Promptly post notice in at least three (3) public places in the Town pursuant to Sec. 95.21(3), Wis. Stats., with the notices of quarantine to be furnished by the Department of Health and Social Services.
- (r) **Prepare General Statistics and Annual Statement of Taxes.** Make out and transmit to the County Clerk by years end a statement pursuant to Sec. 69.60, Wis. Stats., showing the assessed value of all property within the Town all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the

bonded and other indebtedness of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk shall file a statement of taxes levied to the Department of Revenue.

- (s) **Make Tax Roll.** Make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, Wis. Stats.
- (t) **Correct Tax Roll.** Before delivering the Tax Roll to the Town Treasurer and after delivering the Tax Roll to the Town Treasurer, shall correct the errors in the Tax Roll required in Sec. 70.73, Wis. Stats.
- (u) **Receive Assessment Roll.** Receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, Wis. Stats.
- (v) **Drainage District.** Insert in the Tax Roll, in a separate column, amounts certified by the Drainage Board secretary as assessments and interest due as required under Sec. 88.42, Wis. Stats.
- (w) **In General.** Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.
- (x) **Deputy Clerk.** The Town Clerk may, pursuant to Sec. 66.331, Wis. Stats., appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as required by Sec. 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid the Deputy Clerk.

Sec. 2-4-8 Town Treasurer.

The Town Treasurer, shall:

- (a) **Receive and Disburse Town Money.**
 - (1) Receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under Sec. 66.042, Wis. Stats.
 - (2) Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.
- (b) **Deposit of Town Money.**
 - (1) Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
 - (2) When money is deposited under Subsection (b)(1), the Town Clerk and the Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(6), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

- (c) **Records.** Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.
- (d) **Taxes.** Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats.

State Law Reference: Sections 60.33, 60.34, and 60.305, Wis. Stats.

Sec. 2-4-9 Assessor.

- (a) **Qualification.**
 - (1) The Assessor, or assessment firm, shall be certified by the Department of Revenue under Section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. The Town Assessor is elected for a two (2) year term of office. Pursuant to Sec. 60.307(2), Wis. Stats.,
 - (2) The Town may elect to change the Office of Assessor to an appointed position. Pursuant to Sec. 60.307(2), Wis. Stats., the Assessor would be appointed by majority vote of the Town Board for a term as determined by contract, but not less than one (1) year. The Town may elect to change the Office of Assessor to an appointed position. The Town Assessor so appointed need not be a resident of the Town of Friendship and may hold the office of Assessor for another town or municipality with the consent of the Town Board.
- (b) **Duties.** The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under Section 70.10, Wis. Stats., to make an assessment of all of the property in the Town liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Town Clerk at the same time and in the same manner in which Town Assessors are required to do as required by Chapter 70, Wis. Stats.

State Law Reference: Section 60.307(2) and Ch. 70, Wis. Stats.

Annotation: *Petzek vs. Graves*, 33 Wis. 2d 175 (1967).

Sec. 2-4-10 Building Inspector/Permit Issuer.

- (a) **Appointment.** There is hereby created the positions of Building Inspector(s) and Permit Issuer who shall be appointed by the Chairperson, subject to confirmation by the Town Board. He/she shall have an indefinite term of office or as prescribed by professional services agreement. The Building Inspector shall review plans, collect building code-related

fees and arrange for on-site inspections. The Building Inspector shall have proper certification in areas of responsibility from the State of Wisconsin. If an independent contractor is serving as Town Building Inspector, the Town Board may require that such Building Inspector provide evidence of liability insurance.

(b) **Powers and Duties.**

- (1) The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State which relate to building construction, alteration, and repair. With the authorization of the Town Board, he may appoint one (1) or more Deputy Building Inspectors and may delegate to them the above-mentioned powers and duties.
- (2) The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code.
- (3) The Inspectors shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the appropriate Inspector.
- (4) Permit Issuers shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. Permit Issuers shall process all applications, while the Building Inspector shall make all inspections and have the authority to issue or cause to be issued a certificate of completion.

- (c) **Right Of Entry.** Inspectors shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, including plumbing and electrical work.

Sec. 2-4-11 Weed Commissioner.

The Weed Commissioner shall be appointed by the Chairperson, subject to Town Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Town Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

Sec. 2-4-12 Town Attorney.

- (a) **Election.** The Office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town

Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

(b) **Duties.** The Town Attorney shall have the following duties:

- (1) The Attorney shall conduct all of the law business in which the Town is interested.
- (2) He/she shall, when requested by Town officers, given written legal opinions, which shall be filed with the Town.
- (3) He/she shall draft ordinances, bonds and other instruments as may be required by Town officers.
- (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously provided by Ordinance.
- (5) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.
- (6) The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

State Law Reference: Section 60.37, Wis. Stats.

Sec. 2-4-13 Town Engineer.

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve at the pleasure of the Board. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town. The cost of engineering services provided to the Town may be billed back to private parties when created the need for such expenditures.

Sec. 2-4-14 Town Constable.

The Town Constable shall be selected pursuant to Chapter 60, Wis. Stats. The Town Board does have the authority to establish the powers and duties of the Town Constable, which are as follows:

- (a) The Town Constable may impound dogs, cattle, horses, sheep, swine and other animals at large in violation of any duly published order or ordinance adopted by the Town Board.

Sec. 2-4-15 Town Auditor/Accountant.

- (a) **Retention.** The Town Board may, pursuant to Sections 60.41 and 60.43, Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public

accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

- (b) **Compensation.** The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.
- (c) **Duties.** The accountant has the duties and powers established in Sections 60.41 and 60.43, Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board. The appropriate bond shall be filed prior to the Town Board executing the written contract.

Sec. 2-4-16 Town Employees; Special Office Positions.

- (a) **Town Employees.** The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.
- (b) **Residency.** The following special office positions need not be Town of Friendship residents to hold these positions (other Town officials described in this Chapter shall be Town of Friendship residents):
 - (1) Town Attorney.
 - (2) Town Engineer.
 - (3) Town Auditor/Accountant.
 - (4) Town Assessor.
 - (5) Building Inspector.
 - (6) Other consultants.
- (c) **Meeting Attendance.** Special office holders listed in Subsection (b) shall attend or make all good faith efforts to attend all properly called meetings of the Town Board if their attendance is requested at least three (3) days prior to the meeting, or as established by professional services agreement.

State Law Reference: Section 60.37, Wis. Stats.

Sec. 2-4-17 Custody of Official Property.

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

State Law Reference: Section 19.21, Wis. Stats.

Sec. 2-4-18 Eligibility for Office/Incompatibility of Office.

- (a) Any person who is a qualified elector in the Town of Friendship may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position if he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.
- (b) Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Friendship, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

Sec. 2-4-19 Official Oath and Bond.

- (a) **Authority.** The Town Board has the specific statutory authority, powers and duties, pursuant to Sections 60.20, 60.22 and 60.31, Wis. Stats., and under Section 2-4-3 of this Code of Ordinances, to require that certain elected officials take an official oath and to require that they file the appropriate bond.
- (b) **Oath.**
 - (1) **General Provision.** All elected officers and appointed officers of the Town of Friendship, except elected assessors and municipal judges, (if such position is established), shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to Sec. 19.01, Wis. Stats., shall be substantially in the following form:

a. Written Oath.

STATE OF WISCONSIN,

County of Fond du Lac

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of _____, 20__.

Signature

b. Oral Oath.

I, _____ swear (or affirm) that I will support the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

- (2) **Filing Locations.** The official oath of all elected officers and appointed officers of the Town shall be filed with the Town Clerk except that the Town Clerk shall file his or her oath with the Town Treasurer and except that the Municipal Judge (if applicable) shall his or her oath with the Clerk of the Circuit Court.
- (3) **Failure to File Oath.** If any elected officer or appointed officer of the Town of Friendship fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Friendship shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

(c) **Bonds.**

- (1) **General Provision.** The bond costs shall be provided by the Town of Friendship. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The Town Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.

- (2) **Filing Location.** The official bond shall be filed with the Town Clerk except that the Town Clerk shall file his or her bond with the Town Treasurer and except that the municipal justice shall file his or her bond with the Clerk of Circuit Court.
- (3) **Failure to File Bond.** The elected officers and appointed officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Town fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

Title 2 ► Chapter 5

Boards, Commissions and Committees

2-5-1	Board of Review
2-5-2	Zoning Board of Appeals
2-5-3	Plan Commission
2-5-4	General Provisions Regarding Meetings and Public Notice
2-5-5	Residency Required for Service on Boards, Committees or Commissions

Sec. 2-5-1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Chairperson, Town Board Supervisors and Town Clerk.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Town Hall of the Town of Friendship, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through its Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (d) **Compensation.** Compensation for Board of Review members shall be as established by the Town Board.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

Sec. 2-5-2 Zoning Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Town Zoning Code and ordinances and this Section. The laws of the State or Town and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Chairperson subject to

confirmation by the Town Board, for a three (3) year term of office. The members shall be removable by the Town Board for cause upon written charges and upon public hearing. The Town President shall designate one of the members chairman.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Town Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
- (2) To hear and decide special exceptions to the terms of the Town zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Town zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

- (c) **Meeting and Rules.**
- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
 - (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
 - (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
 - (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
 - (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
 - (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (d) **Offices.** The Town Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

State Law Reference: Sec. 62.23(7)(e), Wis. Stats.

Sec. 2-5-3 Town of Friendship Plan Commission

1. **Purpose.** The purpose of this ordinance is to establish a Town of Friendship Plan Commission and set forth its organization, powers, and duties, to further the health, safety, and welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
2. **Authority; Establishment.** The Town Board of the Town of Friendship, hereby establishes a seven (7) member Plan Commission under sections. 61.35 and 62.23, Wis. Stats.
3. **Membership.** The Plan Commission consists of seven (7) members consisting of Town elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
4. **Appointments.** The Town Chairman shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Chairman may appoint himself or herself or another Town Board member to the Plan Commission, and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairman shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under sections. 19.01 and 61.21, Wis. Stats.
5. **Terms of Office.** The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:
 - (a) **Initial Terms.** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
 - (b) **Town Board Member or Chairman.** The Plan Commission member who is a Town Board Member or Town Chairman, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2) Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.
6. **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve the remainder of the term.
7. **Compensation; Expenses .** The Town Board of the Town of Friendship hereby sets a per diem allowance of ___ per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501 (2), Wis. Stats.
8. **Experts & Staff .** The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
9. **Rules; Records.** The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under sections 19.21-19.39, Wis. Stats.

10. Chairperson & Officers.

- (a) **Chairperson.** The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
- (1) provide leadership to the Commission;
 - (2) set Commission meeting and hearing dates;
 - (3) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
 - (4) preside at Commission meetings and hearings; and
 - (5) ensure that the laws are followed.
- (b) **Vice Chairperson.** The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- (c) **Secretary.** The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

11. General & Miscellaneous Powers. The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (a) Necessary to enable it to perform its functions and promote Town planning.
- (b) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (c) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

12. Referrals to the Plan Commission.

- (a) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statue or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - (a) street, alley or other public way;
 - (b) park or playground;
 - (c) airport;
 - (d) area for parking vehicles; or
 - (e) other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

- (5) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (6) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
 - (7) The location, character and extent or acquisition, leasing or sale of lands for
 - (a) public or semi-public housing;
 - (b) slum clearance;
 - (c) relief of congestion; or
 - (d) vacation camps for children.
 - (8) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning.
- (b) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
 - (2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
 - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
 - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
 - (7) A proposed housing project under sec. 66.1211 (3), Wis. Stats.
 - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under subchapters. XII' of chapter. 66, Wis. Stats.
 - (9) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
 - (10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (c) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
- (1) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
 - (2) A proposed driveway access ordinance or amendment.
 - (3) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
 - (4) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats.
 - (5) An application for a special exception.
 - (6) A proposed site plan.
 - (7) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
 - (8) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

- (9) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
 - (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
 - (11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
 - (12) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
 - (14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
 - (15) A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
 - (16) A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
 - (16) A proposed county agricultural preservation plan or amendment, under subchapter. IV of chapter. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
 - (1) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (d) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- (1) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
 - (2) Any other matter deemed advisable for referral to the Plan Commission for report.
- (e) Referral Period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Sec. 2-5-4 General Provisions Regarding Meetings and Public Notice.

(a) Regular Meetings; Public Notice.

(1) Every Board, Committee and Commission created by or existing under the ordinances of the Town shall:

- a. Schedule a date, time and place for its meetings;
- b. Post, or when necessary publish, notice in or notify the official Town newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
- c. Post and/or publish an agenda of the matters to be taken up at such meeting.

(2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law. (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

TOWN OF FRIENDSHIP, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Town of Friendship will be held on (date), 20____, at (time) p.m., at the Friendship Town Hall to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

(Commission)

By _____

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at _____ phone _____, (address) _____ by 2:00 p.m. the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

- (b) **Notice to Members.** Every member of any board, commission or committee of the Town of Friendship shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Town Clerk within one (1) week of the meeting date.

**Sec. 2-5-5 Residency Required for Service on Boards,
Committees or Commissions.**

No person not a legal resident of the Town of Friendship shall be appointed in a voting capacity to any Town board, committee or commission. Any voting board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.

TITLE 3

Finance and Public Records

Chapter 1	Finance
Chapter 2	Special Assessments
Chapter 3	Public Records
Chapter 4	Public Building Use

Title 3 ► Chapter 2

Special Assessments

3-2-1	Town Board May Levy Special Assessments
3-2-2	Resolution and Report Required
3-2-3	Costs That May Be Paid by Special Assessment
3-2-4	Exemptions; Deductions
3-2-5	Notice of Proposed or Approved Project
3-2-6	Board Actions After Hearing
3-2-7	Combined Assessments
3-2-8	Board's Power to Amend, Cancel or Confirm Special Assessment
3-2-9	Where Cost of Improvement is Less Than Assessment
3-2-10	Appealed Assessments Payable When Due
3-2-11	Special Assessment a Lien on Property
3-2-12	Special Charges Permissible
3-2-13	Miscellaneous Provisions

Sec. 3-2-1 Town Board May Levy Special Assessments.

- (a) The Town of Friendship by resolution of its Town Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Town Board.

State Law Reference: Section 66.62, Wis. Stats.

Sec. 3-2-2 Resolution and Report Required.

- (a) Prior to making any such special assessments, the Town Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such

resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under Section 3-2-5 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

- (b) The report required by Subsection (a) shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate as to each parcel of property affected of:
 - a. The assessment of benefits to be levied.
 - b. The damages to be awarded for property taken or damaged.
 - c. The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimated required under Subsection (3) shall be replaced by a schedule of the proposed assessments.
 - (5) A copy of the report when completed shall be filed with the Town Clerk for public inspection.

Sec. 3-2-3 Costs That May Be Paid by Special Assessment.

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

Sec. 3-2-4 Exemptions; Deductions.

- (a) If any property deemed benefited shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Town.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Town Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or

water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The Town Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

Sec. 3-2-5 Notice of Proposed or Approved Project.

On the completion and filing of the report required in Section 3-2-2(b)(5) of this Chapter, the Town Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Town Board or Committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official Town newspaper or posted in not less than three (3) public places and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.

Sec. 3-2-6 Board Actions After Hearing.

- (a) After the hearing, the Town Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Town Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c)
 - (1) If the work or improvement has not been previously authorized or approved, the Town Board shall approve the work or improvement and, by resolution, direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the Town Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Town Board shall, by resolution, confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The Town Clerk shall publish the final resolutions as required in Section 3-2-5 of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.60(12), Wis. Stats., or any other applicable provision of law.

Sec. 3-2-7 Combined Assessments.

If more than a single improvement is undertaken, the Town Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one (1) or more of said improvements.

Sec. 3-2-8 Board's Power to Amend, Cancel or Confirm Special Assessment.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Town Board determines to reconsider an assessment, it is empowered, after giving notice as required in Section 3-2-5 to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming be given by the Town Clerk as provided in Section 3-2-6 of this Chapter.

Sec. 3-2-9 Where Cost of Improvement is Less Than Assessment.

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

Sec. 3-2-10 Appealed Assessments Payable When Due.

Pursuant to Subsection (12)(F) of Section 66.60, Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

Sec. 3-2-11 Special Assessment a Lien on Property.

Pursuant to Subsection (13) of Section 66.60, Wis. Stats., any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the Town or appropriate utility district. The Town Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Town Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

Sec. 3-2-12 Special Charges Permissible.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the Town Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Town Board except that, in the case of street, sidewalk, curb or gutter repair, twenty (20) days' notice published in the Town newspaper, or by posting such notice in three (3) places in the Town and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Town Board as to whether the service in question shall be performed.
- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the Town Board, such delinquent charge shall become a lien as provided in Section 3-2-11 of this Chapter.
- (c) Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

Sec. 3-2-13 Miscellaneous Provisions.

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

Title 3 ► Chapter 3

Public Records

3-3-1	Definitions
3-3-2	Duty to Maintain Records
3-3-3	Legal Custodian(s)
3-3-4	Public Access to Records
3-3-5	Access Procedures
3-3-6	Limitations on Right to Access
3-3-7	Destruction of Records
3-3-8	Preservation Through Microfilm
3-3-9	Taped Records of Meetings

Sec. 3-3-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Authority.** Any of the following Town entities having custody of a Town record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- (b) **Custodian.** That officer, department head, division head or employee of the Town designated under Section 3-3-3 or otherwise responsible by law to keep and preserve any Town records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this Section to respond to requests for access to such records.
- (c) **Record.** Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and

published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

- (d) **Town.** The Town of Friendship, Fond du Lac County, Wisconsin, and its administrative subunits.

Sec. 3-3-2 Duty to Maintain Records.

- (a) **Authority.** The Town Board of the Town of Friendship has the specific authority, powers and duties, pursuant to Sections 19.21, 19.22, 19.23, 19.31, 19.33, 19.34, 19.35, 19.36, 19.37, 19.84, 19.85, 60.22, and 60.83, Wis. Stats., to manage and direct certain affairs related to Town public records.
- (b) **Public Record and Public Property Responsibilities.** All public records and public properties belonging to the Town of Friendship, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:
 - (1) These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.
 - (2) These public records and public properties are required by state law or by Town ordinance to be filed, deposited or kept in the offices of these officers, employees or agents.
 - (3) These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agents may be lawfully entitled by state law or by Town.
- (c) **Responsibility of Office.** Except as provided under Section 3-3-7, each officer and employee of the Town shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (d) **Responsibility Upon Expiration of Officer's Term.** Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Town Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 3-3-3 Legal Custodian(s).

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the Town Clerk or his designee shall act as legal custodian for all Town records, the Town Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board, except that the Town Treasurer shall be the legal custodian for all records in his possession. In the event that the Town Clerk is not available, then the Town Clerk shall designate someone to act in its behalf as legal custodian.
- (c) For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subch. 11 of Ch. 19, Wis. Stats., and this Chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.

Sec. 3-3-4 Public Access to Records.

- (a) Except as provided in Section 3-3-6, any person has a right to inspect a record and to make or receipt a copy of any record as provided in Sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Town shall be removed from the possession of the legal custodian.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (1) The cost of photocopying shall be a per page fee in accordance with the Town Board's current fee schedule excluding accident reports. The Town may charge

- actual, necessary costs in duplicating or communicating requested records, including facsimile transmissions. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
- (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged. The Town is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost therefor exceeds Fifty Dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Town will determine the cost of locating a record by using the hourly rate in accordance with the Town Board's current fee schedule for employees involved in attempting to locate the record.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
 - (7) Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Sections 3-3-4 through 3-3-6 of this Chapter. This Subsection does not apply to members of the Town Board.

Sec. 3-3-5 Access Procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request.

- (1) A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats.
 - (2) Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 3-3-4(f)(6).
 - (3) The legal custodian can not request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification of the requesting person. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 3-3-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on Right to Access.

- (a) As provided by Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

- (4) Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- (b) As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to Sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Town officer or employee, or the investigation of charges against a Town officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Town property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to Sec. 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Pursuant to Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the Town and any officer, agent or employee of the Town, when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agent or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
 - (8) Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board and records of advice given by such ethics board on such requests.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made

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

Sec. 3-3-7 Destruction of Records.

- (a) Town officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 442 of the Wisconsin Statutes but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two (2) years.
- (1) Contracts and papers relating thereto;
 - (2) Excavation permits;
 - (3) Inspection records.
- (c) Town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was

effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period.

- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions.
- (d) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.

Sec. 3-3-8 Preservation Through Microfilm.

Any Town officer, or the director of any department or division of Town government may, subject to the approval of the Town Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 3-3-4 through 3-3-6 of this Chapter.

Sec. 3-3-9 Taped Records of Meetings.

The Town Board, any office, any special office, committee, any commission, any agency, any authority, any board or any other special government units of the Town of Friendship and their officers, their employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

Title 3 ► Chapter 4

Public Building Use

- 3-4-1** Authority
- 3-4-2** Public Building Access and Use

Sec. 3-4-1 Authority.

The Town Board has the specific authority, powers and duties pursuant to Sections 60.10, 60.22, and 101.13, Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose buildings and property for the Town of Friendship and to manage and direct certain affairs related to Town buildings and lands.

Sec. 3-4-2 Public Building Access and Use.

- (a) **Authority for Public Access.** The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.
- (b) **Town Hall.**
 - (1) The Town Hall of the Town of Friendship shall be open to the public as posted unless written notice to the contrary is posted at the usual and customary locations in the Town.
 - (2) The Town Hall shall be open to the public at other times with the approval of the Town Board. The use of the Town Hall may be provided for non-governmental functions and events. The Town Board may charge a daily rental fee for such use to the responsible party. In addition to the rental fee, the Town Board may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Friendship from any costs, damages or expenses the Town may incur as a result of any injury to any person at or near the Town Hall.
 - (3) Town Hall users shall be required to pay to the Town a security deposit in an amount determined by resolution of the Town Board, or its designee. Such security deposit may be refunded, in all or part, upon a finding that the premises were left in a satisfactory condition.

(c) **Litter and Discharge.**

- (1) The Town Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town public building and on the premises of any Town building except in disposal containers authorized by the Town.
- (2) No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town public building.

TITLE 4

Administrative Determinations Review

Chapter 1 Review of Administrative Determinations

Title 4 ► Chapter 1

Review of Administrative Determinations

4-1-1	Review of Administrative Determinations
4-1-2	Determinations Reviewable
4-1-3	Determinations Not Subject to Review
4-1-4	Municipal Authority Defined
4-1-5	Persons Aggrieved
4-1-6	Reducing Determination to Writing
4-1-7	Request for Review of Determination
4-1-8	Review of Determination
4-1-9	Administrative Appeal
4-1-10	Hearing on Administrative Appeal
4-1-11	Final Determination
4-1-12	Judicial Review
4-1-13	Legislative Review

Sec. 4-1-1 Review of Administrative Determinations.

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

State Law Reference: Section 68.01, Wis. Stats.

Sec. 4-1-2 Determinations Reviewable.

The following determinations are reviewable under this Chapter:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (b) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in Section 4-1-3(d).

4-1-2

- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (e) The suspension or removal of a Town officer or employee except as provided in Section 4-1-3(b) and (g).

State Law Reference: Section 68.02, Wis. Stats.

Sec. 4-1-3 Determinations Not Subject to Review.

The following determinations are not reviewable under this Chapter:

- (a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Town Board.
- (b) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (c) The denial of a tort or contract claim for money required to be filed with the Town under Sec. 62.26, Wis. Stats.
- (d) The grant, denial, suspension or revocation of a fermented malt beverage license under Ch. 125, Wis. Stats.
- (e) Judgments and orders of a court.
- (f) Determinations made during municipal labor negotiations.
- (g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

State Law Reference: Section 68.03, Wis. Stats.

Sec. 4-1-4 Municipal Authority Defined.

"Municipal authority" includes the Town Board, commission, committee, agency, officer, employee or agent of the Town making a determination under Section 4-1-1, and every person, committee or agency of the Town to make an independent review under Section 4-1-8(b).

State Law Reference: Section 68.05, Wis. Stats.

Sec. 4-1-5 Persons Aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Town, whose

rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the Town who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the Town, but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.08, Wis. Stats.

Sec. 4-1-6 Reducing Determination to Writing.

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

State Law Reference: Section 68.07, Wis. Stats.

Sec. 4-1-7 Request for Review of Determination.

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

State Law Reference: Section 68.08, Wis. Stats.

Sec. 4-1-8 Review of Determination.

- (a) **Initial Determination.** If a request for review is made under Section 4-1-7, the determination to be reviewed shall be termed an initial determination.

- (b) **Who Shall Make Review.** A review under this Section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Town ("municipal authority"), appointed by the Chairperson without confirmation, shall be provided if practicable.
- (c) **When to Make Review.** The municipal authority shall review the initial determination within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (d) **Right to Present Evidence and Argument.** The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) **Decision on Review.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his/her right to appeal the decision, that appeal may be taken within thirty (30) days, and the office or person with whom notice of appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

Sec. 4-1-9 Administrative Appeal.

- (a) **From Initial Determination or Decision on Review.**
 - (1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he/she may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 4-1-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he/she shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.
- (b) **Time Within Which Appeal May Be Taken Under This Section.** Appeal from a decision on review under Section 4-1-8 may be taken within thirty (30) days of notice of such decision.
- (c) **How Appeal May Be Taken.** An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

State Law Reference: Section 68.10, Wis. Stats.

Sec. 4-1-10 Hearing on Administrative Appeal.

- (a) **Time of Hearing.** The Town shall provide the appellant a hearing on an appeal under Section 4-1-9 within fifteen (15) days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least ten (10) days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Town Attorney, who shall forthwith advise the Chairperson of such appeal.
- (b) **Conduct of Hearing.** At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Chairperson shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the Town or the Town Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Chairperson to conduct the hearing and report to the decision maker.
- (c) **Record of Hearing.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Town.
- (d) **Hearing on Initial Determination.** Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Section 68.11, Wis. Stats.

Sec. 4-1-11 Final Determination.

- (a) Within twenty (20) days of completion of the hearing conducted under Section 4-1-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Section 4-1-10 or a decision on review under Section 4-1-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 4-1-12.

State Law Reference: Section 68.12, Wis. Stats.

Sec. 4-1-12 Judicial Review.

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

State Law Reference: Section 68.13, Wis. Stats.

Sec. 4-1-13 Legislative Review.

- (a) Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Town Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) If, in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Town Board, board, commission, committee or agency shall be made part of the record on review under Section 4-1-12.
- (c) The Town Board, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Section 4-1-10.

State Law Reference: Section 68.14, Wis. Stats.

TITLE 5

Public Safety

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| Chapter 1 | Fire Protection |
| Chapter 2 | Fire Prevention and Safety Codes |
| Chapter 3 | Hazardous Materials |

TITLE 5

Public Safety

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| Chapter 1 | Fire Protection |
| Chapter 2 | Fire Prevention and Safety Codes |
| Chapter 3 | Hazardous Materials |

Title 5 ▶ Chapter 2

Fire Prevention and Safety Codes

5-2-1	Intent of Code
5-2-2	Adoption of State Codes
5-2-3	Application to New and Existing Conditions
5-2-4	Orders to Eliminate Fire Hazards
5-2-5	Service of Orders
5-2-6	Investigation of Fires
5-2-7	Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During Existence of Extreme Fire Danger

Sec. 5-2-1 Intent of Code.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

Sec. 5-2-2 Adoption of State Codes.

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

- (1) Wis. Adm. Code Ch. ILHR 1; Safety.
- (2) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (3) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (4) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. ILHR 9; Liquified and Petroleum Gases.
- (6) Wis. Adm. Code Ch. ILHR 14; Fire Protection
- (7) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- (8) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.

- (9) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
 - (10) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
 - (11) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
 - (12) Wis. Adm. Code Ch. ILHR 52; General Requirements.
 - (13) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
 - (14) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
 - (15) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
 - (16) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
 - (17) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels, and Places of Detention.
 - (18) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention, and Correctional Facilities.
 - (19) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
 - (20) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
 - (21) Wis. Adm. Code Ch. ILHR 61; CBRF.
 - (22) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
 - (23) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating, and Air Conditioning.
 - (24) Wis. Adm. Code Ch. ILHR 65; Fire Prevention.
 - (25) Wis. Adm. Code Ch. ILHR 70; Historic Building Code.
 - (26) Wis. Adm. Code Ch. ILHR 160-164; Existing Building Code.
 - (27) Wisconsin Electrical Code.
- (b) The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made a part of the Town of Friendship Fire Prevention Code:
- (1) Volume IV — Extinguishing Equipment.
- (c) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (d) Official copies of each of said codes are now on file in the office of the Town Clerk and Fire Departments serving the Town and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

Sec. 5-2-3 Application to New and Existing Conditions.

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

Sec. 5-2-4 Orders to Eliminate Fire Hazards.

Whenever any of the officers, members, or inspectors of a Fire Department serving the Town shall find any building or upon any premises dangerous or hazardous conditions as follows,

he/she or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

Sec. 5-2-5 Service of Orders.

- (a) The service of such orders as mentioned in Section 5-2-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

Sec. 5-2-6 Investigation of Fires.

- (a) A Fire Department serving the Town of Friendship shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which

involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

- (b) Appropriate law enforcement agencies, upon request of the Chief of the Fire Department, may assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

Sec. 5-2-7 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Friendship. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Friendship and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.
- (b) **Regulation of Fires, Burning Materials, and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and when a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in Town parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.** Pursuant to Sec. 66.325, Wis. Stats., burning emergencies shall become effective upon the time and date of the Town Chairperson or County Board

declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Town Board, or when applicable, the County Board.

Title 5 ▶ Chapter 3

Hazardous Materials

- 5-3-1 Disclosure of Hazardous Materials and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up
Fires Involving Hazardous Materials

Sec. 5-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department serving the Town of Friendship as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations other than farms engaged in production agriculture using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **Definitions.**

- (1) **Infectious agent** is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) **Hazardous materials** are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials. Hazardous materials includes the list of hazardous wastes which are promulgated by the U.S. Environmental Protection Agency under Sec. 6821(b) of the resource conservation and recovery act as amended and as further set forth in Sec. 144.62, Wis. Stats.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:

- a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

- (d) **Prohibited Discharges.** No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public, or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Friendship, except those areas specifically licensed for waste disposal, landfill activities or farming activities using accepted farming practices and to receive such materials, any explosive, flammable, or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.
- (e) **Containment, Cleanup, And Restoration.** Any person, firm, or corporation in violation of the above section shall, upon direction of any emergency government officer of the Fire Department, begin immediate actions to contain, clean up, and remove to any approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary persons and equipment to comply or to complete the requirements of this Section, the office of emergency government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Friendship.
- (f) **Emergency Services Response.** Any emergency services response includes, but is not limited to, fire service, emergency medical service, and law enforcement personnel. A person, firm, or corporation who possesses or controls a hazardous substance may be held by the Town Board to be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. The Town Board, at its option, may require that a property owner pay a service fee if a fire department must respond. Actual and necessary expenses may include but not be limited to replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (g) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to law enforcement and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.
- (h) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the senior law enforcement or fire official on the scene of the emergency may order an evacuation of

the area or take other appropriate steps for a period of time until the Friendship Town Board can take appropriate action.

- (i) **Reimbursement For Cleanup Of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Town for actual and necessary expenses incurred by the Town or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.

Sec. 5-3-2 Recovery of Costs.

- (a) 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 Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, 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 or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

TITLE 6

Public Works

Chapter 1	Public Works
Chapter 2	Laying out and Construction of Town Highways and Roads
Chapter 3	Road Excavations; Trees
Chapter 4	Driveways; Culverts
Chapter 5	Protection of Town Water Supply

Title 6 ► Chapter 2

Laying Out and Construction of Town Highways and Roads

6-2-1	Application to Lay Out and Construct Highway
6-2-2	Restrictions on Laying Out Highways
6-2-3	Procedure After Application is Filed
6-2-4	Duties of Applicants After Application is Filed
6-2-5	Proceedings After Notice
6-2-6	Order, Award and Recording
6-2-7	Damages
6-2-8	Appeals
6-2-9	Payment of Construction Expenses
6-2-10	Preliminary Inspection
6-2-11	Performance Bond
6-2-12	Roadway Specifications
6-2-13	Final Inspection

Sec. 6-2-1 Application to Lay Out and Construct Highway.

An application under this Chapter to lay out and construct a new Town highway, other than as part of to a new subdivision or plat, may be filed by six (6) or more resident freeholders of the Town. Said application must in writing and it may be delivered to any Supervisor or the Town Clerk. The application shall contain a complete description and a survey map of the property in question. New streets and roads in subdivisions and plats shall be constructed pursuant to the Town subdivision ordinance and this Chapter where it is not in conflict with the Town subdivision ordinance.

State Law Reference: Section 80.02, Wis. Stats.

Cross-Reference: Title 14 and Land Division and Subdivision Code

Sec. 6-2-2 Restrictions on Laying Out Highways.

- (a) No Town highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery.

6-2-2

- (b) No Town highway shall be laid through or upon any structure, yard or enclosure used for educational or charitable purposes.
- (c) No Supervisor shall act in laying out, altering, widening or discontinuing any highway in which he/she may be personally interested.
- (d) When the laying out of a highway would require the construction of a bridge costing more than One Thousand Dollars (\$1,000.00), exclusive of donations, the order of the Supervisors laying out such highway shall not be effective unless approved by the electors of the Town, and an estimate by the Wisconsin Department of Transportation shall be conclusive of the cost of such bridge for the purposes of this Section.
- (e) Without the consent of the owner, no Town highway shall be laid out through or upon any garden or orchard or any building or fixture used for trade or manufacture or any other building or fixture or the yard or enclosure necessary to the use thereof, when the damage thereby caused thereto, exclusive of the damage to the land, exceeds Three Hundred Dollars (\$300.00).

State Law Reference: Sections 80.02, 80.03 and 80.04, Wis. Stats.

Sec. 6-2-3 Procedure After Application is Filed.

- (a) On application made pursuant to Sec. 6-2-1 above, the Town Board shall prepare a notice fixing therein a time and place at which they will meet and decide upon the application.
- (b) The notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the tracts of land through which the highway passes.
- (c) If the application is for discontinuance, the notice shall specify the tracts of land abutting on the highway which will be benefited or injured by such discontinuance.
- (d) When the description in the aggregate exceeds two hundred (200) words in length, the notice may state that such descriptions are contained in the application as provided in Sec. 80.02, Wis. Stats., and shall give the name and address of the Town Clerk to whom the application has been delivered.

State Law Reference: Section 80.05(1), Wis. Stats.

Sec. 6-2-4 Duties of Applicants After Application is Fixed.

- (a) Applicants shall at least ten (10) days prior to date of hearing give notice by registered mail to all occupants and owners of record of lands through which the highway may pass.
- (b) Applicants shall give notice to the Wisconsin Department of Natural Resources by registered mail.

- (c) Applicants shall give notice to the Board of Soil and Water Conservation District by registered mail.
- (d) Applicants shall publish the notice as a Class 2 notice under Ch. 985 of the Wisconsin Statutes.
- (e) Failure of applicants to comply with this Section will invalidate the entire proceeding.

State Law Reference: Section 80.05(2), Wis. Stats.

Sec. 6-2-5 Proceedings After Notice.

- (a) The Supervisors shall meet at the time and place stated in the notice pursuant to Sec. 6-2-3(a).
- (b) The Supervisors are to be satisfied that all notices as required by this Chapter and the Laws of the State of Wisconsin have been complied with.
- (c) The Supervisors shall personally examine the highway which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- (d) The Supervisors shall, after complying with Subsections (a), (b) and (c) above, decide upon the application and shall grant or refuse the same as they deem best for the public good.
- (e) The Supervisors may adjourn said hearing from time to time, not exceeding in all thirty (30) days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Town Clerk.

State Law Reference: Section 80.06, Wis. Stats.

Sec. 6-2-6 Order, Award and Recording.

- (a) When Supervisors lay out, alter, widen or discontinue any highway, they shall make and sign an order therefor, incorporating therein a description of the highway and cause survey thereof to be made when necessary.
- (b) Damages are to be awarded to landowner pursuant to Sec. 6-2-7 hereafter and Sections 80.09 and 80.10, Wis. Stats.
- (c) The order and award of damage shall be filed and recorded in the office of the Town Clerk within ten (10) days after the date fixed by the notice or adjournment for deciding upon the application.
- (d) If the Supervisors fail to file the order and award within ten (10) days, they shall be deemed to have decided against the application.
- (e) A certified copy of the order shall be transmitted by the Town Clerk to the Fond du Lac County Highway Commissioner.

State Law Reference: Section 80.07, Wis. Stats.

Sec. 6-2-7 Damages.

- (a) The applicant(s) shall secure a release of damages from all occupants and owners of record and file it with the Town Clerk. The damages sustained by any person upon whose land any highway be laid out, widened or altered shall be fixed by agreement signed by the owner and the Supervisors and be filed in the Town Clerk's office. Such agreement and every release of damages given shall bar any further claims for damages by the owner and all persons claiming under him/her. A land conveyance shall accompany the release of damages, which shall be properly recorded with the Fond du Lac County Register of Deeds.
- (b) If any owner does not so agree with the Supervisors as to his/her damages or does not deliver to the Supervisors a written release of all claims for damages, the Supervisors shall, at the time of making the highway order, assess the damages and make a written award specifying the sum awarded by them to each owner. The award shall be signed by the Supervisors and be filed in the Town Clerk's Office with the order laying out, widening, altering or discontinuing the highway.

State Law Reference: Sections 80.09 and 80.10, Wis. Stats.

Sec. 6-2-8 Appeals.

- (a) **Appeal From Highway Order** shall be pursuant to Sec. 80.17, Wis. Stats.
- (b) **Appeal From Award of Damages** by owner shall be pursuant to Sec. 80.24, Wis. Stats.

State Law Reference: Sections 80.17 and 80.24, Wis. Stats.

Sec. 6-2-9 Payment of Construction Expenses.

All expenses involved in the preparation, construction and dedication involved in highway construction under this Chapter shall be borne by the applicant(s).

Sec. 6-2-10 Preliminary Inspection.

Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Friendship, the applicant shall notify the Town Chairperson or Town Clerk. An on-site meeting will then be arranged to be attended by the Town Board, the Town Engineer and the applicant. Plans must be provided in order for the Town Engineer to check the design and the drainage.

Sec. 6-2-11 Performance Bond.

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch, and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to the Town Board's or Town Engineer's estimated cost of the required improvements adjusted for inflation. If the required improvements are not complete within the eighteen (18) month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for any additional period not to exceed one (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

Sec. 6-2-12 Roadway Specifications.

The road construction specifications for plats prescribed in Title 14 shall be applicable for both new roads ordered constructed under this Chapter and for roads required as a condition of new plat approval.

Sec. 6-2-13 Final Inspection.

Upon completion of the proposed highway, the Town Engineer will proceed to make final inspection, accepting or rejecting road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by Town Board, upon the Town Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

Title 6 ► Chapter 2

Laying Out and Construction of Town Highways and Roads

6-2-1	Application to Lay Out and Construct Highway
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- (c) The Supervisors shall personally examine the highway which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- (d) The Supervisors shall, after complying with Subsections (a), (b) and (c) above, decide upon the application and shall grant or refuse the same as they deem best for the public good.
- (e) The Supervisors may adjourn said hearing from time to time, not exceeding in all thirty (30) days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Town Clerk.

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- (b) Damages are to be awarded to landowner pursuant to Sec. 6-2-7 hereafter and Sections 80.09 and 80.10, Wis. Stats.
- (c) The order and award of damage shall be filed and recorded in the office of the Town Clerk within ten (10) days after the date fixed by the notice or adjournment for deciding upon the application.
- (d) If the Supervisors fail to file the order and award within ten (10) days, they shall be deemed to have decided against the application.
- (e) A certified copy of the order shall be transmitted by the Town Clerk to the Fond du Lac County Highway Commissioner.

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- (b) If any owner does not so agree with the Supervisors as to his/her damages or does not deliver to the Supervisors a written release of all claims for damages, the Supervisors shall, at the time of making the highway order, assess the damages and make a written award specifying the sum awarded by them to each owner. The award shall be signed by the Supervisors and be filed in the Town Clerk's Office with the order laying out, widening, altering or discontinuing the highway.

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Sec. 6-2-11 Performance Bond.

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch, and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to the Town Board's or Town Engineer's estimated cost of the required improvements adjusted for inflation. If the required improvements are not complete within the eighteen (18) month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for any additional period not to exceed one (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

Sec. 6-2-12 Roadway Specifications.

The road construction specifications for plats prescribed in Title 14 shall be applicable for both new roads ordered constructed under this Chapter and for roads required as a condition of new plat approval.

Sec. 6-2-13 Final Inspection.

Upon completion of the proposed highway, the Town Engineer will proceed to make final inspection, accepting or rejecting road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by Town Board, upon the Town Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

Title 6 ► Chapter 3

Road Excavations; Trees

- 6-3-1** Excavations of Streets, Alleys, Public Ways and Roads
- 6-3-2** Regulations Governing Excavations and Openings
- 6-3-3** Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences
- 6-3-4** Injury to Trees and Shrubs Prohibited
- 6-3-5** Deposit of Rubbish and Stones on Highway Right-of-Way Prohibited
- 6-3-6** Placement of Rural Mailboxes
- 6-3-7** Mailbox Replacement

Sec. 6-3-1 Excavations of Streets, Alleys, Public Ways and Roads.

- (a) **Permit Required.**
 - (1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause to be made any opening, excavation or boring in or under any public street, public road, public alley, public way, public ground, public sidewalk or Town-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Town of Friendship without a permit therefor from the Town Chairperson or Clerk, or their designee.
 - (2) The utility or contractor shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, boring, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open out or auguring, provisions of restoration and whatever the Town would deem necessary for review and consideration. In being issued a permit the utility or contractor agrees to be bound by the regulations of this Section and Section 6-3-2.
- (b) **Fee.** The fee for an excavation or opening permit shall be in accordance with the Town Board's current fee schedule. The fee shall be paid to the Town Clerk, who shall issue a receipt therefor.
- (c) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that applicant has in force and will

maintain during the time the permit is in effect public liability insurance of not less than One Million Dollars (\$1,000,000.00) per one (1) person, One Million Dollars (\$1,000,000.00) for one (1) accident and property damage coverage of not less than One Million Dollars (\$1,000,000.00).

(d) **Bond.**

- (1) Before a permit for excavating, boring or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Town of Friendship and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year, and that he/she will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Town Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such statement shall also guarantee that if the Town shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
- (2) Whenever the Town Board shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

Sec. 6-3-2 Regulations Governing Excavations and Openings.

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town Chairperson or Town Clerk, or their designee.
- (b) **Removal of Paving.** In any opening or excavation, all paving materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) **Protection of Public.**
 - (1) Every opening and excavation shall be enclosed with sufficient barriers. sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced

so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Town, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.

- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) **Replacing Street Surface.** In opening any public street, public alley, public sidewalk, public way, public easement or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Town, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be laid in layers not more than six (6) inches in depth and each layer mechanically rammed or tamped to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. Trenches shall be compacted to ninety-five percent (95%) Modified Procter, with test results from a certified soil tester filed with the Town Engineer. The Town may elect to have the opening for any street or sidewalk repaired by the Town, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person making the street opening.
- (e) **Notice.** It shall be the duty of the permittee to notify the Town Chairperson and/or Town Clerk, or the Town Engineer when requested by the Town, and all private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Clerk and/or Chairperson, or the Town Engineer when requested by the Town, shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (f) **Validity of Permit.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.
- (g) **Backfilling.** Reconstruction shall be in accordance with the current cross-section or according to Town Standards, whichever is stricter. If the surface is not restored as

required, the Town may restore the surface and bill the permittee therefor; the Town shall perform such work and bill the cost thereof to the permittee.

- (h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.
- (i) **Excavation in New Streets Limited.** Whenever the Town Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within ninety (90) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Town Board, an emergency exists which makes it absolutely essential that the permit be issued.
- (j) **Exception.** The provisions of this Section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town except that the safety precautions under Subsection (c) hereof shall be complied with.

Sec. 6-3-3 Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences.

(a) **Obstruction of Intersections.**

- (1) **Purpose.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more roads, streets or alleys in the Town of Friendship any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (2) **Traffic Visibility.** On a corner parcel, no fence, wall, hedge, planting or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner parcels and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. In the case of arterial streets intersecting with

other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

- (b) **Obstruction of Signs.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.
- (c) **Abatement Procedure.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Town Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.
- (d) **Trees on and Adjacent to Highway.**
 - (1) **Removal of Fallen Trees.** If any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. If the tree is not removed by the property owner following notice from the Town, the Town may remove from any highway any fallen tree or trees therein and charge the cost thereof to the property owner pursuant to Sec. 66.60(16), Wis. Stats.
 - (2) **Planting Trees and Shrubs in Highway.** Any person owning or occupying land adjoining any highway may, with the approval of the Town Board, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within ten (10) feet of his land. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.
- (e) **Cutting or Injuring Trees on Highway.** No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owner's land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood.
- (f) **Fences.** No person shall build or reconstruct any fence within the thirty-three (33) foot public road right-of-way.

State Law Reference: Sec. 86.03, Wis. Stats.

Sec. 6-3-4 Injury to Trees and Shrubs Prohibited.

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:

- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Town may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

State Law Reference: Sec. 86.03, Wis. Stats.

Sec. 6-3-5 Deposit of Rubbish and Stones on Highway Right-of-Way.

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Friendship.

Sec. 6-3-6 Placement of Rural Mailboxes.

Rural mailboxes are prohibited on the right-of-way of all highways within the Town of Friendship except as hereinafter provided:

- (a) Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
- (b) Newspaper tubes are permitted only if provided by the newspaper and are of a construction or design that will not present a hazard to the public use of the right-of-way.
- (c) A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.

- (d) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- (e) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or protruding end of the newspaper tube is at least one (1) foot from the paved portion of the highway.
- (f) The owner of each mailbox and/or newspaper tube shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of fifteen (15) feet to each side of said mailbox and/or newspaper tube.
- (g) No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, landscaping boulders or fences may be placed on the right-of-way.
- (h) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Friendship to locate and remove obstructing mailboxes.

Sec. 6-3-7 Mailbox Replacement.

- (a) The Town of Friendship will replace mailboxes damaged on the Town road system where it has been determined that:
 - (1) Physical damage, which can be proven and documented by the owner or the Town, was caused by actual Town equipment contact.
 - (2) The mailbox is of standard design and placed in conformance with U.S. Post Office standards.
 - (3) The existing installation, mailbox and mailbox post were in good repair.
- (b) The Town of Friendship will not replace mailboxes damaged on the Town road system where it has been determined that:
 - (1) The mailbox was not of standard design, or not placed in conformance with U.S. Post Office standards, even though it may have been damaged by Town equipment.
 - (2) The mailbox, post and installation were not in good repair.
 - (3) Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.
- (c) The replacement of mailboxes by the Town of Friendship shall be limited to a Twenty-five Dollar (\$25.00) payment. Special decorative mailboxes and/or posts will not be provided. If the owner wishes to install a decorative mailbox and/or post that meets standards, it shall be at the owner's expense.

Title 6 ► Chapter 4

Driveways; Culverts

- 6-4-1 Culvert Requirements
- 6-4-2 Driveway and Culvert Location, Design and Construction Requirements
- 6-4-3 Removal of Snow and Ice on Sidewalks

Sec. 6-4-1 Culvert Requirements.

No person shall construct any driveway or private road in a public right-of-way of the Town of Friendship without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveways.

Sec. 6-4-2 Driveway and Culvert Location, Design and Construction Requirements.

- (a) General Requirements. The location, design and construction of driveways shall be in accordance with the following:
 - (1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
 - (2) Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (5).

- (3) **Driveway Approach to Town Road.**
 - a. The apron from the center of the culvert to the road pavement must have a minimum of a three (3) feet to ten (10) feet taper on each side of the apron. Example: If the distance from the center of the culvert to the pavement is ten (10) feet, then the apron must be three (3) feet wider on each side than the width at the culvert. (See diagram below.)
 - b. The sides of the apron, at least to the culvert, should be beveled down to grade so as to have no abrupt surface that could damage a snow plow or create a hazard to any vehicle that should travel off the pavement.
 - c. No barricade, fence or guard that extends higher than the roadbed may be constructed in the area from the pavement to the center of the culvert.
- (4) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Town Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
- (5) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- (6) **Variances.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
 - (1) **Width of Drive.** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
 - (2) **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.

- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- (1) **Width.** Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.
 - (2) **Angular Placement.** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line or pavement edge.
- (d) **Prohibited Driveways and/or Filling.**
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Friendship except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
 - (2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
 - (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
 - (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.
- (e) **Culvert Construction Standards.**
- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. Culvert size shall be determined by the Town Board. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the Town Engineer.
 - (2) **Gauge.** The minimum wall thickness for galvanized steel pipe culverts shall be in accordance with the following:

<i>Pipe Diameter</i>	<i>Gauge</i>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<i>Height of Cover</i> (in feet)	<i>Class of Pipe</i>
0-2	IV
2-3	III
3-6	II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
 - (4) **Backfill Material.** Material used for backfill shall be of a quality acceptable to the Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
 - (5) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer.
 - (6) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.
 - (7) **Appeal.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.
- (f) **Enforcement.** All costs incurred by the Town relating to the enforcement of this Chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. Such costs shall be payable from the permit fee established in Section 6-4-1(c)(3) above. If a property owner refuses to comply with the Chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 6-4-3 Removal of Snow and Ice on Sidewalks

1. **Purpose and Intent.** It is the declared intent of this ordinance to regulate the removal of snow and ice on public sidewalks located within the Town of Friendship. This ordinance is adopted pursuant to the Town's police powers established under Chapter 60 of the Wisconsin Statutes and the Town's Village powers established under Chapter 61 of the Wisconsin Statutes.
2. **Removal of Snow and Ice on Sidewalks.**
 - (a) The owner or occupant or person in charge of each lot or part of lot within the Town fronting or abutting on a sidewalk shall, within 24 hours after the cessation of each snowfall, remove all ice and snow which may have fallen or accumulated upon the sidewalk under his/her care, including crosswalks and handicapped accessibility ramps if the property is a corner lot. When ice is so formed upon any sidewalk that it cannot be removed, such person shall keep the same sprinkled with sand, salt or other abrasives in a manner as to prevent the sidewalk from being dangerous for pedestrian travel, and as soon as weather permits, cause such sidewalk to be thoroughly cleaned. The obligations covered by this ordinance include the removal of snow and ice that may have drifted overnight, that may have been plowed or that may have splattered onto sidewalks from the adjacent street. Failure to remove snow and ice accumulations shall be deemed a violation of this section and shall be punishable by the payment of a forfeiture provided below. In addition, the violator is subject to the charges specified in Section (b) below.
 - (b) In the event of the failure of any person to clean or sprinkle sidewalks as provided in sub (a) above, the Town Board shall cause such sidewalks to be cleaned or sprinkled at their discretion. The Town Board shall keep an accurate account of the expenses of removing the snow and ice and report the same to the Town Treasurer, who shall report to the Town Board and cause a reasonable charge to be inserted in the tax roll against the property and the same shall be collected in the manner as other special assessment taxes upon real estate as provided in Wis. Stat. § 66.0907, as amended.
3. **Forfeitures.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$35, together with the costs of prosecution. Each day that a violation continues shall be considered a separate offense. The preceding forfeitures are in addition to the charges specified in Section 2(b) above.

Title 6 ► Chapter 5

Protection of Town Water Supply

6-9-1	Applicability
6-9-2	Definitions
6-9-3	Notice Requirements
6-9-4	Filing of Reports
6-9-5	Costs Incident to Well Construction
6-9-6	Groundwater Protection Fund
6-9-7	Emergency Water Provisions
6-9-8	Private Well Permits
6-9-9	Nonexclusively
6-9-10	Enforcement
6-9-11	Interpretation
6-9-12	Severability

WHEREAS, it is in the public interest and welfare to establish an ordinance protecting the water supply of Town residents; and

WHEREAS, the Town finds it necessary to exercise its police powers as the same are authorized by sections 60.22 and 61.34 of the Wisconsin Statutes; and

WHEREAS, the Town wishes to exercise its general powers relating to the preservation of water supply, groundwater protection and to otherwise encourage the protection of groundwater resources for the health, welfare and safety of the Town's residents;

Sec. 6-5-1 Applicability.

This ordinance shall regulate test wells or permanent wells within the Town intended to be used as part of a community water system, a municipal water system, a public water system, or a high capacity water system as the same are defined herein. The purpose of this ordinance is to (a) provide advance notice of the installation or construction of a test well or permanent well for the previously described systems and (b) to provide security to protect Town residents against injury caused by the installation or operation of a test well or permanent well as defined herein.

Sec. 6-5-2 Definitions.

For the purpose of this ordinance, the following terms are defined:

- (a) **Adequate Water Supply.** A water supply which has a yield, where obtainable, and the pump capacity to provide the quantity of water which is reasonably necessary to maintain use for drinking, culinary, personal hygiene, and other purposes for which the water is reasonably intended to be used. This ordinance is intended to protect the existing water supply of Town residents.

- (a). **Adequate Water Supply.** A water supply which has a yield, where obtainable, and the pump capacity to provide the quantity of water which is reasonably necessary to maintain use for drinking, culinary, personal hygiene, and other purposes for which the water is reasonably intended to be used. This ordinance is intended to protect the existing water supply of Town residents.
- (b). **Community Water System.** As defined by NR m.03(2) of the Wisconsin Administrative Code which is incorporated herein as if fully set forth.
- (c). **Contaminant.** Any matter which may render water bacteriologically or chemically impure or turbid so as to make it unfit for human consumption.
- (d). **Distribution System.** All pipes or conduits by which water is delivered to consumers or municipalities located outside the Town boundaries, except piping inside buildings served and service pipes from a building to a distribution main or pipe.
- (e). **Draw Down.** The extent of lowering the water level when water is pumped or flows from a private well.
- (f). **Groundwater.** Subsurface water which is within the zone of saturation, including but not limited to, perched water tables, shallow regional groundwater tables and aquifers or zones that are seasonally, periodically or permanently saturated.
- (g). **Groundwater Source.** All groundwater obtained from horizontal collectors, infiltration lines, springs and dug, drilled or other types of test wells or permanent wells.
- (h). **High Capacity Water Supply or System.** As defined by NR 112.03(30m) of the Wisconsin Administrative Code which is incorporated herein as if fully set forth.
- (i). **Living Unit.** A domicile located within the Town's boundaries.
- (j). **Municipality.** Any City, Town, Village, County, County Utility District, Town Sanitary District, Town Utility District, School District or Metropolitan Sewage District or any other public entity created under Wisconsin law and having authority to collect, obtain, store, treat or convey water for domestic, commercial or industrial use.
- (k). **Municipal Water System.** As defined by NR 111.03(9) of the Wisconsin Administrative Code which is incorporated herein as if fully set forth.
- (l). **Person.** An individual, corporation, company, association, cooperative, trust, institution, partnership, state, municipality, or federal agency.
- (m). **Private Water Supply.** One or more sources of groundwater, including facilities for storage and conveyance of groundwater, such as wells, springs, pumps, pressure tanks and reservoirs, on one property, other than those serving a public water system.
- (n). **Public Water System.** As defined by NR 111.03(12) of the Wisconsin Administrative Code which is incorporated herein as if fully set forth.
- (o). **Specific Capacity.** The continuance yield of a well at a given well water or pressure drawdown expressed in gallons per minute, per foot of drawdown.
- (p). **Supply of Water.** Any person who owns or operates a public water system.
- (q). **Utility.** A public utility as defined in Chapter 196 of the Wisconsin Statutes and as the same may be modified or amended.
- (r). **Waterworks or Water System.** Any facility installed or constructed to obtain, store, treat or convey water for drinking or domestic; commercial or industrial use for a public water system.
- (s). **Well.** An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater or for monitoring groundwater movement. This definition applies to all wells, whether for test purposes or for permanent use.
- (t). **Well Driller.** Any person, firm or corporation, whether private or public, employed in obtaining groundwater from a well by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater.
- (u). **Yield.** The quantity of water which may flow or be pumped from the well per unit of time.

Sec. 6-5-3 Notice Requirements.

1. No test well or permanent well shall be constructed in the Town if such well is intended as part of a community water system, a municipal water system, a public water system, or a high capacity water system, unless written notice of such well and its intended use is given to the Town (a) within ten (10) days of the submission of preliminary plans and specifications to the Wisconsin Department of Natural Resources under NR 108.04; or (b) thirty (30) days prior to the commencement of any test or permanent well construction; whichever is earlier. Said notice shall be provided to the Town Clerk and shall contain the following information:
 - (a). The name of the supplier of water and/or owner of the well;
 - (b). The type of water system for which the well will be used;
 - (c). The location of the well and the name of the owner of the site location;
 - (d). The description and location of the distribution system for the water system, identifying affected roads, rights-of-way, and easements to be utilized in transporting the water to its ultimate user;
 - (e). The name and address of the well driller;
 - (f). Identification of all existing wells located in the Town, whether public, private, municipal, community and/or high capacity, within a two mile radius of the well site;
 - (g). The estimated specific capacity of the well, whether a test or permanent well;
 - (h). The estimated yield of the test and/or permanent well(s), utilizing calculations based on per minute yields, per day yields, and annual yields;
 - (i). The groundwater source to be utilized by the well;
 - (j). The estimated time for completion of the permanent water supply and distribution systems;
 - (k). The estimated useful life of the well and water system;
 - (l). The contact person having authority to respond to inquiries regarding the application.
2. Any information identified above which is not available at the time of the required submission of the Notice shall be supplied immediately as the same becomes available or determinable. The Notice required by this section shall be in addition to any and all reports, applications and/or Notices required elsewhere in any Town ordinance applicable to wells or the location of wells. The applicant shall be responsible for supplementing or updating the submitted application as new information is obtained or as circumstances change.

Sec. 6-5-4 Filing Reports.

If the water system proposed or under construction is a reviewable project under Chapter NR 108(2) of the Wisconsin Administrative Code, copies of any and all reports required to be filed with the Wisconsin Department of Natural Resources shall be filed simultaneously with the Town Clerk.

Sec. 6-5-5 Costs Incident to Well Construction.

1. The provisions of this and any other Town ordinance notwithstanding, each well owner and supplier of water subject to this ordinance shall be solely responsible for all costs of repairs to roads, public rights-of-ways, topography or other surfaces or locations damaged or disturbed in any manner due to the construction of any well and/or water distribution system servicing a community water system, municipal water system, public water system and/or high capacity water system. The plans and specifications for all water distribution systems located within the Town shall be filed with the Town Clerk 60 days prior to commencement of construction of any such distribution system or portion thereof. The information to be submitted shall include specification of the size, type and exact location of the distribution system and its appurtenances and shall indicate whether such is to be located within private or public lands and shall indicate the owners of all lands upon which the system shall be located.

The well owner and water supplier shall be solely responsible for obtaining the necessary easements, public or private, for location of the well and distribution system and for conformance to all Town, State and Federal requirements governing the same. The Town Board may limit and/or regulate the location of wells and distribution systems in conformance with applicable zoning ordinances and uses allowed in accordance therewith.

2. The plans and specifications for all water distribution systems described in paragraph 1 above shall be accompanied by (a) an application and inspection fee of \$200.00 and (b) a performance bond in an amount which the Town Board determines to be reasonably necessary to secure the proper performance and completion of the construction of the relevant water distribution systems located within the Town. Said bond shall be determined in light of the nature of the improvements and the contents of the plans and specifications filed with the Town Clerk as set forth in Section 1 above. Performance bonds used in conjunction with the applicant's well construction project are sufficient to meet the requirements of this section provided the bonds designate the Town as an additional insured or beneficiary.
3. In addition to all other requirements set forth herein, the permit applicant shall perform, at its cost, static and pumping operating levels for all wells of whatever depth within a two mile radius. Thereafter, the well permittee shall perform follow-up well surveys within the same areas at 2 year intervals. The follow-up surveys shall be performed during the same month or season as the initial well surveys in order to maintain comparability in the data. The Town shall assist the permit applicant or permittee by providing a letter addressed to the relevant Town residents requesting cooperation in the well surveys.

Sec. 6-5-6 Groundwater Protection Fund.

1. The existence of wells servicing community water systems, municipal water systems, public water systems and/or high capacity water systems in the Town may have future adverse effects on the groundwater and groundwater sources utilized by Town residents. Protection of groundwater and groundwater sources is necessary for the maintenance of the health, welfare and economic well-being of the Town and its residents. There presently exists the scientific knowledge and expertise necessary to reasonably determine the effect of such wells on prior, existing, normal capacity private wells and the groundwater sources for such private wells. To protect Town property owners from adverse effects of the existence and location of community, public, municipal and/or high capacity wells in the Town, and to provide for reasonable compensation for any losses which may be incurred thereby, there is hereby established a Groundwater Protection Fund, to be administered as set forth herein.
2. A special permit shall be required prior to the installation and operation of all permanent wells servicing community, municipal, public and/or high capacity water systems located within the Town. An applicant for a special permit shall submit his or her request on forms to be supplied by the Town Clerk. The Town shall act on the permit application within 45 days of receipt.
3. There shall be imposed upon all new permanent wells servicing community, municipal, public and/or high capacity water systems an initial special permit fee payable to the Town prior to the installation of said permanent well in an amount of \$25,000.00. Furthermore, there shall be imposed upon all new permanent wells servicing community, municipal, public and/or high capacity water systems an annual operation fee payable to the Town no later than February 1 of the year following each year, or fraction thereof, such a well is operating in the Town in an amount of \$1,000.00.

The special permit fee and the annual operation fee shall be escrowed pursuant to the terms of subsection 4 below.

4. The initial special permit fees and the annual operation fees shall be deposited into a separate interest-bearing insured account(s) denominated "Groundwater Protection Fund Well No, ___." The account(s) may be in the name of and controlled by the permittee, provided no withdrawals occur except as authorized by mutual agreement between the Town Board and the permittee or by direction of the Arbitration Panel as provided herein. The annual operation fee of \$1,000 per well shall continue to be paid until the account balance, including accumulated interest thereon, reaches a balance of \$50,000.00. The permittee shall be entitled to the interest earned on the account after the \$50,000.00 balance has been met. In the event the account balance falls below \$50,000.00, the annual operation fee shall resume and earned interest shall be retained until such time as the \$50,000.00 balance has been restored. The Groundwater Protection Funds shall be administered as follows:
 - A. Disbursements to be made from the Groundwater Protection Fund to private well owners who incur damages or expenses as a result of any adverse effect(s) created by wells subject to the jurisdiction of this ordinance. Such damages or expenses shall include, but are not limited to, the following:
 - (1) Contamination of private water supply;
 - (2) Depletion of groundwater sources resulting in the drawdown of private wells;
 - (3) Depletion of groundwater sources resulting in a significant lowering of well water level in private wells;
 - (4) Such other and similar expenses or damages reasonably shown to have been caused by wells regulated under this ordinance.
 - B. Any damages or expenses found to be compensable under "A" above which occur within a two mile radius of any wells subject to this ordinance shall be presumed to have been caused by the operation of the community, public, municipal and/or high capacity well. Damages or expenses incurred by private well owners outside the two mile radius area may be compensable under this section if sufficient evidence is presented to reasonably establish a causal connection between the damage or expense and the community, municipal, public and/or high capacity well. The presumptions set forth above may be rebutted by clear and satisfactory evidence presented by hearing before the Arbitration Panel described below.
 - C. Distributions from the Groundwater Protection Fund shall be made upon submission by the private well owner of evidence of damages or expenses incurred, or to be incurred. The private well owner's submission shall include two bids identifying the work required and the cost thereof. Compensable expenses shall be limited to the following:
 - (1) Obtaining an alternate water supply for a maximum period of one year after the date of the written request for a distribution from the Groundwater Protection Fund, or until a replacement water supply has been obtained.
 - (2) A replacement water supply.
 - (3) Equipment used for treating the contaminated private water supply only if it is not feasible to remedy the contamination with a replacement water supply.
 - (4) Other costs as deemed necessary by the Town Board to accomplish the purposes of this ordinance.
 - D. Distributions from the Groundwater Protection Fund shall not be made for the following ineligible costs:
 - (1) The replacement of a sand point well with a drilled well unless (a) the Town Board determines that replacement with another sand point well is not feasible; (b) the Town Board determines that the claimant had no knowledge or reason to believe the sand point well would become contaminated at the time it was constructed; and (c) the well serves a principal residence.

- (2) Any costs incurred prior to the date of this ordinance.
 - (3) A replacement well greater than seven (7) inches in diameter.
 - (4) A replacement well screen greater than ten (10) feet in length.
 - (5) Any consulting or cost estimate fees.
 - (6) Any state, county or local permit fees.
 - (7) Relocation, replacement or abandonment of sewer piping, buried gasoline or fuel oil tanks, or similar items.
 - (8) Mileage, phone, postage, and other miscellaneous costs incurred by the claimant.
 - (9) Any other well construction costs which exceed the dollar limits set forth in Chapter NR 123(21)(3) of the Wisconsin Administrative Code.
- E. Within 10 days of receipt of a private well owner's claim, but in no event prior to approval or disapproval of said claim, the Town shall notify the relevant permittee by certified mail of the filing of a compensation claim. The notice to the permittee shall include all supporting documentation filed by the private well compensation claimant. The permittee shall have 14 days to object to the compensation claim filed with the Town. All objections shall be in writing setting forth the grounds thereto with specificity. Upon receipt of a timely objection, the Town, the permittee and the claimant shall attempt to resolve the dispute on a voluntary basis. If the parties are unable to resolve the dispute within 30 days, the matter shall be submitted to a third person Arbitration Panel for resolution as follows:
- (1) The Town and the permittee shall each designate a representative to serve on the Panel. The two designated representatives shall name a third Panel member. If the two designated representatives are unable to agree on a third Panel member, they shall contact the Department of Natural Resources for a list of 5 qualified individuals. Names shall be stricken from the list on an alternate basis in order to arrive at the third Panel member.
 - (2) The Arbitration Panel shall meet within 30 days for the purpose of resolving the compensation claim dispute. The meetings shall be informal and shall not be subject to the procedural requirements set forth in Chapter 68 of the Wisconsin Statutes. Notwithstanding the informal nature of the hearings, all parties shall be given the opportunity to present evidence in support of their positions.
 - (3) The Arbitration Panel shall rule on the compensation claim within 30 days of the close of the meeting described in subsection (2) above. In making its determination, the Arbitration Panel shall consider the evidence and argument of the parties consistent with the remedial purposes of this Ordinance.
 - (4) The award of the Arbitration Panel shall be final and binding. The successful party may petition Fond du Lac County Circuit Court for Judgment affirming the award pursuant to the provisions of Chapter 788 of the Wisconsin Statutes.
 - (5) The permittee shall be responsible for the costs of the arbitration proceedings unless it is the prevailing party, in which event, it shall be reimbursed by the relevant Groundwater Protection Fund for the fees and disbursements of the third Arbitrator.
- F. Distributions from the Groundwater Protection Fund shall be in addition to, and not in lieu of, other compensations which may be available to a private well owner, but in no case shall distributions be made other than for actual damages and/or expenses for which compensation or reimbursement has not been received from another source.
- G. Nothing in this ordinance or the Groundwater Protection Fund created hereunder shall be deemed to be a property right of a property well owner. Distributions from the Groundwater Protection Fund are qualified by and limited to available monies. Nothing contained herein shall obligate the Town to maintain a fund in amounts sufficient to compensate private well owners.

Sec 6-5-7 Emergency Water Provisions.

The Town Board shall have authority under this ordinance to require a permittee to provide emergency water supplies to Town residents, including farms for livestock use, in all cases where it is reasonably determined by the Town Board that the operation of the community, municipal, public and/or high capacity water system has depleted, contaminated, or has otherwise caused the loss of an adequate water supply. The exercise of the emergency powers herein are in addition to all other powers granted to the Town Board under this ordinance or as authorized by law.

Sec 6-5-8 Private Well Permits

A permit accompanied by a \$25.00 permit fee shall be required from the Town prior to anyone drilling, re-drilling, renovating, rehabilitating or replacing a private well in the Town. No permit is required for the replacement of a private well pump. The Town shall maintain a permanent record of all permits issued under the provisions of this section. This record shall be available for public inspection.

Sec 6-5-9 Nonexclusively

1. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters. The jurisdiction and duties defined herein shall not preclude the Town Board or any other Town officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
2. This ordinance is to operate in conjunction with the previously adopted Town Zoning Ordinance applicable to exclusive agricultural district zoning.

Sec. 6-5-10 Enforcement

The Town Board shall have the authority to institute the appropriate action or proceedings to prevent, restrain, correct or abate a violation of this ordinance. Enforcement remedies created by this ordinance are cumulative and shall be in addition to all other remedies available under law. Any person who violates any provision of this ordinance or any order, rule, or regulations promulgated shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), for each offense, together with the costs of prosecution. Each day that a violation continues shall be considered a separate offense.

Sec. 6-5-11 Interpretation

The provisions of this ordinance shall be considered minimum requirements. Where the provisions of this ordinance impose greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

Sec. 6-5-12 Severability

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

TITLE 7

Licensing and Regulation

Chapter 1	Licensing of Dogs and Regulation of Animals
Chapter 2	Fermented Malt Beverages and Intoxicating Liquor
Chapter 3	Cigarette License
Chapter 4	Transient Merchants
Chapter 5	Use of Explosives; Blasting Activities
Chapter 6	Regulation and Licensing of Fireworks
Chapter 7	Street Use Permits
Chapter 8	Regulation of Large Assemblies of Persons
Chapter 9	Adult-Oriented Establishments
Chapter 10	Licensees to Pay Local Claims; Appellate Procedures

Title 7 ► Chapter 1

Licensing of Dogs and Regulation of Animals

7-1-1	Dog Licenses Required; Definitions
7-1-2	Rabies Vaccination Required for License
7-1-3	Issuance of Dog and Kennel Licenses
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7-1-18	Backyard Chickens
7-1-19	Penalties

Sec. 7-1-1 Dog License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Town of Friendship to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) **At Large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its

owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

- (3) **Dog.** Any canine, regardless of age or sex.
- (4) **Cat.** Any feline, regardless of age or sex.
- (5) **Neutered.** A dog or cat having nonfunctional reproductive organs.
- (6) **Animal.** Mammals, reptiles and birds.
- (7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (8) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (10) **Pet.** An animal kept and treated as a pet.
- (11) **Animal.** Every living, warmblooded creature except a human being.
- (12) **Animal Shelter.** Any facility operated by a humane society of a municipal agency or its authorized agents for the purposes of impounding or caring for animals held under the authority of this or any other ordinance applicable in the Town or under state law.
- (13) **Farm Animal.** Any warmblooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- (14) **Impoundment.** The taking up of an animal by a law enforcement officer, humane or animal shelter official, or other person in accordance with authorization under this Chapter and the sheltering, boarding, confinement and care of such animals as may be impounded as a result of violations of this Chapter. Impoundment shall be at such facilities available to Town residents or Fond du Lac County residents as are or may be established by the Town or the County for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Town's ordinances providing for the same.
- (15) **Kennel.** Any establishment where dogs or other animals are kept for the purposes of breeding, sale, boarding, training or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner.
- (16) **Pet.** Any animal kept for pleasure rather than utility.

State Law Reference: Secs. 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and

revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Friendship after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Town stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Town.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 7-1-3 Issuance of Dog and Kennel Licenses.

(a) Dog Licenses.

- (1) It shall be unlawful for any person in the Town of Friendship to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this Section shall be in accordance with the Town Board's current fee schedule.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Town Treasurer or his/her deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer or his/her deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Town law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Friendship continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer or his/her deputy upon application therefor.

(b) Kennel Licenses.

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax in accordance with the Town Board's current fee schedule for a kennel. Upon payment of the required kennel license tax and, if required by the Town Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Town Treasurer or his/her deputy shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
- (3) Each permit holder shall, in addition to the other requirements of this Chapter and the requirements of state statutes, comply with the minimum standards of this Section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.
- (4) Minimum kennel standards are established as follows:
 - a. Enclosures shall be provided for adequate protection against weather extremes. Floors, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - b. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.
 - c. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete.
 - d. Runs shall provide an adequate exercise area and protection from the weather.
 - e. All animals shall be quartered and all quarters and runs shall be kept clean, dry and sanitary. Food shall be free from contamination and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable for cleaning.
 - f. Every dog that is five (5) months or older that is kept shall be vaccinated against rabies. No dog shall be kept or accepted for boarding or training unless it has been vaccinated for distemper. Any animal that appears to be ill shall be promptly examined by the veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

State Law Reference: Sec. 174.053, Wis. Stats.

Cross-Reference: Section 7-1-17, Number of Animals Limited; Multiple Pets

Sec. 7-1-4 Late Fees.

The Town Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district or neighborhood is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three (3) public places in the Town notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Town Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog or cat.** A law enforcement, humane or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) **Sacrifice of other animals.** A law enforcement, humane or animal control officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
 - (1) **Delivery to isolation facility or quarantine on premises of owner.** A law enforcement, humane or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

- (2) **Health risk to humans.** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) **Risk to animal health.**
- a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) **Sacrifice of a dog or cat exhibiting symptoms of rabies.** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

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- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the Town of Friendship to own, harbor or keep any dog, cat, fowl or other animal which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Town.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Town.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-11)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- (b) **Dangerous Dogs.**
 - (1) No person shall allow a dangerous dog to go unconfined.
 - (2) No person shall allow a dangerous dog to go beyond the person's premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding four (4) feet in length.
 - (3) For the purposes of this Section, "dangerous dog" means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of humans or other animals, or any dog which attacks a human being or other animal without provocation.
 - (4) A dangerous dog is unconfined if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot.

- (5) No person shall own or harbor any dog for the purpose of dog fighting, or to train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.
- (6) The provisions of this Subsection shall apply to adult dogs only, which shall mean any dog over the age of six (6) months.
- (7) Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.
- (8) Any person found guilty of violating this Subsection shall be responsible for expenses of prosecution, and all expenses incurred for shelter, food, veterinary care, identification and boarding necessitated by the seizure of any dog for the protection of the public, and any such expenses as may be incurred for the destruction of any such dog.
- (c) **Vicious Animals.**
- (1) No person shall own or keep any vicious animal in the Town.
- (2) For the purposes of this Subsection, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites two (2) persons within a twelve (12) month period shall be presumed to be vicious.
- (d) **Animals Running at Large.**
- (1) Every animal owner, and every person charged with the care or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passersby, chasing vehicles, attacking other animals without provocation, trespassing upon public or private property in such a manner as to cause damage, and excessive or continuous barking, whining or howling, shall be deemed a nuisance.
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- (2) No animal shall be allowed to run at large within the Town. For the purposes of this Subsection, "running at large" shall embrace all places within the Town other than the premises of the animal's owner or other person charged with care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership or the lack thereof, may be subject to impoundment. This Section shall apply both to animals with known owners or custodians and to stray animals.
- (e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (f) **Animal Feces.** The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

- (g) **General Duty.** Nothing of this Section is intended to create a cause of action or claim against the Town or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

Sec. 7-1-7 Impoundment of Animals.

- (a) **Animal Control Agency.**
- (1) The Town of Friendship may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - (2) The Town of Friendship does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.
- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his/her possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town Ordinance.
- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.

- (e) **Town Not Liable for Impounding Animals.** The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-8 Dogs and Cats Restricted on Cemeteries.

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

Sec. 7-1-9 Duty of Owner in Case of Dog or Cat Bite.

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

Sec. 7-1-10 Injury to Property by Animals.

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

Sec. 7-1-11 Barking Dogs or Crying Cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Town Constable within a six (6) week period.

Sec. 7-1-12 Sale of Rabbits, Chicks or Artificially Colored Animals.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b)
 - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
 - (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 951.11, Wis. Stats.

Sec. 7-1-13 Care and Treatment of Animals.

- (a) All animals shall be provided with food free from contamination and in sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.
- (b) All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering and with humane care and treatment.
- (c) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded in any animal shelter available to Town residents.
- (d) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.
- (e) Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this Section. The foregoing notwithstanding, in the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the Town.
- (f) All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least two (2) inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing

directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.

- (g) During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.
- (h) No person shall abandon any animal.

State Law Reference: Sec. 951.13, Wis. Stats.

Sec. 7-1-14 Providing Proper Shelter.

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

Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

Sec. 7-1-15 Neglected or Abandoned Animals.

(a) **Neglected or Abandoned Animals.**

- (1) No person may abandon any animal.
- (2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (5) Section 951.16, Investigation of Cruelty Complaints, and Sec. 951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Town or any animal control agency with whom the Town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Secs. 951.15, 951.16 and 951.17, Wis. Stats.

Sec. 7-1-16 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement, health or humane officer in the pursuit of his duties shall, within the Town, commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Town street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7-1-17 Number of Animals Limited; Multiple Pets.

- (a) **Number of Animals Limited.** Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of four (4) licensable dogs over the age of three (3) months unless a person within the household holds a valid Multiple Pet Owners Permit as provided for in this Section.
- (b) **Multiple Pet Owner's Permit.** A pet owner may obtain a permit allowing him/her to own and keep, on his/her premises, not more than twelve (12) licensable pets over the age of three (3) months. Breeders of purebred animals who declare a need for additional time to evaluate the quality of the offspring from a litter shall have the right to keep the offspring an additional two (2) months without need of a permit. The permit fee shall be Twenty-five Dollars (\$25.00). Any complaints of excessive noise, odor, or other ordinance

violation may result in revocation of the permit. All animals shall be housed and cared for in accordance with the standards set forth in this ordinance. A Multiple Pet Owner's Permit shall be available only for persons owning and keeping pets for their personal pleasure and shall not be a substitute for the kennel permit required for persons housing animals for hire.

Sec. 7-1-18 Backyard Chickens

- (a) It is unlawful for any person in the Town of Friendship to own, harbor or keep chickens without an approved application from the Town Board.
- (b) License fee is \$10 and valid January 1 thru December 31 of the same year.
- (c) A maximum of 4 chickens are allowed for lots smaller than half an acre, up to 10 chickens are allowed for lots larger than half an acre.
- (d) Application must be approved by the town board prior to obtaining chickens.
- (e) The keeping of roosters is prohibited.
- (f) Hens shall be provided with a covered enclosure and kept in a covered or fenced enclosure all the times.
- (g) Hens are not allowed to run loose.
- (h) No permanent enclosure may be closer than twenty-five (25) feet to any residential structure on adjacent lots and no closer than ten (10) feet to any lot line.
- (i) Owner shall obtain signed written consent from any adjoining neighbors when lot is smaller than a half-acre stating that they approve of the hens.
- (j) Construction of Animal Shelters: All coops, yards, pens or other structures wherein any hen is kept shall be constructed so as to be easily cleaned and kept in good repair.
- (k) If the regulations are not complied with, the Town may revoke any license granted.

Sec. 7-1-18 Penalties.

- (a) Any person violating Sections 7-1-13, 7-1-14, 7-1-15, 7-1-16 or 7-1-17, shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Town Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.
- (b)
 - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
 - (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-12 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

7-2-32	Duration
7-2-33	Operator's License Fee; Provisional License; Temporary License
7-2-34	Issuance or Denial of Operator's Licenses
7-2-35	Training Course
7-2-36	Display of License
7-2-37	Revocation of Operator's License
7-2-38 through	
7-2-39	Reserved for Future Use

Article C Penalties

7-2-40	Penalties
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Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

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

State Law Reference: Ch. 125, Wis. Stats.

Sec. 7-2-2 Definitions.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

Sec. 7-2-3 License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

Sec. 7-2-4 Classes of Licenses.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Town Clerk under authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (d) **Class "B" Fermented Malt Beverage Retailer's License.**
- (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Town Clerk under the authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (e) **Temporary Class "B" Fermented Malt Beverage License.**
- (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and

all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Town Board.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.

(f) **Temporary "Class B" Wine License.**

- (1) **License.** Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.
- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates of license

validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Town park, the applicant shall specify the main point of sale facility.

- (g) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Town Clerk under authority of the Town Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (h) **Retail "Class C" Licenses.**
 - (1) In this Subsection, "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
 - (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
 - (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
 - (4) A "Class C" license shall particularly describe the premises for which it is issued.

Cross Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

There shall be the following classes of licenses which, when issued by the Town Clerk under the authority of the Town Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be in accordance with the Town Board's current fee schedule. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.**
 - (1) The annual fee for this license shall be in accordance with the Town Board's current fee schedule. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (2) A Class "B" fermented malt beverages license may also be issued to bona fide clubs, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering and at a meeting of the post. The fee for the license shall be as prescribed by the Town's Fee Schedule.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be per event in accordance with the Town Board's current fee schedule.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be per event in accordance with the Town Board's current fee schedule. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be in accordance with the Town Board's current fee schedule.
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be in accordance with the Town Board's current fee schedule.
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be in accordance with the Town Board's current fee schedule. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

Sec. 7-2-6 Application for License.

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Town Clerk not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Town Clerk shall publish each application for a Class "A", Class "B", "Class A" or "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Town newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.

- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.** The number of "Class B" intoxicating liquor licenses which may be issued within the Town of Friendship shall not exceed the number of licenses issued by the Town, or five (5) licenses, whichever is greater.

Sec. 7-2-7 Qualifications of Applicants and Premises.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons, or their agents, who are citizens of the United States and who have been residents of the State of Wisconsin and Fond du Lac County continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Town Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.

- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.
- (h) **Residential Areas.** No "Class B" fermented malt beverage license may be issued for any premises where forty percent (40%) or more of the property fronting on both sides of the same street in the same block whereon the premises is located is used for residence purposes if a written objection is filed with the Town Clerk signed by owners of more than eighty percent (80%) of such residence property.
- (i) **Off-Street Parking Facilities.** No "Class B" intoxicating liquor license shall be issued for any premises unless said premises provides off-street parking stalls equal in number to fifty percent (50%) of the number of patrons which said premises may lawfully accommodate. This restriction shall not apply in the case of renewal licenses issued for premises licensed as of the date of the enactment of this Subsection.
- (j) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (k) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
 - (2) A restaurant whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
 - (5) A combination novelty store and tavern.
 - (6) A bowling alley or recreation premises.
 - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

Sec. 7-2-8 Investigation.

The Town Clerk shall notify the Town Constable, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. A records check may also be requested from the Sheriff's Department. These officials shall furnish to the Town Clerk in writing, who shall forward to the Town Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

Sec. 7-2-9 Approval of Application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Town are delinquent and unpaid.
- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Town.
- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-10 Granting or Denial of License.

- (a) In the event the application is for a "Class A" or a "Class B" intoxicating liquor license at a site not previously licensed under this Chapter, the Town Clerk shall schedule public hearings before the Town Board on the granting of the licenses and shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of three hundred (300) feet of the proposed site of the dates of the hearings. The notice shall be given at least ten (10) days before the hearing and may be given by mail.
- (b) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town. The full license fee shall be charged for the whole or fraction of any year.
- (c) If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Town Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Town Board meeting at which the application is to be reconsidered.

Sec. 7-2-11 Transfer and Lapse of License.

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Town Board. An application for transfer shall be made on a form furnished by the Town Clerk. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Town Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Town for reissuance of said license and the Town, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon

receipt by the Town Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Town Board until the successor agent or another qualified agent is appointed and approved by the Town.

Sec. 7-2-12 Numbering of License.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The Town Clerk shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

Sec. 7-2-13 Posting Licenses; Defacement.

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

Sec. 7-2-14 Conditions of License.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Town applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.

- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B" or Class "B" or "Class C" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B" or "Class C" license unless he/she possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee

under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.

- (k) **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 the touching of any portion of the female breast or the male and/or female genitals.

Annotation: See *Colonnade Catering Corp. v. United States*, 397 U.S. 72, 90 S. Ct. 774 (1970); and *State v. Erickson*, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

Sec. 7-2-15 Closing Hours.

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

- (a) **Class "B" Licenses.**
- (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
 - (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Town-owned property or privately-owned property within the Town of Friendship, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Town Board in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on Town-owned property or privately-owned property may be authorized by the Town Board provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Town Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Town Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a

Certificate of Comprehensive General Liability insurance with the Town of Friendship. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (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 losing 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 for which a quota exists limiting the number of such licenses that may be issued by the Town 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.
- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Town Clerk at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Town Clerk during normal working hours. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Town in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.

- (b) During the period of any non-alcohol event a notice card prescribed by the Town shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Town to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

Sec. 7-2-19 Nude Dancing in Licensed Establishments Prohibited.

(a) **Authority.**

- (1) The Town Board of the Town of Friendship has explicit authority under Sec. 125.10(1), Wis. Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Ch. 125, Wis. Stats.; and
- (2) The Town Board has authority under its general police powers set forth in Sec. 62.11(5), Wis. Stats., 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
- (3) The Town Board recognizes it lacks authority to regulate obscenity in light of Sec. 66.051(3), Wis. Stats., and does not intend by adopting this Section 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
- (4) 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 citizens; and
- (5) 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 to 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

- (6) However, the Town Board 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 Friendship; and
- (7) 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 taverns featuring nude dancing exist;
 - 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
- (8) The Town Board 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 Friendship; 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
- (9) The Town Board 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.
- (10) The Town Board has determined that:
 - a. The commercial exploitation of nude and semi-nude acts, exhibitions and nude entertainment frequently occurs at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
 - b. There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above and an increase in criminal activities, moral degradation and the disturbances of the peace and the good order of the community. The concurrences of these activities are hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
 - c. The combination of the sale and consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the Town.

- d. In order to promote and preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and the citizens thereof, it is necessary and advisable for the Town to prohibit certain forms of nude and semi-nude acts, exhibitions, entertainment at commercial establishments where alcoholic beverages are, or are available to be, sold or consumed.
 - e. In order to preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishments subject thereto.
- (b) **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:
- (1) Shows his/her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or
 - (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
 - (3) Shows the covered male genitals in a discernably turgid state.
- (c) **Exemptions.** The provisions of this Section does 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.
- (d) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Licensed Establishment.** Any establishment licensed by the Town Board of the Town of Friendship to sell alcohol beverages pursuant to Ch. 125, Wis. Stats.
 - (2) **Licensee.** The holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" licensee granted by the Town Board of the Town of Friendship pursuant to Ch. 125, Wis. Stats.
 - (3) **Employee.** Any person who works or performs in a licensed premises irrespective of whether the person is paid a salary or wage by the owner or manager of the premises.
 - (4) **Material.** Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation of any statute or figure, or any other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.

- (5) **Nudity.** The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
- (6) **Performance.** Any preview, play, show, skit, film, dance, contest or other exhibition performed before an audience.
- (7) **Person.** Any individual, partnership, firm, association, corporation or other legal entity.
- (8) **Private Performances.** The display or exposure of any specified anatomical area by an employee at a licensed premises to a person other than another employee while the person is in an area within the premises not accessible during such display to all other persons on the premises, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the premises.
- (9) **Promote.** To cause, permit, procure, counsel or assist.
- (10) **Service to Patrons.** The provision of services to guests in establishments providing food and/or beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining.
- (11) **Sexual Conduct.** Actual or simulated acts of sexual intercourse, acts of stimulating genital organs, acts of excretory functions, exhibition of the genitals in a stimulated condition, and sexual relations between humans and animals.
- (12) **Specified Sexual Activities.** Simulated or actual:
 - a. Showing of human genitals in a state of sexual stimulation or arousal;
 - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
 - c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (13) **Specified Anatomical Areas.** Means:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;
 - b. Human male genitals in a discernible turgid state, even if opaquely covered.
- (e) **Prohibited Conduct.** It shall be unlawful for any person to knowingly engage in or permit any of the following activities in any establishment licensed under Ch. 125, Wis. Stats.:
 - (1) Disseminate, distribute or make available to the public any materials as that term is defined in this Chapter; or
 - (2) Engage or participate in any specified sexual activities whether as a public performance or a private performance; or
 - (3) Perform nude or nearly nude activity whether or not the participant or performer is paid for the activity in question and whether or not the activity is in view of all patrons or is a private performance; or

- (4) Exhibit motion pictures or other displays, circulars, or advertisements which have, as their dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas;
 - (5) Provide service to patrons in such a manner as to expose to public view any specified anatomical areas.
 - (6) For any employee to touch any portion of the clothed or unclothed body of a patron or another employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
 - (7) Promote the commission of any of the above listed acts.
- (f) **Commercial Sexual Gratification.**
- (1) No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, public area, buttocks, anus or perineum of any person or of the breasts or vulva of a female which such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefor, in any establishment licensed under Ch. 125, Wis. Stats.
 - (2) No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, public area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material, in any establishment licensed under Ch. 125, Wis. Stats.
- (g) **Penalties.** Any person, partnership or corporation who violates any of the provisions of this Section shall be subject to a forfeiture pursuant to Section 1-1-6. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this Section constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under Sec. 125.12, Wis. Stats.

Sec. 7-2-20 through Sec. 7-2-29 Reserved for Future Use.

Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

- (a) **Operator's Licenses; Class "A", Class "B" or "Class C" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B" or "Class C" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited.**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
 - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

Sec. 7-2-31 Procedure Upon Application.

- (a) The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Town.
- (b) All applications are subject to an investigation by law enforcement authorities and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. These authorities may conduct an investigation of the applicant including, but not limited to, requesting

information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend, in writing, to the Town Board approval or denial of the application. If the authorities recommend denial, the authorities shall provide, in writing, the reasons for such recommendation.

Sec. 7-2-32 Duration.

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June of each even year.

Sec. 7-2-33 Operator's License Fee; Provisional License; Temporary License.

- (a) **Fee.** The annual fee for an operator's license or provisional license shall be in accordance with the Town Board's current fee schedule for the term or part thereof, plus actual records check costs. The fee for a provisional license shall be in accordance with the Town Board's current fee schedule.
- (b) **Provisional License.** The Town Clerk may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Town Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the Town Board or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The Town Clerk shall provide an appropriate application form to be completed in full by the applicant. The Town Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.
- (c) **Temporary License.** The Town Clerk may issue a temporary operator's license, at no fee, provided that:
 - (1) A written application shall be filed with the Town Clerk by the person requesting said application, setting forth the name, residence, age and sex of the applicant, together with such pertinent information as to character and fitness as the Town Clerk require.
 - (2) This license may only be issued to operators employed by, or donating their services to, nonprofit corporations and organizations.
 - (3) No person may hold more than one (1) license of this kind per year.
 - (4) The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

- (5) Completion of a mandatory alcohol awareness training program is not required to obtain a temporary license.

Sec. 7-2-34 Issuance or Denial of Operator's Licenses.

- (a) After the Town Board approves the granting of an operator's license, the Town Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the Town Board, the Town Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Town Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
- (2) If, upon reconsideration, the Board again denies the application, the Town Clerk shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) (1) Consideration for the granting or denial of a license will be based on:
- Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - The financial responsibility of the applicant;
 - The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - Generally, the applicant's fitness for the trust to be reposed.
- (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Town Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Town Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) Except as provided in Subsection (b) below, the Town Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Town Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Town Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his/her possession, or carry a license card.

Sec. 7-2-37 Revocation of Operator's License.

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

Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Town of Friendship, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Town of Friendship, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Town of Friendship.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

Title 7 ► Chapter 3

Cigarette License

7-3-1 Cigarette License

Sec. 7-3-1 Cigarette License.

- (a) **License Required.** No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Town Clerk a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Town Clerk and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Town Clerk a license fee in accordance with the Town Board's current fee schedule.
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Town Clerk. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

Title 7 ► Chapter 4

Transient Merchants

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemption
7-4-4	Registration
7-4-5	Investigation
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7-4-7	Regulation of Transient Merchants
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Sec. 7-4-1 Registration Required.

It shall be unlawful for any transient merchant to engage in direct sales within the Town of Friendship without being registered for that purpose as provided herein.

Sec. 7-4-2 Definitions.

In this Chapter:

- (a) **Transient Merchant** means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of the State of Wisconsin.
- (b) **Permanent Merchant** means any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in the Town; or
 - (2) Has continuously resided in the Town and now does business from his residence.

- (c) **Merchandise** shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk** shall mean the Town Clerk of the Town of Friendship, or his/her designee.
- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

Sec. 7-4-3 Exemptions.

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

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) Any person selling Wisconsin agricultural products which the person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Town Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Town Clerk that such person is a transient merchant, provided that there is submitted to the Town Clerk proof that such person has leased for at least one (1) year, or

purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business within a five (5) mile radius of the Town for at least one (1) year prior to the date complaint was made.

- (k) Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) This Chapter does not apply to transient merchants while doing business at special events authorized by the Town Board.
- (m) Minors under eighteen (18) years of age who are residents of the School District(s) in the Town.

Sec. 7-4-4 Registration.

- (a) **Registration Information.** Applicants for registration must complete and return to the Town Clerk a registration form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
 - (6) Proposed method of delivery of merchandise, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Town;
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
- (b) **Identification and Certification.** Applicants shall present to the Town Clerk for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **Registration and Investigation Fee.**
- (1) At the time of filing applications, a registration fee in accordance with the Town Board's current fee schedule shall be paid to the Town Clerk to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form.
 - (2) The applicant shall sign a statement appointing the Town Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fees and the signing of said statement, the Town Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.
- (d) **License; Fees.** Except as provided by Section 7-4-3, no person shall conduct any activity as a transient merchant without a license. Every applicant for a license shall pay a license fee as follows:
- (1) **Annual License.** The fee for an annual license shall be in accordance with the Town Board's current fee schedule which shall be paid to the Town Clerk. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be one-half (1/2) of the amount stipulated for a calendar year if it is issued on or after July 1 of any year.
 - (2) **Daily License.** The daily license fee shall be in accordance with the Town Board's current fee schedule per day which shall be paid to the Town Clerk. The license shall set forth the exact days on which such business may be carried out.

Sec. 7-4-5 Investigation.

- (a) Upon receipt of each application, the Town Clerk may refer it to the Sheriff's Department, or other appropriate law enforcement agency, for an investigation of the statements made in such registration, said investigation to be completed within seven (7) days from the time of referral.
- (b) The Town Clerk shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding

three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

Sec. 7-4-6 Appeal.

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

Sec. 7-4-7 Regulation of Transient Merchants.

(a) Prohibited Practices.

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the

- company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.
- (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
 - (3) If the transient merchant takes a sales order for the later delivery of merchandise, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-4-8 Revocation of Registration.

- (a) Registration may be revoked by the Town Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Title 7 ► Chapter 5

Use of Explosives; Blasting Activities

7-5-1	Authority and Purpose
7-5-2	Definitions
7-5-3	Regulation of Explosive Materials and Blasting
7-5-4	Temporary Permits
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7-5-6	Applicability
7-5-7	Violations and Penalties

Sec. 7-5-1 Authority and Purpose.

- (a) **Authority.** This Chapter is adopted pursuant to the police powers granted to the Town under Chapter 60, Wis. Stats.
- (b) **Purpose.** The purpose of this Chapter is to:
 - (1) Protect the health, welfare and safety of Town residents;
 - (2) Protect public and private property located within the Town;
 - (3) Regulate the use of explosive materials and establish uniform limits on the permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or nuisance to persons or property.

Sec. 7-5-2 Definitions.

- (a) The following definitions shall apply in this Chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:
 - (1) **Airblast.** An airborne shock wave resulting from the detonation of explosives.
 - (2) **Approves.** Approval granted by the Town of Friendship.
 - (3) **Blaster.** Any individual holding a valid blaster's license issued by the Wisconsin Department of Industry, Labor and Human Relations.
 - (4) **Blasting.** Any method of loosening, moving or shattering means of solid matter by use of an explosive.
 - (5) **Blasting Operation.** Any operation, enterprise or activity involving the use of blasting.

- (6) **Blasting Resultants.** The physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable nuisance to persons or property located outside the controlled blasting site area.
- (7) **Community.** A built-up inhabited area.
- (8) **Permitted Explosives Use Area.** The area that surrounds a blasting site and:
 - a. Is owned by the operator; or
 - b. With respect to which, because of property ownership, employment, relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.
- (9) **Detonator.** Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps.
- (10) **Department.** The Wisconsin Department of Commerce.
- (11) **Electric Blasting Cap.** A blasting cap designed for, and capable of, initiation by means of an electric current.
- (12) **Explosion.** The substantially instantaneous release of both gas and heat.
- (13) **Explosive.** Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.
- (14) **Explosive Materials.** Explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black power, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.
- (15) **Flyrock.** Rock that is propelled through the air from a blast.
- (16) **Ground Vibration.** A shaking of the ground caused by the elastic wave emanating from a blast.
- (17) **Highway.** Any public street, public alley or public road.
- (18) **Inhabited Building.** A building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- (19) **Particle Velocity.** Any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- (20) **Person.** Any individual, corporation, company, association, firm, partnership, society or joint stock company.
- (21) **Powder Factor.** Any ratio between the amount of powder loaded and the amount of rock broken.

- (22) **Primer.** A capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of explosive.
- (23) **Stemming.** The inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.
- (24) **Nuisance.** An injurious effect on the safety, health, or morals of the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience, or damage.
- (25) **Town.** The Town of Friendship, Fond du Lac County, Wisconsin.

Sec. 7-5-3 Regulation of Explosive Materials and Blasting.

(a) **General.**

- (1) **General Permit(s) Required.** No person shall handle or use explosive materials in the Town of Friendship unless he:
 - a. Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classification; and
- (2) **Firearms Exception.** For purposes of this Chapter, blasting does not include the discharge of firearms for hunting.

(b) **Town Permit Requirements.** No person shall handle, use or cause explosives to be detonated within the Town of Friendship without an explosives use permit issued by the Town of Friendship, as hereafter set forth, to such person, his supervisor or employer:

- (1) **Application.** Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall be accompanied by a permit fee in accordance with the Town Board's current fee schedule. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The application will identify the licensed blasters operating under the permit and the blasting locations within the Town of Friendship.
- (2) **Financial Assurance.** Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of insurance evidencing comprehensive general public liability insurance against claims for bodily injury, death, or property damage arising out of the blasting operation; such insurance to afford protection to the Town of Friendship and its residents of not less than One Million Dollars (\$1,000,000) with respect to bodily injury or death to any one (1) person, not less than Three Million Dollars (\$3,000,000) with respect to any one (1) accident, and not less than One Hundred Thousand Dollars (\$100,000) with respect to property damage. The certificate of insurance shall name the Town of Friendship

and its residents as additional insureds under the relevant policy. Any insurance which the blaster is obligated to carry under the terms of this Chapter may be carried under so-called "blanket" policies covering other properties or liabilities of the blaster, provided, that such blanket policies otherwise comply with the provisions of this Subsection. Each insurance policy shall provide that it shall not be cancelled by the insurance company, except after not less than ninety (90) days' notice to the Town, in writing, by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the blaster must deliver to the Town a replacement insurance policy in absence of which all blasting shall cease. The liability insurance must be issued by a company licensed by the State of Wisconsin to issue the policy. The Town Board reserves the right to increase the amount of the insurance policy depending on the circumstances of the blasting activity.

- (3) **Explosives Use Plan.** Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals one hundred (100) feet and having an overlaying grid of fifty (50) feet by fifty (50) feet which accurately includes all areas and inhabited buildings within five hundred (500) feet of all proposed blasting areas.
- (4) **Hours of Operation.** Blasting shall only be conducted between 9:00 a.m. and 4:00 p.m. on Monday through Friday, provided, however, that in the event an emergency has delayed a blast beyond 4:00 p.m., a loaded hole may be blown within a reasonable time thereafter. Blasting shall not be conducted at other times or on Sundays or legal holidays without written permission from the Town Board or its designee, which shall only be granted upon a showing of extreme need.
- (5) **Blasting Log.** An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Clerk within seven (7) working days of the initiation of the blast. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis if it is determined after an opportunity to be heard that this requirement was violated by the permittee. Each blasting log shall include, but not be restricted to, the following information:
 - a. Name and license number of blaster in charge of blast;
 - b. Blast location with grid coordinate references to the supplied aerial photograph or drawing of the explosives use area;
 - c. Date and time of blast;

- d. Weather conditions at time of blast;
- e. Diagram and cross-section of blast hole layout;
- f. Number of blast holes;
- g. Blast hole depth and diameter;
- h. Spacing and burden of blast holes;
- i. Maximum holes per delay;
- j. Maximum pounds of explosives per delay;
- k. Depth and type of stemming used;
- l. Total pounds of explosives used, including primers and initiating cord;
- m. Distance to nearest inhabited building not owned by permittee;
- n. Type of initiation system used;
- o. Seismographic and airblast information, which shall include:
 1. Type of instrument and last calibration date;
 2. Exact location of instrument and date, time and distance from the blast,
 3. Name and company affiliation of person taking reading;
 4. Name of the person and firm analyzing the seismographic and airblast data when required;
 5. Vibrations and airblast levels recorded; and
 6. Copy of the seismograph printout.

Sec. 7-5-4 Temporary Permits.

- (a) **Temporary Permit Requirements.** The Town Clerk or Building Permit Issuer upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of fourteen (14) consecutive working days. The Town Board, in its discretion, may grant one (1) fourteen (14) day extension. Only one (1) temporary permit [and one (1) renewal] can be issued for any given site within the year of permit issuance. Applicants for temporary permits are required to provide financial assurance as specified in Section 7-5-4(b) and provide notice to all neighbors within five hundred (500) feet of the special construction or demolition activity.
- (b) **Temporary Permit Categories.** Permits shall be in the following categories:
 - (1) **Road, Sewer, Heavy Construction.** The fee shall not exceed Five Hundred Dollars (\$500.00) determined by the Town Board based on the explosive use plan submitted by contractor or blaster.
 - (2) **Construction Authorized by Town Board.** Construction authorized by the Town Board for town use is exempt from the fee. Applicants for these permits are required to file financial assurances as specified in Section 7-5-3(b) and provide notice to all neighbors within five hundred (500) feet.

- (3) **Construction.** This category includes home building, septic systems, swimming pools, etc. The fee is included in the building permit. If blasting becomes necessary after the issuance of a building permit, a fee in accordance with the Town Board's current fee schedule will be assessed for the blasting permit. No bond is required. However, proof of insurance and notice to all neighbors within five hundred (500) feet is required.
- (4) **Agricultural.** This category includes stump removal, silo demolition, manure pits, etc. The fee shall be a fee in accordance with the Town Board's current fee schedule for the permit. No bond is required. However, proof of insurance and notice to all neighbors within five hundred (500) feet is required.

Sec. 7-5-5 Regulation of Blasting Resultants.

- (a) **Purpose of Section.** It is the purpose of this Section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town does not cause injury, damage or a nuisance to persons or property outside and beyond the permitted explosives use area.
- (b) **Instrumentation.** All blast-monitoring instruments used to produce data to support compliance with this Subsection shall meet the following minimum specifications:
 - (1) **Seismic frequency range.** Two (2) to two hundred (200) Hz (± 3 Hz).
 - (2) **Acoustic frequency range.** Two (2) to two hundred (200) Hz (± 1 dB).
 - (3) **Velocity range.** 0.02 to four (4.0) inches per second.
 - (4) **Sound range.** One hundred (100) to one hundred forty (140) dB linear.
 - (5) **Transducers.** Three (3) mutually perpendicular axes.
 - (6) **Recording.** Provide time-history of wave form.
 - (7) **Printout.** Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three (3) directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three (3) directions.
 - (8) **Calibration.** At least once every twelve (12) months according to manufacturer's recommendations.
- (c) **Control of Adverse Effects Generally.** The permittee shall take necessary steps prescribed by the Town to control adverse effects from his activity.
- (d) **General Requirements.** Blasting shall be conducted so as to prevent injury and unreasonable annoyance to persons and damage to public or private property outside the permitted explosives use area.
- (e) **Airblast.**
 - (1) **Limits.** Airblast shall not exceed the maximum limits listed in Table A-1 at the location of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area. Notwithstanding this general requirement, an annual permit holder subject to

this limitation may exceed the limitation on up to five percent (5%) of the blasts it initiates during the period from January 1 to December 31 without violating this Ordinance, provided that the airblast produced by such blasts does not exceed the limitations on airblast imposed by the Wisconsin Department of Industry, Labor and Human Relations in Subsection ILHR 7.64(2), Wis. Adm. Code, as amended from time to time.

TABLE A-1
AIRBLAST LIMITS

Lower Frequency Limit of Measuring System in Hz	Maximum Level in db
2 Hz or lower -- Flat response	123 peak
6 Hz or lower -- Flat response	129 peak

(2) **Monitoring.**

- a. The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area, provided, however, that the permittee may monitor, at another location, approximately the same distance from the blast site, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board or its designee may, at its discretion, require the relocation of monitoring equipment to a more suitable site and/or may conduct independent air-blast monitoring to spot-check data supplied by the permittee. If independent monitoring by the Town after hearing discloses that this Chapter was violated by the permittee, then in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.
 - b. The measuring equipment used shall have an upper end flat frequency response of at least two hundred (200) Hz.
 - c. All measuring equipment during monitoring shall be spiked to the ground or sandbagged.
- (f) **Flyrock.** Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.
- (g) **Ground Vibration.**
- (1) **General.**
 - a. The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church or community or institutional building

outside or beyond the permitted explosives use area shall have a maximum peak-particle-velocity limit as provided by the Department, the scaled-distance equation provided by the Department, or the blasting level chart provided by the Department, whichever is applicable hereunder.

- b. All structures in the vicinity of the permitted explosives use area, not listed in Subsection (g)(1), such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines shall be protected from damage by establishment by the permit holder of a maximum allowable limit on the ground vibration. The permit holder shall establish the limit after consulting with the owner of the structure.

(2) **Seismic Monitoring.**

- a. The Town Board, in its discretion, may conduct independent seismic blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring was done after good cause was shown therefor and after the permittee was given notice and an opportunity to be heard on the matter, the permittee shall be liable to the Town for all expenses incurred by the Town as a result of such independent monitoring. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.
- b. The Town Board, upon good cause shown and after giving the permittee notice and an opportunity to be heard, may request analysis of records and data for any or all blasts which occurred within the permitted explosives use area.

(3) **Preblasting Notification.**

- a. Each explosives use permit application and all reapplications shall include the names and addresses of all residents or owners of dwellings or other structures located within an area affected by the permitted explosives use. The affected area shall be determined based on the maximum pounds of explosive per eight (8) MS delay from the previous three (3) years' high. This calculation's square root x one hundred (100) shall determine the affected in area in feet. This calculation shall be the maximum distance from the boundary of the quarry where a preblast survey may be requested. One thousand (1,000) feet shall be the minimum distance for which a preblast survey may be requested regardless of the above calculation. Residents outside of these boundaries may petition the Town Board for a preblast survey, with the survey to be at the quarry operator's expense. Residents denied this preblast survey may, at their own expense, secure a survey by a company acceptable to the quarry operator. The quarry operator may not unreasonably reject the company proposed to perform the survey. The surveys performed in this paragraph will serve as the basis for damage claims against the quarry operator. The blasting logs used to determine the previous three (3) years' high, as referenced in this Subsection, are available for inspection from the Town Clerk. [See Section 7-5-3(b)(5)].

- b. At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the affected area, previously defined in Subsection (g)(3)a immediately above, who may request a preblast survey. All preblast surveys shall include a water quality test for existing wells. The applicant shall cause a preblast survey to be conducted as to such dwellings or structures, and extensive water quality testing for existing wells, provided, however, that the applicant shall not be required to conduct a preblast survey more than once every six (6) years and a well water quality test more than once every four (4) years. The applicant or permittee are responsible for the costs of all requested preblast surveys and water quality tests.
- c. The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town Clerk, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town any objections to the survey report, setting forth in detail such objections.
- d. The owner of a dwelling or structure that is within the affected area defined in Subsection (3)(a) above, who subsequent to the preblast survey has substantially modified or improved the dwelling or structure by fifty percent (50%) or more of the fair market value may request a new preblast survey. If it is found that a preblast survey is appropriate, the permittee may conduct such surveys within a reasonable period of time, but not exceeding twice a year for all such requests by all owners. These updated surveys shall be requested in writing submitted to the Town Board, which shall promptly notify the permittee of the request.
- e. All expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee. Upon receiving and approving billings for such expenses, the Town shall cause notice of the expenses to be mailed to the applicant/permittee, who shall reimburse the Town for such expenses within thirty (30) days after receipt of such notice.

Sec. 7-5-6 Applicability.

- (a) **Effective Date.** All use of explosives and blasting activity conducted in the Town on or after the date of original adoption of this Chapter (June 19, 1995) shall be subject to the provisions of this Chapter. Existing operations of whatever nature, including without limitation nonmetallic mining operations, shall comply with the terms of this Chapter.
- (b) **Other Ordinances.** Where the provisions of this Chapter conflict with any provisions of any other Town Ordinance, the provisions of this Chapter, if more restrictive than those of the other ordinances, shall control and shall supersede the provisions of the other ordinances.

- (c) **State and Federal Laws.** Where the provisions of this Chapter conflict with the provisions of any applicable State or Federal law or regulation, the provisions of the most restrictive Ordinance, Statute or Regulation shall control, to the extent permitted by State and Federal law.

Sec. 7-5-7 Violations and Penalties.

(a) **Enforcement Provisions.**

- (1) **Enforcement.** The following are criteria that the Town Board may consider for issuance, re-issuance, suspension or revocation of a blasting permit:
- a. Compliance with the blasting standards established by the Town of Friendship as noted herein by this Chapter.
 - b. Development and submittal to the Town Board of the Town of Friendship the explosives use plan and fails upon operation to comply with the plan.
 - c. Development and submittal to the Town Board of the Town of Friendship the blasting log and fails upon operation to comply with the information called for by the blasting log.
 - d. Maintaining the financial assurance requested by the Town Board of the Town of Friendship.
 - e. Compliance with the operational hours for blasting as noted herein by this Chapter.
 - f. Compliance with airblast and ground vibration standards established by the Town of Friendship as noted herein by this Chapter.
 - g. Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this Chapter.
 - h. Attempts made by the permittee or party in interest to comply with the provisions of this Chapter.
 - i. Consideration of atmospheric, unknown conditions including geophysical conditions, and other matters beyond the control of the permittee or party in interest.
- (2) **Suspension/Revocation.**
- a. Unless expressly provided herein or by other Town of Friendship ordinance provisions, the explosive use permit may be suspended or revoked for cause for substantial noncompliance with this Chapter after the proper Town of Friendship hearing noted below, unless in an emergency condition determined by a designated member of the Town Board and either the Town Clerk, the Town Constable, or the permit issuer of the Town of Friendship wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Friendship must, by the Town Clerk of the Town of Friendship, receive a verified

complaint concerning the licensee, registrant or permittee. The following persons may file a verified complaint with the Town Board of the Town of Friendship:

1. The Town Chair.
 2. The Town Clerk.
 3. The Town Supervisors.
 4. The Town Zoning Administrator/Building Inspector.
 5. The Town Constable or other law enforcement officer.
 6. Any Town of Friendship resident.
 7. A landowner within one thousand (1,000) feet of the blasting site.
- b. The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to required a formal evidentiary hearing.
 - c. The person subject to charges for violation of any Town of Friendship ordinance or any violation of a condition of the explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Friendship. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after the receipt of notice, unless stipulated in writing by the Town Board of the Town of Friendship and the person subject to charges.
 - d. The person subject to charges for violation of any Town of Friendship ordinance or any violation of a condition of the explosive use permit shall be entitled to the following:
 1. Representation by legal counsel.
 2. Right to present and cross examine witnesses.
 3. Right to subpoena witnesses by the Town Chair of the Town of Friendship issuing subpoenas to compel attendance of witnesses.
 - e. The Town Board of the Town of Friendship may, after the hearing for any person previously issued an explosive use permit by the Town Board of the Town of Friendship, act as follows:
 1. Revoke the permit as a final decision.
 2. Suspend the permit for a date certain as a final decision.
 3. Request additional information as an interim decision prior to taking future action.
 4. Take no action on the permit as a final decision.
 - f. The final decision of the Town Board of the Town of Friendship to revoke or suspend the explosives use permit shall be subject to appeal to the Circuit Court.
- (b) **Penalties for Violations.** In addition to the denial, suspension or revocation of a permit issued under this Chapter, any person who shall violate any provision of this Chapter or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture as prescribed in Section 1-1-6 of this

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

Title 7 ▶ Chapter 6

Regulation and Licensing of Fireworks

7-6-1 Regulation and Licensing of Fireworks

Sec. 7-6-1 Regulation of Fireworks.

- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
 - (2) A firearm cartridge or shotgun shell.
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (6) A toy snake which contains no mercury.
 - (7) A model rocket engine.
 - (8) Tobacco and a tobacco product.
 - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
 - (12) A device that emits smoke with no external flame and does not leave the ground.
 - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
 - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
 - (2) To a municipality; or
 - (3) For a purpose specified under Subsection (c)(2)b-f.
- (c) **Use.**
- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Town Chairperson or from an official or employee of the Town as designated by the Town Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
 - (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
 - a. The Town, except that Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (3) **Who May Obtain Permit.** A permit under this Subsection may be issued only to the following:
 - a. A public authority.
 - b. A fair association.
 - c. An amusement park.
 - d. A park board.
 - e. A civic organization.
 - f. An agricultural producer for the protection of crops from predatory birds or animals.
 - (4) **Crop Protection Signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
 - (5) **Bond.** The Town Chairperson issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all

persons shall not exceed the amount of the bond or policy. The bond or policy shall be in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for property damage, Five Hundred Thousand Dollars (\$500,000.00) for injury to or death of one (1) person and One Million Dollars (\$1,000,000.00) for all injuries or deaths arising out of or resulting from any occurrence. The Town shall be provided with a certificate of insurance issued by the applicant's insurance company showing such insurance to be in effect and naming the Town as an additional insured. The bond or policy shall require notice of cancellation to be sent to the Town at least thirty (30) days prior to any cancellation or modification. The bond or policy, together with a copy of the permit, shall be filed in the office of the Town Clerk.

- (6) **Required Information for Permit.** A permit under this Subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.
- (7) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the Fire Chief at least two (2) days before the date of authorized use.
- (8) **Minors Prohibited.** A permit under this Subsection may not be issued to a minor.
- (d) **Storage and Handling.**
 - (1) **Fire Extinguishers Required.** No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
 - (2) **Smoking Prohibited.** No person may smoke where fireworks are stored or handled.
 - (3) **Fire Chief to be Notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
 - (4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
 - (5) **Restrictions on Storage.** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.
- (f) **Enforcement.** Fireworks stored, handled, sold, possessed, or used by a person in violation of this Section may be seized by the Fond du Lac County Sheriff's Department. The fireworks shall be destroyed after conviction for a violation.
- (g) **Continuing Applicability of State Statutes.** Nothing in this local ordinance is intended to modify or supersede the requirements of Ch. 167, Wis. Stats., unless expressly set forth herein.

Cross-Reference: Section 11-2-2, Sale and Discharge of Fireworks Restricted.

Title 7 ► Chapter 7

Street Use Permits

7-7-1 Street Use Permits

Sec. 7-7-1 Street Use Permits.

- (a) **Purpose.** The streets in possession of the Town are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Town Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Town can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Town Clerk and shall be filed with the Town Clerk. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Town Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **Denial of Street Use Permit.** An application for a Street Use Permit may be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
 - (2) The proposed street use would violate any federal or state law or any Ordinance of the Town.

- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of eight (8) hours.
- (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Town Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) **Permit Fee.** Each application for a Street Use Permit shall be accompanied by a fee in accordance with the Town Board's current fee schedule. The applicant shall be responsible for obtaining state-approved barricades and pay the cost thereof.
- (f) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the Town and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Town on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Town of Friendship. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (g) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by law enforcement officers if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Town of Friendship. Law enforcement officers have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Title 7 ► Chapter 8

Regulation of Large Assemblies of Persons

7-8-1 Permits for Large Public Gatherings

Sec. 7-8-1 Permits for Large Public Gatherings.

- (a) **Intent.**
- (1) It is the purpose of the Town Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the Town of Friendship, in order that the health, safety and welfare of all persons in the Town, residents and visitors alike, may be protected.
 - (2) The purpose and intent of this Section is to establish site approval for locations in the Town of Friendship used temporarily for large gatherings, as defined in Subsection (b) below, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this Section should be the subject of a Public Gathering Permit issued only after public hearing and a determination by the Town Board that there will be compliance with the standards set forth in this Section.
- (b) **Scope.** This Section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than five hundred (500) persons for a one (1) day event and greater than two hundred fifty (250) persons for a two (2) day or more event. The requirement for a Public Gathering Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designed for assemblies or to church picnic events which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Person.** Any individual, partnership, corporation, firm, organization, company, association, society or group.
 - (2) **Assembly.** A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in Subsection (b) above.
 - (3) **Public Gathering.** Shall be as defined in Subsection (b) above.

- (d) **Permit Required.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a Public Gathering Permit to hold the assembly has first been issued by the Town Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- (e) **Application for Permit.**
- (1) **Applicant.** Applications for a Public Gathering Permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this Section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.
 - (2) **Filing Period.** An application for a Public Gathering Permit shall be filed with the Town Clerk not less than forty-five (45) days nor more than one hundred twenty (120) days before the date on which it is proposed to conduct the event.
- (f) **Required Application Information.** The application for a Public Gathering Permit shall contain and disclose all of the following information:
- (1) The name, residence and mailing address of all persons required to sign the application by Subsection (e)(1) above and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of such corporations.
 - (2) The name and mailing address of the promoter and/or sponsor of the gathering.
 - (3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary highwater level.
 - (4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons.
 - (5) The nature or purpose of the assembly.

- (6) The total number of days and/or hours during which the assembly is to last.
 - (7) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight.
 - (8) The maximum number of tickets to be sold, if any.
 - (9) The plans of the applicant to limit the maximum number of people permitted to assemble.
 - (10) The plans for fencing the location of the assembly and the gates contained in such fence.
 - (11) The plans for supplying potable water including the source, amount available and location of outlets.
 - (12) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
 - (13) The plans for holding, collection and disposing of solid waste material.
 - (14) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.
 - (15) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
 - (16) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
 - (17) The plans for camping facilities, if any, including facilities available and their location.
 - (18) The plans for security including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.
 - (19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
 - (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
 - (21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
 - (22) The application shall include the bond required in Subsection (g) and the permit fee.
- (g) **Bond.** The Town Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the Town Board, but not exceeding One Hundred Thousand Dollars (\$100,000.00), conditioned on complete compliance by the applicant and site owner with all provisions of this Section,

the terms and conditions of the Public Gathering Permit, including cleaning up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the Town Clerk prior to the issuance of a permit.

- (h) **Charge for Increased Costs.** Where the Town Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the Town Board may require the permittee to make an additional payment into the general fund of the Town in an amount equal to the increased costs.
- (i) **Hearing; Determination.** Prior to considering an application for a Public Gathering Permit, the Town Board shall conduct a public hearing on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The Town Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.
- (j) **Standards.** A Public Gathering Permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the Town Clerk copies of properly executed contracts establishing the ability to fully provide the services required under this Section:
 - (1) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards shall be provided for each one hundred (100) persons attending.
 - (2) Every site proposed for a Public Gathering Permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
 - (3) Due to the physical characteristics of the site, the Town Board may require that the applicant shall provide proof that he will furnish, at his own expense, a minimum of two (2) days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.
 - (4) The applicant shall provide proof that he has contracted for local EMS services to provide emergency ambulance and EMT services, at the applicant's expense, for events at which over one thousand (1,000) persons will be in attendance.
 - (5) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least

the Town and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(o) **Fees.** The following fees shall be applicable under this Section:

- (1) **Gatherings of 250 to 500 [Two (2) day or More Event].** No fee.
- (2) **Gatherings of 500 to 2,500.** A fee in accordance with the Town Board's current fee schedule.
- (3) **Gatherings of 2,500 to 5,000.** A fee in accordance with the Town Board's current fee schedule.
- (4) **Gatherings of Over 5,000.** A fee in accordance with the Town Board's current fee schedule.

- five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- (6) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.
 - (7) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every five hundred (500) people. If it is determined by the Town Chairperson that additional police protection shall be required, he may contact the County Sheriff's Department; and all costs for the additional protection required shall be deducted from the posted cash bond.
 - (8) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and Town, and sufficient emergency personnel to efficiently operate the required equipment.
 - (9) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one (1) gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.
 - (10) The applicant shall provide separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every one hundred (100) females and at least one (1) toilet for every two hundred (200) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
 - (11) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.

- (12) If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the Town and county, sufficient to provide camping accommodations for the maximum number of people to be assembled.
- (k) **Reasons for Denial.** Applicants may be denied for any of the following non-exclusive reasons:
- (1) It is for a use which would involve a violation of federal or state law or any Town or county ordinance.
 - (2) The granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) The application does not contain the information or does not properly satisfy the conditions required by this Section.
 - (4) The application is made less than the required days in advance of the proposed assembly.
 - (5) The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.
 - (6) The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
 - (7) The assembly will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (l) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Temporary Fermented Malt Beverage license shall be obtained and applicable Town ordinances shall be fully complied with. Said license must be possessed by the person who filed for the license and shall be presented to any law enforcement officer upon request.
- (m) **Recommendations of Governmental Agencies.** The Town Clerk may submit a copy of the application to the County Sheriff's Department and other governmental agencies for their recommendations.
- (n) **Permit Revocation.** Any law enforcement officer, the Town Chairperson, or the Town Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Town and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify

Title 7 ► Chapter 9

Adult-Oriented Establishments

7-9-1	Findings of Fact
7-9-2	Definitions
7-9-3	Prohibited Conduct
7-9-4	Commercial Sexual Gratification
7-9-5	Enforcement and Penalties
7-9-6	Severability
7-9-7	Conflicts
7-9-8	Authority

This Ordinance is enacted in the interest of the public health, peace, safety, morals and general welfare of the people of the Town of Friendship; and the authority of the Town to regulate the sale and consumption of alcoholic beverages under the Twenty-first Amendment to the Constitution of the United States and chapter 125 of the Wisconsin Statutes. It is not the intention of this Ordinance to regulate obscenity, such being pre-empted by state law, but rather to regulate premises licensed under chapter 125 of the Wisconsin Statutes.

Sec. 7-9-1 Findings of Fact.

- (a). The commercial exploitation of nude and semi-nude acts, exhibitions and nude entertainment frequently occurs at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
- (b). There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above and an increase in criminal activities, moral degradation and the disturbances of the peace and the good order of the community. The concurrences of these activities are hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (c). The combination of the sale and consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce and total community environment in the Town.
- (d). In order to promote and preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and the citizens thereof, it is necessary and advisable for the Town to prohibit certain forms of nude and semi-nude acts, exhibitions, entertainment at commercial establishments where alcoholic beverages are, or are available to be, sold or consumed.
- (e). In order to preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishments subject hereto.

Sec. 7-9-2 Definitions.

- (a). **Employee.** Any person who works or performs in a licensed premises irrespective of whether the person is paid a salary or wage by the owner or manager of the premises.
- (b). **Licensed Premises.** Premises Which have been licensed under Chapter 125 of the Wisconsin statutes for the sale and consumption of liquor, beer and/or wine on the premises, regardless of whether liquor, beer and/or wine is sold or served free of charge.
- (c). **Material.** Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation of any statue or figure, or any other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.
- (d). **Nudity.** The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
- (e). **Performance.** Any preview, play, show, skit, film, dance, contest or other exhibition performed before an audience.
- (f). **Person.** Any individual, partnership, firm, association, corporation or other" legal entity."
- (g). **Private performances.** The display or exposure of any specified anatomical area by an employee at a licensed premises to a person other than another employee while the person is in an area within the premises not accessible during such display to all other persons on the premises, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the premises.
- (h). **Promote.** To cause, permit, procure, counsel or assist.
- (i). **Service to Patrons.** The provision of services to guests in establishments providing food and/or beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and Clearing, waiter and waitressing, and entertaining.
- (k). **Sexual Conduct.** Actual or simulated acts of sexual intercourse, acts of stimulating genital organs, acts of excretory functions, exhibition of the genitals in a stimulated condition, and sexual relations between humans and animals.
- (l). **Specified Sexual Activities.** Simulated or actual:
 - 1. Showing of human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
 - 3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (m). **Specified Anatomical Areas.**
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;
 - 2. Human male genitals in a discernible turgid state, even if opaquely covered.

Sec. 7-9-3 Prohibited Conduct.

It shall be unlawful for any person to knowingly engage in or permit any of the following activities in any establishment licensed under Chapter 125 of the Wisconsin statutes:

- (a). Disseminate, distribute or make available to the public any materials as that term is defined in this Ordinance; or
- (b). Engage or participate in any specified sexual activities whether as a public performance or a private performance; or
- (c). Perform nude or nearly nude activity whether or not the participant or performer is paid for the activity in question and whether or not the activity is in view of all patrons or is a private performance; or
- (d). Exhibit motion pictures or other displays, circulars, or advertisements which have, as their dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas;
- (e). Provide service to patrons in such a matter as to expose to public view any specified anatomical areas.
- (f). For any employee to touch any portion of the clothed or unclothed body of a patron or another employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, commonly referred to as the hand.
- (g). Promote the commission of any of the above listed acts.

Sec. 7-9-4 Commercial Sexual Gratification.

- (a). No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female which such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefor, in any establishment licensed under Chapter 125 of the Wisconsin Statutes.
- (b). No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, pubic area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material, in any establishment licensed under Chapter 125 of the Wisconsin statutes.

Sec. 7-9-5 Enforcement and Penalties.

- (a). Any person convicted of violating the provisions of this Ordinance shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution, if such action was brought in Circuit Court, shall be in contempt of court.
- (b). In the event that a violation of this Ordinance occurs, the Town Board shall conduct a hearing to determine whether the liquor license applicable to the licensed premises at whose business establishment the activity prohibited by this Ordinance occurred, shall have his/her or its licenses suspended or revoked. The suspension or revocation of the relevant liquor license shall be in addition to any other penalty that may be imposed under this Ordinance.

Sec 7-9-6 Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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.

Sec 7-9-7 Conflicts

All Ordinances in conflict herewith are hereby repealed.

Sec 7-9-8 Authority

The Town Board has the specific authority, powers, and duties pursuant to adoption of its Village powers under Sec. 60.10, Wis. Stats., to regulate and control certain uses, activities, establishments and operations in the Town of Friendship.

Title 7 ► Chapter 10

Licensees to Pay Local Claims;

- 7-10-1** Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate Procedures
7-10-2 Duty of Clerk with Regard to Licenses

Sec. 7-10-1 Licensees Required to Pay Local Taxes, Assessments and Claims.

- (a) **Payment of Claims.** The Town shall not issue or renew any license to transact any business within the Town of Friendship:
- (1) For any purposes for which taxes, assessments or other claims of the Town are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the Town; or to any Town utility or any town Sanitary District; or
 - b. Of any forfeiture resulting from a violation of any Town Ordinance.
- (b) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below. For purposes of this Ordinance, "person" shall mean any individual, partnership, association, or body politic or corporate.
- (c) **Hearings.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time, and Town ordinances.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Town Board or its assignee shall notify the applicant in writing of the Town's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Town Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny

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the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Town Board shall conduct a hearing with respect to the matter. At the hearing, both the Town and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Town Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Appeals.** Where an individual, business or corporation wishes to appeal the Town Clerk's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Town Clerk that the matter be referred to the Town Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Town Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

Sec. 7-10-2 Duty of Clerk with Regard to Licenses.

The Town Clerk shall be charged with the administration of all ordinances relating to licenses unless otherwise provided by the Town Board.

TITLE 8

Health and Sanitation

- Chapter 1** Health and Sanitation
- Chapter 2** Pollution
- Chapter 3** Abatement
- Chapter 4** Recycling
- Chapter 5** Solid Waste Collection and Disposal Tank Inspections
and Removal
- Chapter 6** Manure Management
- Chapter 7** Illicit Discharge and Connection

Title 8 ▶ Chapter 1

Health and Sanitation

8-1-1	Rules and Regulations
8-1-2	Health Nuisances; Abatement of
8-1-3	Deposit of Deleterious Substances Prohibited
8-1-4	Destruction of Noxious Weeds
8-1-5	Regulation of Length of Lawn and Grasses
8-1-6	Rodent Control
8-1-7	Composting

Sec. 8-1-1 Rules and Regulations.

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

Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Town Board shall abate health nuisances pursuant to Ch. 823, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Ch. 823, Wis. Stats.

Sec. 8-1-3 Deposit of Deleterious Substances Prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own

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private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

Sec. 8-1-4 Destruction of Noxious Weeds.

- (a) Unless delegated to the county, the Town Clerk shall annually on or before May 15th post a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

Sec. 8-1-5 Regulation of Length of Lawn and Grasses.

- (a) Purpose. This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Friendship.
- (b) Public Nuisance Declared. The Town Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code governing the Town, within the Town of Friendship which exceed twelve (12) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Town. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds twelve (12) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area, or in a water detention area or established drainage ways.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as

defined in Subsection (b) above to remain on any premises owned or controlled by him within the Town.

- (d) **Inspection.** The Town Board shall notify the Weed Commissioner or his/her designee shall inspect or cause to be inspected *all* premises and places within the Town to determine whether any public nuisance as defined in Subsection (b) above exists. Any person who desires to make a complaint to the Town regarding a violation of this Section shall bring the complaint to the Town Board at a regular Town Board meeting. The complaint shall be made to the Board no later than the Saturday before the meeting at which the complainant desires the complaint to be considered.
- (e) **Abatement of Nuisance.** If the Weed Commissioner shall determine that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served on the property owner stating that the Town proposes to have the lot grass or lawn cut so as to conform with this Section. The notice shall inform the property owner that if the owner believes that the property is not in violation of this Section, the owner may request a due process hearing as set forth herein within five (5) days of service of the notice.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$150 cash deposit. If a decision is rendered in the property owner's favor, the \$150 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is tendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Town Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who,

in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.

Sec. 8-1-6 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager** — Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Town.
 - (4) **Rodent Harborage** shall mean any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth** shall mean wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
 - (6) **Rodent** shall mean all nuisance animals.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground.

- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Town, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Town of Friendship to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

Sec. 8-1-7 Composting.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the controlled biological reduction of organic waste to humus. Yard waste shall mean the organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding 1" in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Town to proceed under Section 8-1-6.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or Town in general.
 - (5) a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.

- b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Zoning Administrator on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
- (6) No compost bin shall be located in any yard except a rear yard, as defined in the Zoning Code governing the Town, unless a variance is granted by the Board of Appeals.
- (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
 - (1) No compost bin shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps of any kind or type;
 - c. Fish, meat or other animal products;
 - d. Manures;
 - e. Large items that will impede the composting process.
 - (2) Permitted ingredients in a compost bin shall include the following:
 - a. Yard waste;
 - b. Coffee grounds and used tea leaves;
 - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

Title 8 ▶ Chapter 2

Pollution Abatement

- 8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes
8-2-2 Storage of Polluting Substances

Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
- (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Friendship for actual, reasonable and necessary expenses incurred by the Town of Friendship for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Town of Friendship or another entity on its behalf or direction.
 - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Fond du Lac County Board of Supervisors, or by local emergency government officials.
 - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

Sec. 8-2-2 Storage of Polluting Substances.

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

Title 8 ► Chapter 3

Recycling

8-3-1	Title and Purpose
8-3-2	Authority
8-3-3	Rules of Construction
8-3-4	Severability
8-3-5	Applicability
8-3-6	Administration
8-3-7	Definitions
8-3-8	Separation of Recyclable Materials
8-3-9	Care of Separated Recyclable Materials
8-3-10	Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
8-3-11	Preparation and Collection of Recyclable Materials
8-3-12	Responsibilities of Owners or Designated Agents of Multiple-Family
8-3-13	Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties
8-3-14	Service Contract
8-3-15	Enforcement

Sec. 8-3-1 Title and Purpose.

This Chapter is entitled the "Town of Friendship Recycling Ordinance." The purpose of this Chapter is to establish and implement a recycling ordinance pursuant to Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

Sec. 8-3-2 Authority.

The Town Board of the Town of Friendship is a "responsible unit" as defined by Sec. 159.01, Wis. Stats. As such, the Town has the authority under Chapter 159 as well as pursuant to its Village powers under Sec. 60.10, Wis. Stats., to plan, develop, implement and operate an effective recycling program within the Town.

Sec. 8-3-3 Rules of Constructions.

In the construction of this Chapter, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Chapter:

- (a) The term "Wisconsin Statutes" whenever used in this Chapter shall mean the Wisconsin Statutes for the years 1997-98 unless otherwise noted;
- (b) References to the male gender include the female and references to the single include the plural. References to "person" extends to natural persons, firms, corporations, partnerships or other entities;
- (c) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply; and
- (d) Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

Sec. 8-3-4 Severability.

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

Sec. 8-3-5 Applicability.

The requirements of this Chapter apply to all persons residing or doing business within the Town of Friendship.

Sec. 8-3-6 Administration.

The provisions of this Chapter shall be administered by the Town Board or its designee.

Sec. 8-3-7 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
 - (1) **Bi-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

- (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related projects.
- (3) **HDPE.** High density polyethylene plastic containers marked by the SPI Code No. 2.
- (4) **LDPE.** Low density polyethylene plastic containers marked by the SPI Code No. 4.
- (5) **Magazines.** Magazines and other materials printed on similar paper.
- (6) **Major Appliance.** A residential or commercial air condition, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (7) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No. 7.
- (8) **Multiple-Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
- (9) **Newspaper.** A newspaper and other materials printed on newsprint.
- (10) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) **Office Paper.** 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) **Person.** Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (13) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (14) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.74(7)(1)1., Wis. Stats.
- (15) **PP.** Polypropylene plastic containers marked by the SPI Code No. 5.
- (16) **PS.** Polystyrene plastic containers marked by the SPI Code No. 6.
- (17) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (18) **Recyclable Materials.** Lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (19) **Solid Waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (20) **Solid Waste Facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (21) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" included incineration.

- (22) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (23) **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 8-3-8 Separation of Recyclable Materials.

- (a) **Licensed Hauler Requirements.** The Town has entered into a service contract with a licensed hauler. The service contract provides for the collection and removal of recyclable material. The types of materials collected are to be determined by the licensed hauler.

Sec. 8-3-9 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-11 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.

Sec. 8-3-10 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and two (2) to four (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:

- (a) Lead acid batteries shall be delivered to designated drop off stations.
- (b) Major appliances shall be delivered to or picked up by licensed salvagers.
- (c) Waste oil shall be delivered to designated drop off stations.
- (d) Yard waste may be delivered to designated sites as specified by the Town Board or its contractor.

Sec. 8-3-11 Preparation and Collection of Recyclable Materials.

- (a) **Licensed Hauler Requirements.** The Town has entered into a service contract with a licensed hauler. The service contract provides for the collection and removal of recyclable material. The types of materials collected are to be determined by the licensed hauler.

Sec. 8-3-12 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8-3-8 (a) through (o):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in Subsection (a) 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 Section 8-3-8(a) through (o) from solid waste in as pure a form as is technically feasible.

Sec. 8-3-13 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-8(a) through (o):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements set forth above 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 this Chapter from solid waste in as pure a form as is technically feasible.
- (c) 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 this Chapter which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-3-14 Service Contract.

Recycling 8-3-14

- (a) The Town shall negotiate and attempt to enter into an annual or multi-year contract with a licensed hauler for the purpose of providing the collection and removal of recyclable material from residential establishments on a monthly basis in the Town. The Town reserves the right to make other arrangements for the disposal of recyclable materials. All materials delivered to or left with the licensed hauler shall be separated and prepared in accordance with the requirements of this Chapter.
- (b) No person may engage in the use, operation, or business of collecting solid waste or recyclable material for consideration within the Town without being licensed by the Town Board.
- (c) No person, except the hauler or its designated agents, may collect or remove any recyclable material which has been deposited or placed for recycling at the location designated by the Town Board. This provision shall not apply to any person who has placed recyclable material for collection and then withdraws it from recyclable material collection prior to removal.
- (d) No person, unless provided written permission by the Town, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location within the Town except at a location designated by the Town Board.

Sec. 8-3-15 Enforcement.

- (a) Any authorized officer, employee or representative of the Town Board or its contractors may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Town Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board or its designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.
- (c) Penalties for violating this Chapter may be assessed as follows:
 - (1) Any person who violates any provision of this Chapter may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation, including reasonable attorney's fees and costs of prosecution.

Title 8 ► Chapter 4

Solid Waste Collection and Disposal

8-4-1	Definitions
8-4-2	Collection of Wastes
8-4-3	Use of the Town Landfill Site

Sec. 8-4-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Solid Waste.** Garbage, rubbish, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations and from domestic use and public service activities.
- (b) **Garbage.** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, storage, and consumption of food.
- (c) **Refuse.** Non-putrescible solid wastes consisting of both combustible and non-combustible waste such as, but not limited to, paper, cardboard, cans, bottles, glass, plastic, metals, rubber, wood, cloth, litter, yard waste, and brush.
- (d) **Yard Waste.** Grass clippings, leaves, garden debris, and brush, but not including stumps or tree limbs over two (2) inches in diameter.
- (e) **Bulky Waste.** Discarded articles of such size as are not normally collected with domestic wastes such as, but not limited to, appliances, windows, doors, but which would be considered normal household waste.
- (f) **Construction and Demolition Waste.** Wastes resulting from building construction, repair, alteration or demolition and including, but not limited to, concrete, asphalt, stone, brick, or dirt.
- (g) **Toxic or Hazardous Wastes.** Concentrations of solid wastes such as pesticides, acids, car batteries, oil paints, solvents, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.
- (h) **Domestic Waste.** Garbage, refuse, ashes, but not including yard waste, bulky waste, construction demolition waste and not including commercial, agricultural, or industrial waste. Domestic waste is intended to include only garbage, refuse, and small amounts of demolition or construction materials normally generated by a household including furniture and small appliance.

Sec. 8-4-2 Collection of Wastes

(a) General Provisions.

- (1) The Town shall enter into a contract with a waste collection company for the collection and removal of domestic wastes on a regular basis.
- (2) Domestic wastes shall not include hot ashes, shall be collected weekly by the Town from all residences or dwelling units provided such waste is properly handled, contained, stored, and located in conformance with this chapter.
- (3) The Town will not provide collection of wastes from industrial or commercial establishments (hereafter called business establishments). Each business establishment shall make its own separate arrangements to remove or have removed all domestic waste, solid waste, garbage, bulky waste, construction or demolition wastes, and hazardous wastes.
- (4) No person, property owner, or business owner in the Town of Friendship shall accumulate or allow to accumulate on their property any solid waste, garbage refuse, bulky waste, construction or demolition materials, or hazardous wastes and shall provide for the timely removal and disposal of such wastes where not herein provided for by the town.
- (5) No person shall operate a vehicle to haul any waste materials on any public road in the Town of Friendship unless such vehicle is so constructed, loaded and covered to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

(b) Collection.

- (1) Domestic waste, not including hot ashes and furniture, to be picked up shall be placed within ten (10) feet of the roadside not earlier than 6:00 p.m. of the day preceding the collection day and not later than 6:30 a.m. on the collection day. All empty containers shall be removed from the roadside the same day collection occurs..
- (2) All waste shall be placed in waste containers provided by the waste company which should not exceed fifty (50) pounds in weight..
- (3) No containers shall be placed in front of mailboxes nor within three (3) feet of the traveled portion of the road and shall not be placed in such manner as to interfere with the uses of the road or cause safety hazards.
- (4) Arrangements for collection of waste other than domestic wastes can be made with a contract hauler.
- (5) The day or days of collection shall be at least once a week and shall be determined by the Town Board in agreement with the contract hauler and the Town shall give reasonable notice to all property owners by mailing and posting of such day or days of collection.

(c) Classes of Places. There shall be two (2) classes of places:

- (1) Residences or dwelling units.
- (2) Business or industrial units.

(D) Charges for Collection of Domestic Waste.

- (1) The cost of removal of domestic waste from residents and dwelling units shall be charged as a special charge against the property served and shall be placed upon the real estate tax bill of property being served and collected along with the real estate tax each year commencing with the 1990 tax year.
- (2) The Town board shall contract with a waste collection company to collect and remove domestic waste on a regular basis, at least once weekly from all residences or dwelling units. The cost of collection and removal as set out in such contract shall be the amount charged against each property served.
- (3) The collection and removal of domestic waste shall commence on March 7, 1990.

Sec. 8-4-3 Use of the Town Landfill Site.

(a) Due to EPA and DNR regulations now in effect or to be adopted, the Town sanitary landfill shall be closed. It may be possible to use the landfill for the disposal of yard wastes and brush even after closing the landfill for all other purposes.

(b) The Town of friendship landfill shall be closed as of March 4, 1990 and so no more wastes shall be deposited in such landfill except as hereinafter provided:

- (1) Yard wastes and brush from within the town may be brought to the Town landfill site for disposal of on April 1, 1990 or on such other days and times as determined by the Town Board. Notice of the times and days the landfill shall be open for such limited use shall be posted by the Town board.
- (2) The town Board may further limit the use or close the landfill site at any time, but shall give notice of such changes or closing by posting.

Tank Inspections and Removals

8-5-1	Purpose and Authority
8-5-2	Service Contracts
8-5-3	Fees for Contract Services
8-5-4	Inspection Fees for Removal and Closure of Petroleum Storage Tanks

Sec. 8-5-1 Purpose and Authority.

- (a) **Purpose.** This Chapter is adopted for the purpose of promoting the health and safety of Town residents, preservation of Town property and property values, and to implement and comply with applicable State and Federal statutes, codes and regulations related to fire prevention, inspections, and the regulation of underground and aboveground petroleum product storage tanks and facilities.
- (b) **Authority.** This Chapter is enacted pursuant to the Town's police powers and pursuant to authority granted under Sec. 60.555, Wis. Stats., and under Chapter ILHR 10, Wis. Adm. Code.

Sec. 8-5-2 Service Contracts.

- (a) **Contracts Authorized.** The Town Board may enter into contracts with qualified third parties for the provision of fire prevention and inspection services, inspections and reviews required under Chapter ILHR 10, Wis. Adm. Code, and any other such related services as the Town may be authorized or required to perform pursuant to applicable State and Federal statutes, codes and regulations.
- (b) **Certification Requirements.** All contracts entered into or approved by the Town must be with persons who are certified, with regard to the services to be performed by such person, by the Wisconsin Department of Industry, Labor and Human Relations (ILHR), to the extent that ILHR has a certification program applicable to the service being performed. Contracts may be awarded to business entities (as opposed to an individual), if the Town is satisfied that all persons who will perform services under the contract meet the certification requirements of this Chapter. Any contract entered into hereunder may be

revoked by the Town if the person or entity that is a party to the contract loses the certification required under this Chapter.

- (c) Other Contract Terms. The Town Board may enter into contracts with the persons or entities, for such periods, and at such cost, as the Town Board, in its sole discretion, deems appropriate and beneficial to the Town. Except as otherwise required by law, the Town will not be required to solicit bids for the contracts regulated by this Chapter. If ILHR, or another applicable State or Federal agency, has identified a person or entity with which the Town is required to contract for any or all of the services regulated by this Chapter, the Town will enter into a contract for such service(s) with that person or entity.

Sec. 8-5-3 Fees for Contract Services.

- (a) Fees Regulated by State. Where the State, under Chapter ILHR 10 or ILHR 2, Wis. Adm. Code, has set a fee for services regulated under this Chapter, the State fee will be charged, collected and administered by the party with whom the Town has contracted for such service.
- (b) Fees for Tank Removal Inspections. Until such time as the State or other applicable regulatory agency establishes a different, mandatory fee schedule, the Town Board will establish a fee schedule for inspection of the closure of non-federally regulated petroleum storage tank systems, where applicable State or Federal statutes, codes or regulations require inspection of the closure. Where the Town has entered into a separate contract or agreement for such inspection services, the inspector will be responsible for collection and remittance of the inspection fee.

Title 8 ► Chapter 6

Livestock Manure Management

8-6-1	Authority
8-6-2	Title
8-6-3	Findings and Declaration of Policy
8-6-4	Purpose
8-6-5	Applicability
8-6-6	Severability
8-6-7	Interpretation
8-6-8	Effective Date
8-6-9	Definitions
8-6-10	Compliance with Permit Requirement
8-6-11	Violation
8-6-12	General Requirement
8-6-13	Administration
8-6-14	Appeals and Variances

Sec. 8-6-1 Authority.

This chapter of the Code is adopted pursuant to authority granted by Wisconsin Statutes 59.02, 59.3, 59.69, 59.70, 92.15 and 92.16.

Sec. 8-6-2 Title.

This article shall be known as, referred to, and may be Cited as the Fond du Lac County Livestock Manure Management Ordinance and is hereinafter referred to as "this article"..

Sec. 8-6-3 Findings and Declaration of Policy.

The Fond du Lac County Board of Supervisors finds that storage of manure in storage facilities, meeting sufficient technical design and construction standards, may cause pollution of the surface ground waters of Fond du Lac County and may result in actual or potential harm to the health and safety of county residents and transients; to livestock, aquatic life, and other animals and plants; and to the property tax base of the county.

The Fond du Lac County Board of supervisors also finds that improper management of manure storage facilities and utilization of stored manure may cause pollution of the ground and surface waters of Fond du Lac County.

The Fond du Lac County Board of Supervisors also finds that manure storage facilities left improperly closed over time, may cause pollution of surface and ground waters, and may cause unsafe conditions to county residents and transients if not closed using sufficient technical standards and specifications.

The Fond du Lac County Board of Supervisors further finds that the technical standards developed by the United States Department of Agriculture, Natural Resource Conservation Service and adopted by the Fond du Lac County Land Conservation Committee provide effective, practical and environmentally safe methods of storing and utilizing manure; and safely closing facilities no longer in operation.

Sec. 8-6-4 Purpose.

The purpose of this article is to assure the safe handling and spreading of manure as well as to regulate the location, design, construction, installation, alteration, operation, and maintenance of all new livestock manure storage facilities. Also regulate the closure of livestock manure storage facilities in order to prevent water pollution, protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Fond du Lac County.

Sec. 8-6-5 Applicability.

This article applies to all the unincorporated areas of the county.

Sec. 8-6-6 Severability.

If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not be rendered ineffective by the court's ruling.

Sec. 8-6-7 Interpretation.

In the interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the county, and shall not be deemed a limitation or peal of any other power granted by state statutes.

Sec. 8-6-8 Effective Date.

This article shall be effective upon the date following its County publication.

Sec. 8-6-9 Definitions.

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

1. Adequate Sod or Self-sustaining Vegetative Cover - Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges, and duff layers of fallen leaves and woody debris.
2. Applicant - Any person who applies for a permit under this article.
3. Animal— Domesticated and other types of animals together with fish and birds.

4. **Bedrock** - Any naturally formed consolidated rock material and weathered in-place material with >50%, by volume, larger than 2 mm in size. Bedrock includes, but is not limited to limestone (dolomite), sandstone, shale and igneous and metamorphic crystalline rock, including granite, hylite, quartzite, gabbro, basalt, gneiss, schist, diorite and greenstone.
5. **Committee** - Refers to the county land conservation committee.
6. **Department** - The enforcing authority of this article and are the staff employed by the committee.
7. **Direct Runoff** - A discharge of a significant amount of pollutants to waters of the state resulting from and of the following practices:
 - A. Runoff from a manure storage facility.
 - B. Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
 - C. Discharge of leachate from manure pile.
 - D. Seepage from a manure storage facility.
 - E. Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s.NR 154.04(3).
8. **Ground Water** - The water filling all the unblocked pores of underlying material below the water table.
9. **Maintenance** - A nonstructural replacement or alteration of a portion of a manure storage facility or structure that does not change the design or operation of the facility or structure.
10. **Manure** - Livestock secretion and other materials such as bedding, soil, hair, feathers, rain or other water, and other debris normally included in manure handling operations.
11. **Manure Storage Facility or Structure** - A concrete, wooden, steel or other wise fabricated structure, or an excavated or earthen impoundment, pit or pond used for temporary storage of manure. Installation of a manure reception tank, and/or discharge pipe will be considered a manure storage facility or structure for purposes of this article. Other components used in the handling of manure, such as gutters, barn cleaners, manure spreaders and livestock housing are excluded from the definition of a manure storage facility or structure.
12. **NRCS Engineering Job Approval** - A complex process of review and certification by qualified NRCS engineers to determine the capability and technical competence of subordinate personnel to design, review and provide construction supervision for various soil and water conservation practices to be constructed under the terms of this article and that may be modified from time to time based upon work experience, educational training, employment status and competence of those subordinates (see A-NRCS National Engineering Manual title 210, part 500).
13. **Pasture**—Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

14. Permit - The signed, written statement issued by the county land & water conservation department under this article, authorizing the applicant to construct, install, reconstruct, enlarge, close, or substantially alter a manure storage facility or structure.
15. Permittee - Any person to whom a permit is issued under this article.
16. Person - Any individual, corporation, partnership, joint venture, agency, unincorporated as citation, municipal corporation, county or state agency within Wisconsin, the federal government, or an combination thereof.
17. Repair - A structural replacement or alteration of a storage facility or structure that changes or alters the design, construction or operation of the manure storage facility or structure.
18. Site That is Susceptible to Groundwater Contamination -
 - A. An area within 250 feet of a private well.
 - B. An area within 1000 feet of a municipal well.
 - C. An area within 300 feet upslope or 100 feet downslope of karsts features
 - D. A channel with a cross-section area equal to or greater than 3 square feet that flows to a karsts feature.
 - E. An area where soil depth to groundwater bedrock is less than 2 feet.
 - F. An area where the soil does not exhibit one of the following soil characteristics.
 1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.
 2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.
 3. At least a 5-foot soil layer with 10% fines or greater above groundwater and bedrock.
19. State BMP Handbook - The state department of natural resources construction site best management practice handbook as adopted by the committee.
20. Substantially Altered - A change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth, or configuration of a structure or facility including:
 - A. Replacement of a liner in a manure storage structure, and
 - B. An increase in the volumetric capacity or area of a structure or facility by greater than 20%
21. State BMP Handbook - The state department of natural resources construction site best management practice handbook as adopted by the committee .
22. Substantially Altered - A change initiated by an owner or operator that results in a relocation of a structure or facility or significant changes to the size, depth or configuration of structure or facility including:
 - A. Replacement of a liner in a manure storage structure, and
 - B. An increase in the volumetric capacity or an area of a structure or facility by greater than 20%.
 - C. A change in a structure or facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.

23. Technical Guide - The state version of the Natural Resource Conservation Service Field of Ice Technical Guide published by the Natural Resource Conservation Service of the U.S. Department of agriculture, and adopted by the County Land Conservation Committee.
24. Unconfined Manure Pile - A quantity of manure that is at least 175 cubic ft in volume and which covers the ground surface to a depth of at least 2 inches and not confined within a manure storage facility or structure, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.
25. Waters of the State - Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction as defined in Section 147.015(20) of the Wisconsin Statutes.
26. Water Pollution - Contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
27. Water Quality Management Area - means any of the following:
 - A. The area within 1000 feet from the ordinary high-water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is glacial pot hole lake, the term means the area within 1000 feet from the high-water mark of the lake.
 - B. The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
 - C. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
28. Working Day - A calendar day, except Saturdays, Sundays and state and federal recognized legal holidays, on which weather and other conditions not under the control of the contractor or the county will permit construction operation to proceed with normal work force.

Sec. 8-6-10 Compliance with Permit Requirement.

A person is in compliance with this article if he/she follows the procedures of this article, applies for and receives a permit from the department before beginning activities subject to regulation under this article, and complies with the requirements of the permit.

Sec. 8-6-11 Violations.

Penalties. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this article shall be subject to a forfeiture of not less than \$100.00 no more than \$500.00 plus the costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this article or with any condition or qualification attached to the permit. Each day a violation exists shall be a separate offense.

Enforcement by Injunction. As a substitute for or in addition to forfeiture actions, the county seek enforcement of any part of this article by court actions seeking injunctions or restraining orders.

Sec. 8-6-12 General Requirement.

Any person or their agent who acquires ownership of, leases, or designs, constructs, installs, reconstructs, enlarges, closes, or substantially alters a manure storage facility or structure, or applies manure on land subject to this article, shall be subject to the provisions of this article of the Code.

New Construction and Alterations.

1. New or substantially altered manure storage facilities shall be designed, constructed and maintained to minimize the risk of structural failure of the facility, minimize leakage of the facility in order to comply with groundwater standards, and maintain one foot of freeboard storage or adequate freeboard storage to the equivalent volume of a 25- year, 24 hour storm, whichever is greater.

Closure.

1. Closure of a manure storage facility permitted under this Article shall occur when a n operation where the facility is located ceases operation, or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters. Compliance with NRCS Technical Guide, Standard 360, Closure of Waste Impoundments, and this Article, is required.
2. The owners or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met:
 - A. The facility is designed, constructed and maintained in accordance with Sub. (2) of NR 151.05;
 - B. The facility is designed to store manure for a period of time longer than 24 months,
 - C. Retention of the facility is warranted based on anticipated future use.

Failing and Leaking Existing Facilities.

1. Manure storage facilities in existence as of the effective date of this ordinance amendment that may pose an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards shall be upgraded, replaced or closed in accordance with this section.

Sec. 8-6-13 Administration.

Delegation of Authority. The county conservationist, as department head of the land and water conservation department, is authorized to administer and enforce this article. The county conservationist may, in turn, delegate the necessary functions to such staff as deemed desirable and who have appropriate levels of NRCS engineering job approval for the review of applications.

Administrative Duties. In the administration and enforcement of this article, the county conservationist or a designated representative shall:

- (a) Keep an accurate record of all permit applications, manure storage facility plans, permits issued, inspections made, and other official actions.
- (b) Review permit applications and issue permits in accordance with this article.
- (c) Inspect manure storage facility construction to ensure the facility is being constructed according to plan specifications.
- (d) Inspect manure storage facility closure to ensure the facility is being closed according to plans and specifications.
- (e) Investigate complaints relating to compliance with this article.
- (f) Perform other duties as specified in this article.
- (g) Provide technical services to the applicant to the extent resources are available.

Inspection Authority.

- (a) The county conservationist or a designated representative is authorized to enter upon any lands affected by this article to inspect the land prior to or after permit issuance to determine compliance with this article pursuant to the authority granted by WIS. Stats. 92.07(14).
- (b) Entry by the county conservationist or a designated representative may also be according to WIS. Stats. 66.0119 and 66.0119(3). Refusal to grant permission to enter lands affected by this article for purposes of inspection may be grounds for denial of the permit or revocation thereof.

Enforcement Authority.

- (a) The county conservationist or a designated representative is authorized to post an order stopping work upon land that has had a permit revoked or on land currently undergoing activity in violation of this article. Notice is given by both posting upon the land where the violation occurs with one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this article. A copy of the certified letter shall be sent to the members of the committee as well. The order shall specify that the activity must cease, and the reason.
- (b) Any permit revocation or order stopping work shall remain in effect unless retracted by the committee, the county conservationist or a designated representative, or by a court of general jurisdiction; or until the activity is brought into compliance with this article. The county conservationist is authorized to refer any violation of this article or of an order stopping work issued pursuant to this article to the corporation counsel upon authorization of the committee, for commencement of legal proceedings.

Sec. 8-6-14 Appeals and Variances

Authority. Under authority of WIS. Stats. 68, the committee, created under Wis. Stats. 59.0 (19), and acting as an appeal authority under Wis. Stats. 68.09(2), is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the department in administering this article.

Who May Appeal. Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision or determination made by the department.

Procedure. The rules, procedures, duties and powers of the committee and provisions of Wis. Stats. Ch. 68 shall apply to appeals under this article.

- (a) A request for an appeal shall be filed with the department within 30 days of action or decision to be appealed. The appeal request shall specify whether an interpretation of this article or a variance is sought and the grounds thereof
- (b) The appeal shall be heard by the committee at a regularly scheduled meeting with public notice as required by Wis. Stats. 19.81. The appeal shall be heard within 45 days of the date the appeal is filed with the department. A copy of the meeting notice shall be sent to the applicant and the appropriate town board. The department shall transmit to the committee all documents constituting the record from which the appeal was taken.
- (c) A written decision regarding the appeal shall be made within 30 days.
- (d) The final decision on an appeal shall be in the form of a written determination signed by the chairperson or secretary of the committee. The determination shall state the specific facts that are the basis for the committee's decision and shall affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance. The reasons or justification for granting an appeal that was demonstrated by the applicant in the case of a variance shall be clearly stated in the recorded minutes of the committee meeting.

Variances. The committee may upon appeal authorize a variance from the requirements of this article when, upon showing by the applicant, unnecessary hardship would result from literal enforcement of article. The granting of a variance for unnecessary hardship shall:

- (a) Be consistent with the spirit and purpose of this article as stated in section 14-39.
- (b) Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other off-site impacts.
- (c) Be due to unique circumstances and not to the general conditions of the area.
- (d) Not be granted for a self-created hardship.
- (e) Not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.
- (f) Not be granted solely on the basis of economic gain or loss.

- (g) Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance from which this article is derived.

The committee may authorize a variance from the requirements of this article contingent on the applicant's receiving a variance from the technical standards through the Natural Resource Conservation Service or other qualified engineering authority. The committee may also authorize a variance from the requirements of this article contingent on the applicant's receiving a variance from the state performance standards through the Wisconsin Department of Natural Resources.

Sec. 8-6-15 Appeals and Variances

Application For and Issuance Of Permits.

Manure Storage Facility Permit Generally. No manure storage facility, or parts thereof may be constructed, substantially altered, or closed without a manure storage facility permit as provided in this article and without compliance with the provisions of this article. The requirements of this article shall be in addition to any other ordinance or administrative rule regulating manure storage or applicable technical standards. In the case of conflict, the most stringent provisions shall apply.

Exceptions To Permit Requirement. Emergency repairs such as repairing a broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without a manure storage facility permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the department within one working day of the emergency for a determination by the department on whether a permit will be required for any addition alteration or repair to the facility. The department's determination shall be rendered within two working days of the reporting. The department may consult with the committee prior to making this determination.

Permit Fee. Any person who by this article requires the issuance of a permit shall pay a fee, if required, for such permit to help defray the cost of administration, inspection and processing of permits. The amount of the fee shall be established on an annual basis by the committee.

Manure Storage Facility Permit Application. An application for a manure storage facility permit shall be filed with the department on forms supplied by the department. A copy of the permit application shall be mailed to the appropriate town board by the department. In addition, the department may mail a copy of the application to other agencies or units of government that may have jurisdiction over the proposed activity. Each application for a permit under this article shall include a manure storage facility plan, certified as meeting technical standards by an agricultural or civil engineer registered in the State of Wisconsin, or a Department of Agriculture, Trade, and Consumer Protection or NRCS engineering practitioner.

The plan shall specify:

(a) The number and kinds of animals for which storage is provided, and design storage period.

(b) A plan view of the facility and its location in relation to buildings, roads, wells, lot lines and other features within 300 feet, and homes within 500 feet of the proposed facility.

The plan view shall be drawn to scale, with a scale of one inch equals 10, 20, 40, or 100 feet.

(c) The structural details of the facility, including dimensions, cross sections, and concrete thickness and reinforcement, if applicable.

(d) The soil test pit and/or soil depth boring locations and soil descriptions to a depth of at least five feet below the planned bottom of the facility, or to bedrock if at a lesser depth. The soil description shall conform to the Unified Soil Classification System.

(e) The elevation of seasonally high groundwater or bedrock if encountered in the soil profile and date of any such determination.

(f) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within 500 feet of the facility, the location and distance to the body of water shall be shown.

(g) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(h) Ground contours (2-foot maximum intervals), with spot elevations, indicating land slope at and around the site for a minimum distance of 100 feet.

(i) Planned duration of storage, expressed in days or months, and volume of storage, expressed in cubic feet.

(j) The scale of the drawing and a north arrow.

(k) An animal waste assessment plan is required initially to demonstrate that suitable area is available for land application and crop uptake of manure nutrients. Manure applications shall be limited only by the nitrogen needs of the crops to be grown and the nitrogen contributions from the manure and other noncommercial nutrient sources (e.g. previous legume crops) based upon University of Wisconsin Extension recommendations.

(l) A description of the method of transferring manure into and from the facility.

(m) A construction site erosion control plan which meets the standards specified in Chapter 17 of the County Code.

(n) Any other additional information required by the department to determine compliance with this section.

Nutrient Management Plan. As part of an application for a construction permit, a landowner must develop a nutrient management plan that complies with ATCP 50.04(3). The nutrient management plan must be submitted to the department before any manure is removed from the permitted manure storage facility or structure. The nutrient management plan shall include the following:

A. Identification of every field on which the landowner mechanically applies nutrients.

B. Be prepared by a nutrient management planner qualified under ATCP 50.48.

- C. Rely on soil nutrient test conducted at a laboratory certified under ATCP 50.50.
- D. Comply with the NRCS technical guide nutrient management standard 590 dated March, 1999. NOTE: Standard 590 dated March 1999 is a nitrogen based standard. The NRCS revised 590 in July 2002 to incorporate a phosphorus-based standard. The Wisconsin DATCP will initiate rulemaking to adopt the NRCS phosphorus-based standard by January 1, 2005.

Permit Application for Closure of Manure Storage Facility. An application for the closure of a manure storage facility permit shall be filed with the department on forms supplied by the department. Each application for a permit under this article shall include a plan for the closure of the manure storage facility, certified as meeting technical standards by an agricultural or civil engineer registered in the state of Wisconsin, or a Department of Agriculture, Trade, and Consumer Protection or NRCS engineering practitioner. The plan shall be consistent with NRCS Technical Standard Code 360.

Review Of Application.

- (a) The department shall receive and review all permit applications.
- (b) The department shall determine if the proposed facility meets the required standards set forth in this article. In making this determination, the department may require a site inspection and/or may consult with an outside agency at the expense of the department.
- (c) Within 30 days after receiving the completed application and fee, if required, the department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required from the applicant, the department has 30 days from the receipt of the additional information in which to approve or disapprove the application. If in addition to the applicant's information the department requires comments from an outside agency, the department has 30 days from receipt of the comments from the referral agency. If the department fails to approve or disapprove the permit application in writing within 30 days of the receipt of the permit application, receipt of additional applicant information, or receipt of referral agency comments, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.
- (d) A copy of the action taken by the department on the permit application shall be mailed to the appropriate town board. In addition the department may mail a copy of the action taken to other agencies or units of government that may have jurisdiction over the proposed facility.

Permit Conditions. All permits issued under this article shall be issued subject to the following conditions and requirements:

- (a) A nutrient management plan that complies with ATCP 50.04(3) shall be submitted to the department prior to removal of any manure from the manure storage facility or structure.

**ILLICIT DISCHARGE AND
CONNECTION ORDINANCE
Town of Friendship**

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Town of Friendship, Fond du Lac County, Wisconsin through the regulation of non-storm water discharges to the MS4 to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs). Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Contaminated storm water. Storm water that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 21.6 (effective August 1, 2004).

Department (DNR). The Wisconsin Department of Natural Resources.

Discharge. As defined in Wisconsin Statute 283 (November 1, 2005), when used without qualification includes a discharge of any pollutant,

Discharge of pollutant or discharge of pollutants. As defined in Wisconsin Statute 283 (November 1, 2005), means any addition of any pollutant to the waters of this state from any

point source.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge. Any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the MS4 including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to WPDES Industrial Permits per NR 216 (effective August 1, 2004) and Wisconsin Statute 283 (November 1, 2005).

Municipality. Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes.

Municipal Separate Storm Sewer System (MS4). As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (a) Owned or operated by a municipality.
- (b) Designed or used for collecting or conveying storm water.

- (c) Which is not a combined sewer conveying both sanitary and storm water.
- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-Storm Water Discharge. Any discharge to the MS4 that is not composed entirely of storm water.

Owner. Any person holding fee title, an easement or other interest in property.

Outfall. The point at which storm water is discharged to waters of the state or to a storm sewer.

Person. An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency_

Pollutant. As defined in Wisconsin Statute 283 (November 1, 2005), means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution. As defined in Wisconsin Statute 283 (November 1, 2005), means any man—made or man--induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollution prevention. Taking measures to eliminate or reduce pollution.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Water. Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Storm Water Management Plan/Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable..

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watercourse. A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Fond du Lac County, all channels identified on the site,

and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined,

Waters of the state. As defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit. A Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 28.3 (November 1, .2005).

SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the MS4 generated on any lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Town Board and/or its agents shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town Board may be delegated in writing by the Town Board of the Town of Friendship to persons or entities acting in the beneficial interest of or in the employ of the agency, All subsequent references to the Town or the Town Board in this ordinance shall include its respective agents and designees.

SECTION 5. COMPATIBILITY WITH OTHER REGULATIONS.

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 6. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION 7. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION 8. DISCHARGE PROHIBITIONS.

8.1. Prohibition of Illicit Discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

8.2. Allowed Discharges.

- (1) Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- (2) Discharges or flow from firefighting, and other discharges specified in writing by the Town Board as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing, however this activity requires a verbal notification to the Town Board and the Department of Natural Resources a minimum of one day prior to the time of the test.
- (4) Any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources. Any person subject to such a WPDES storm water discharge permit shall comply with all provisions of such permit.

NOTE TO USER: The local government may evaluate and remove any of the above allowed discharges if it is determined that they are causing an adverse impact. If tribal lands are involved, "WPDES" should be replaced with "NPDES" and "Wisconsin Department of Natural Resources" with "Environmental Protection Agency."

8.3. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Town Board.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Town Board requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Town Board.

SECTION 9. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 10. COMPLIANCE MONITORING.

10.1. Right of Entry: Inspecting and Sampling.

The Town Board shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Town Board.
- (2) Facility operators shall allow the Town Board ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
- (3) The Town Board shall have the right to set up on any facility such devices as are necessary in the opinion of the Town Board to conduct monitoring and/or sampling of the facility's storm water discharge.

- (4) The Town Board has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town Board and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Town Board access to a facility is a violation. A person who is the operator of a facility commits an offense if the person denies the Town Board reasonable access to the facility for the purpose of conducting any activity authorized or required by this ordinance.

10.2. Special Inspection Warrant

If the Town Board has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Town Board may seek issuance of a special inspection warrant per state statute 66.0119.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the MS4, or waters of the State shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal MS4 or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

SECTION 12. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of

any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services,. In the event of a release of non-hazardous materials, said person shall notify the Town Board in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town Board within two (2) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Failure to provide notification of a release as provided above is a violation of this ordinance

NOTE TO USER: Refer to the Department of Natural Resources Spill Code before filling in blanks in the above section.

SECTION 13. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

13.1 Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Town Board is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Town Board is authorized to seek costs of the abatement as outlined in Section 16.

13.2. Warning Notice.

When the Town Board finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town Board may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in the subsection shall limit the authority of the Town Board to take action, including emergency action or any other enforcement action without first issuing a Warning Notice.

13.3. Notice of Violation.

Whenever the Town Board finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town Board may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Town Board by filing a written notice of appeal within 3 days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator,

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of BMPs.

13.4. Suspension of MS4 Access.

13.4.1. Emergency Cease and Desist Orders.

When the Town Board finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the M54 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town Board may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Town Board may take such steps as deemed necessary to prevent or minimize harm to the M54 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Town Board may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town Board that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town Board within 10 days of receipt of the prerequisite for, taking any other action against the violator.

13.4.2. Suspension due to Illicit Discharges in Emergency Situations

The Town Board may, without prior notice, suspend M54 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the M54 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Town Board may take such steps as deemed necessary to prevent or minimize damage to the M54 or waters of the United States, or to minimize danger to persons.

13.4.3. Suspension due to the Detection of Illicit Discharge

Any person discharging to the M54 in violation of this ordinance may have their M54 access

terminated if such termination would abate or reduce an illicit discharge, The Town Board will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town Board for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises^{4er}, threated pursuant to this Section, without the prior approval of the Town Board.

13.5. Prosecution and Penalties.

Any person that has violated or continues to violate this ordinance shall be liable to prosecution to the fullest extent of the law, In the event the alleged violator fails ,take the remedial measures set forth in the notice of violation or otherwise fails to cure the violation described therein within the set time period specified by the Town Board, after the Town Board has taken one or more of the actions described above, the Town Board may impose a penalty of not less than \$100 nor more than \$500 for each day the violation remains unremedied after receipt of the violation.

SECTION 14. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Town Board. The notice of appeal must be received by the Town Clerk within 3 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal.

NOTE TO USER: Each community will need to decide a reasonable timeframe for how often the board or authority meets.

SECTION 15. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, the municipal authority upheld the decision of the Town, then representatives of the Town Board are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 16. COST OF ABATEMENT OF THE VIOLATION.

Within fourteen (14) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the municipal authority, the charges shall become a special charge against the property and shall constitute a lien on the property.

TITLE 10

Motor Vehicles and Traffic

Chapter 1	Traffic and Parking
Chapter 2	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 3	Unlicensed Motor Vehicles
Chapter 4	Railroad Crossings
Chapter 5	School Bus Warning Lights

Title 10 ► Chapter 2

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-2-1** State All-Terrain Vehicle Laws Adopted
- 10-2-2** Unauthorized Operation of Motor Vehicles on Public or Private Property

Sec. 10-2-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-2-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

Sec. 10-2-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
 - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful to operate any

Title 10 ► Chapter 3

Unlicensed Motor Vehicles

10-3-1	Definitions
10-3-2	Enclosure Requirements
10-3-3	Permits Required
10-3-4	Enforcement; Penalties
10-3-5	Permit and Application Forms

Sec. 10-3-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Motor Vehicle.** Any vehicle that is or may be propelled upon the public highway.
- (b) **Licensed.** Any license that is required to be carried by any motor driven vehicle when driven, used, or propelled upon the public highway.
- (c) **Application.** A written form upon which a request is made for a permit.
- (d) **Permit.** The written authority given by the Town Board to allow storage of unlicensed motor vehicles.
- (e) **Storage.** The placement of a vehicle upon real property described in the Town assessment and tax roll.
- (f) **Unlicensed Motor Vehicle.** 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.
- (g) **Zoned or Zoning.** Any land use control ordinance (county or town) that may be in force.
- (h) **Owner.** 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.
- (i) **Occupant.** 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.

Sec. 10-3-2 Enclosure Requirements.

Ten or more unlicensed motor vehicles shall not be permitted to be stored, harbored or held upon any parcel of property in the Town of Friendship without a proper permit issued by the Town

10-3-2

Board is authorized to issue permits to store ten (10) or more unlicensed motor vehicles upon a parcel of property when the following enclosure requirements have been met:

- (a) Storage of between three (3) to ten (10) unlicensed motor vehicles may be stored outdoors without a permit, provided that such vehicles are within the perimeter of a fence of a height of not less than the height of the highest point on any such vehicle. The vertical area of the fence shall be at least one hundred percent (100%) opaque.
- (b) Storage of eleven (11) or more unlicensed motor vehicles by Town permit shall comply with the provisions of Subsections (a) above.
- (c) All enclosures, including fences, must be in compliance with Town zoning and other ordinances as well as other applicable federal, state and county laws and regulations.

Sec. 10-3-3 Permits Required.

- (a) No Town permit is necessary to store ten (10) or fewer unlicensed motor vehicles. Between three (3) to ten (10) unlicensed motor vehicles may be stored without a Town permit provided the storage or fencing requirements of Section 10-3-2 are fully complied with. Two (2) or fewer unlicensed vehicles may be stored or harbored without a Town permit and are exempt from the storage/screening requirements of Section 10-3 2.
- (b) A written permit to store over eleven to twenty (11 to 20) unlicensed motor vehicles may be issued upon proper application having been made, and only after the applicant has met all the requirements as to the type of enclosure deemed necessary to be constructed, erected and maintained by the owner or occupant of the property. No permit is necessary to store less than ten (10) unlicensed motor vehicles provided the conditions of this Chapter are met.
- (c) A written permit form shall be furnished when a permit has been authorized to be issued by the Town Board.
- (d) Written application forms shall be furnished to any person upon request. (e) Applications for an Unlicensed Vehicle Storage Permit shall be filed with the Town Clerk at least ten (10) days prior to the next regular scheduled meeting of the Town Board.
- (f) Any application for an Unlicensed Motor Vehicle Storage Permit shall be acted upon in sixty (60) days after it was filed with the Town Clerk.
- (g) If the permit is issued, such permit shall be issued for a period of years.
- (h) If the permit is denied, the permit will not be issued and the Town Board shall cause the applicant to be aware of such denial.
- (i) An application fee will be determined by the town board.
- (G) An application for renewal of such Unlicensed Motor Vehicle Permit may be required annually.
- (k) 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.

Sec. 10-3-4 Enforcement; Penalties.

(a) **Enforcement.**

- (1) The enforcement of this Chapter shall be the responsibility of the Town Board, or the responsibility of the person the Town Board may assign to such duty or responsibility.
- (2) Inspection of an enclosure facility may be made each year before the next year's annual permit is acted on by the Town Board.

(b) **Penalty.**

- (1) 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 Chapter or the conditions of the permit.
- (2) Any owner, occupant, or other person or persons violating any provision of this Chapter and/or its amendment and administrative rule shall forfeit a sum of money not to exceed Fifty Dollars (\$50.00) plus court costs, for each violation, and in default thereof be imprisoned in the county jail for a period not in excess of ten (10) days. Each day that a violation of this Chapter or of the conditions of a permit continues shall constitute a separate violation. The Town shall be entitled to recover expenses incurred in the enforcement of this Chapter, including reasonable attorney's fees.

Sec. 10-3-5 Permit and Application Forms.

The Unlicensed Motor Vehicle Permit form which is attached and marked "Exhibit A" or other form of substantially the same content shall be the form of permit required under this Chapter. The form entitled Application — Unlicensed Motor Vehicle Permit, attached and marked "Exhibit B", or other form of substantially the same content shall be the form of application for all permits and renewals thereof required under this Chapter.

EXHIBIT A

UNLICENSED MOTOR VEHICLE PERMIT

At a Town of Friendship Town Board meeting, held _____ the following permit was authorized:

Person(s) receiving permit: _____

Authorized vehicles(s): _____

Premises authorized are those listed on the application. OR

Premises description: (if different than on application): _____

This permit is issued and effective for _____ months from the date of Town Board meeting approval.

Permit issuance vote: _____

Upon payment of the authorized fee, the Clerk is directed to issue this permit.

Town Board Chairperson (or supervisor if Chairperson absent)

Issued following payment of the required fee on: _____

Town Clerk

Title 10 ► Chapter 4

Railroad Crossings

10-4-1	Title
10-4-2	Authority
10-4-3	Trains Obstructing Highways Enforcement
10-4-4	Enforcement
10-4-5	Separability
10-4-6	Effective Date

Sec. 10-4-1 Title.

This Ordinance is entitled the "Town of Friendship Railroad Crossing Ordinance." The purpose of this Ordinance is to preserve, protect and enhance the safety, health and convenience of Town residents and of persons traveling on Town highways, and to promote the free, safe and expeditious travel of emergency vehicles on Town highways.

Sec. 10-4-2 Authority.

This Ordinance is adopted pursuant to the Town's police powers and pursuant to the Town's Village powers under sec. 60.10 of the Wisconsin Statutes.

Sec. 10-4-3 Trains Obstructing Roads.

- (a) No railroad company shall operate or permit the operation of any railroad train, locomotive, or car upon or across any highway crossing within the Town, or leave a railroad train, locomotive, or car standing upon any highway crossing and/or town road so that the crossing is obstructed to users of the highway for more than ten (10) consecutive minutes, except where the obstruction is caused by circumstances beyond the control of the person in charge of the train or the railroad company.
- (b) For purposes of this Ordinance, railroad or train traffic back-ups in the railroad company's station or yards are not be deemed to be beyond the control of the person in charge of the train or the railroad company.
- (c) When circumstances are found to be beyond the control of persons in charge of trains or the railroad company and those circumstances continue for a period of 90 days or more, the Town shall serve notice to the railroad company requiring that the circumstances be brought under control within 90 days from the date of the notice. Circumstances continuing beyond 90 days from the date of the notice shall not be considered to be beyond the control of the railroad company.

Sec. 10-4-4 Enforcement.

- (a) Any person who violates a provision of this ordinance may be issued a citation by the authorized officer, employee or representative of the Town designated by the Town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (b) Penalties for violating this ordinance may be assessed as follows: any person or railroad company that violates the provisions of this Ordinance will be required to forfeit not less than \$150.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
- (c) Each day of a violation, and each violation in a single day, shall constitute a separate offense. In addition to the forfeitures set forth above, any person or railroad company convicted of a violation of any provision of this ordinance shall pay the costs of prosecution, including reasonable attorneys' fees.

Sec. 10-4-5 Separability.

Should any section or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 10-4-6 Effective Date.

This Ordinance shall be in force from and after its passage, approval and publication according to law.

TITLE 11

Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Offenses Involving Alcoholic Beverages
Chapter 5	Offenses by Juveniles
Chapter 6	Public Nuisances

Title 11 ► Chapter 1

State Statutes Adopted

- 11-1-1 Offenses Against State Laws Subject to Forfeiture
- 11-1-2 Penalties; Attempt; Parties to Acts

Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

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

- 29.288 Throwing Refuse in Waters
- 48.983 Use of Tobacco Products
- 50.58 Careless Smoking
- 118.07 Safety Requirements
- 118.08 School Zones; Crossings
- 118.09 Safety Zones
- 118.10 School Safety Patrols
- 118.105 Control of Traffic on School Premises
- 118.11 School Fences
- 118.123 Reports and Records
- 118.163 Truancy
- 134.65 Cigarette and Tobacco Products Retailer License
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
- 167.10 Fireworks Regulated
- 175.25 Illegal Storage of Junked Vehicles
- 939.05(2)(b) Aiding and Abetting
- 939.22 Words and Phrases Defined
- 940.19(1) Battery
- 940.291 Failure of a Police Officer to Render Aid
- 941.01 Negligent Operation of a Vehicle

11-1-1

- 941.10 Negligent Handling of Burning Materials
- 941.12(2),(3) Interfering With or Failing to Assist in Firefighting
- 941.13 False Alarms and Interference with Firefighting
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.35 Emergency Telephone Calls
- 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
- 941.37(1),(2) Obstructing Emergency or Rescue Personnel
- 942.05 Opening Letters
- 943.01(1) Criminal Damage to Property
- 943.11 Entry Into Locked Vehicle
- 943.125 Entry Into Locked Coin Box
- 943.13 Trespass to Land
- 943.14 Trespass to Dwellings
- 943.145 Criminal Trespass to a Medical Facility
- 943.15 Entry Into Locked Site
- 943.20(3)(a) Theft of Property
- 943.21(3)(a) Fraud on Innkeeper
- 943.22 Cheating Tokens
- 943.23(4),(5) Operating Vehicle Without Owner's Consent
- 943.34(1)(a) Receiving Stolen Property
- 943.37 Alteration of Property Identification Marks
- 943.38(3) Forgery
- 943.41 Credit Card Crimes
- 943.50(4)(a) Retail Theft
- 943.55 Removal of a Shopping Cart
- 944.15 Fornication
- 944.17 Sexual Gratification
- 944.20 Lewd and Lascivious Behavior
- 944.21 Obscene Material or Performance
- 944.23 Making Lewd, Obscene or Indecent Drawings
- 944.30 Prostitution
- 944.31 Patronizing Prostitutes
- 944.33 Pandering
- 944.36 Solicitation of Drinks Prohibited
- 945.01 Definitions Relating to Gambling
- 945.02 Gambling

- 945.04 Permitting Premises to be Used for Commercial Gambling
- 946.40 Refusing to Aid Officer
- 946.41 Resisting or Obstructing Officer
- 946.42(2) Escape
- 946.46 Encouraging Violation of Probation or Parole
- 946.69 Falsely Assuming to Act as Public Officer or Employee
- 946.70 Impersonating Peace Officer
- 946.72(2) Tampering with Public Records and Notices
- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies
- 948.01 Definitions Relating to Crimes Against Children
- 948.09 Sexual Intercourse With a Child Age 16 or Older
- 948.10 Exposing a Sex Organ
- 948.11(1)(b) Exposing a Child to Harmful Material
- 948.21 Neglecting a Child
- 948.40 Contributing to the Delinquency of a Child
- 948.50 Strip Search by School Employee
- 948.51(3)(a) Hazing
- 948.60 Possession of a Dangerous Weapon by a Child
- 948.61(2)(a) Dangerous Weapons on School Premises
- 948.63 Receiving Property From a Child
- 951.01 Definitions Relating to Crimes Against Animals
- 951.015 Construction and Application
- 951.02 Mistreating Animals
- 951.03 Dognapping or Catnapping
- 951.04 Leading Animal from Motor Vehicle
- 951.05 Transportation of Animals
- 951.06 Use of Poisonous and Controlled Substances
- 951.07 Use of Certain Devices Prohibited
- 951.08 Instigating Fights Between Animals
- 951.09 Shooting at Caged or Staked Animals
- 951.10 Sale of Baby Rabbits, Chicks and Other Fowl
- 951.11 Artificially Colored Animals; Sale
- 951.13 Providing Proper Food and Drink to Confined Animals
- 951.14 Providing Proper Shelter
- 951.15 Animals; Neglected or Abandoned; Police Powers

- 951.16 Investigation of Animal Cruelty Complaints
- 951.17 Reimbursement for Expenses

Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- (b) **Attempt.**
 - (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Town of Friendship may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
 - (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.
- (c) **Parties to Acts Prohibited in Title 11.**
 - (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
 - (2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:
 - a. Directly commits the act; or
 - b. Intentionally aids and abets the commission of it; or
 - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person

who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Title 11 ► Chapter 2

OK 1-22-09

Offenses Against Public Safety and Peace

11-2-1	Discharge of Firearms
11-2-2	Sale and Discharge of Fireworks Restricted
11-2-3	Loitering Prohibited
11-2-4	Disorderly Conduct
11-2-5	Obscenity
11-2-6	Unnecessary Noise

Sec. 11-2-1 Discharge of Firearms.

- (a) The discharge of firearms is permitted only upon property zoned in the Exclusive Agricultural or Agricultural Transition Districts.
- (b) No firearm may be discharged within one thousand (1,000) feet of a Residential or Commercial District.
- (c) This ordinance shall not apply to any police officer acting in the course of his duties.
- (d) Nor shall this ordinance restrict any rights granted to properly licensed hunters during lawful hunting hours and in the pursuit thereof.
- (e) This ordinance shall not affect the present operations of the existing and duly organized gun clubs within the township.

Any person, firm or corporation who shall be adjudicated of having violated any of the provisions of this ordinance shall, upon conviction thereof, be subject to forfeiture of not less than Fifty Dollars (\$50) nor more than One Hundred and Fifty Dollars (\$150) and the costs of the action, and on default of the payment of the forfeiture and the costs of the action shall be imprisoned in the County Jail of Fond du Lac County until such terms are paid, but not to exceed thirty (30) days, and each day of violation shall be subject to a separate action hereunder.

Sec. 11-2-2 Sale and Discharge of Fireworks Restricted.

No person shall use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town of Friendship unless he shall be authorized by a fireworks permit as provided in Title 7 of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

Sec. 11-2-3 Loitering Prohibited.

- (c) **General Regulation of Loitering or Prowling.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- (d) **Public Property Loitering Prohibited.**
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
 - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (e) **Private Property Loitering Prohibited.**
- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
 - (2) Upon being requested to move by any such person in authority or by any law enforcement officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (f) **Loitering or Prowling Prohibited.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify him-self/herself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

- (g) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) **Permitting Loitering Permitted.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (h) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Friendship.
 - (3) **Prowl.** To move or roam about furtively, particularly on the property of another person.

Sec. 11-2-4 **Disorderly Conduct.**

- (a) **Disorderly Conduct Prohibited.** No person within the Town of Friendship shall:
- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Disorderly Conduct With Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.
- (c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his/her person.

Sec. 11-2-5 Obscenity.

- (a) **Distribution of Obscene Material Prohibited.** It shall be unlawful for any person to send or cause to be sent, bring or cause to be brought into the Town of Friendship, for sale or distribution, or for any person in the Town of Friendship to prepare, publish, print, exhibit, distribute or offer to distribute, or have in his possession with intent to distribute or to exhibit or offer to distribute, any material that such person knows to be "obscene" as hereinafter defined.
- (b) **Prohibition on Public Nudity.** No person shall knowingly or intentionally, in a public place, appear in a state of nudity.
- (c) **Definitions.**
 - (1) **Obscene.** Shall apply to any work or material that depicts or describes acts of: sexual intercourse between humans, normal or perverted, actual or simulated; acts of masturbation; fellatio; cunnilingus; acts of a sexually stimulated condition; and sexual relations between humans and animals, any of which taken as a whole by the average person applying contemporary community standards would be found to:
 - A. Appeal to the prurient interest in sex; and
 - B. Portray sexual conduct in a patently offensive way; and which, taken as a whole by the average person applying contemporary national standards, would be found not to have serious literary, artistic, political or scientific value.
 - (2) **Material or Work.** Any book, magazine, newspaper, or other printed or written material, or any picture, drawing, photograph, motion picture, video tape, or other pictorial representation.
 - (3) **Person.** Any individual, partnership, firm, association, corporation or other legal entity.
 - (4) **Distribute.** Any transfer or possession with intent to transfer, whether with or without consideration.
 - (5) **Know.** Being aware, or having reason to be aware, of the nature of the materials alleged to be obscene.
 - (6) **Nudity.** The showing of the human male or female genitals, or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

Sec. 11-2-6 Unnecessary Noise.

- (a) **Prohibition.** Whoever causes any unreasonably loud, disturbing or unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare is hereby prohibited.

- (b) **Definitions.** The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive; namely:
- (1) **Horns and Signal Devices.** The sounding of any horn or signal device on any auto mobile, motorcycle, bus or other vehicle while in motion, except as a danger signal or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any signal device of any unreasonable loud or harsh sound and the sounding of such device for an unnecessary or unreasonable period of time.
 - (2) **Unreasonable Playing of Radio, Phonographs or Music Instruments.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any hotel or other type of residence or of any persons in the vicinity.
 - (3) **Public Address Systems.** The use of a public address system to amplify sound of any nature in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any hotel or other type of residence or of any persons in the vicinity .
 - (4) **Unnecessary Noises by Animals, Birds, and Fowl.** The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
 - (5) **Mufflers on Engines Required.** To discharge in to the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (6) **Tire Squealing and Unnecessary Motor Noise.** The squealing of motor vehicle tires and unnecessary motor noise caused by the intentional sudden acceleration or deceleration of the engine or the motor vehicle itself, designed to accomplish that effect.

Title 11 ► Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Trespass
11-3-5	Damage to Public Property
11-3-6	Cemetery Regulations
11-3-7	Penalties

Sec. 11-3-1 Destruction of Property Prohibited.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Town of Friendship and belonging to the Town or its departments, or to any private person, without the consent of the owner or proper authority.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

Sec. 11-3-2 Littering Prohibited.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks, public right-of-ways, or other property of the Town, or upon any private person or the surface of any body of water within the Town.
- (b) **Litter From Conduct of Commercial Enterprise.**
- (1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) **Cleanup of Litter.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twenty-four (24) hours of the time the same is

deposited or immediately if such litter or debris presents a traffic or safety hazard. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

- (3) **Litter Picked Up at Litterer's Expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Town shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Dumping of Refuse and Grass Along Roads.** Except for temporary placement up to six (6) hours, no person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley, public right-of-way or highway.
- (d) **Depositing of Materials Prohibited.** Except as provided in Subsection (c), it shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Town Board, or its designee, pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (e) **Handbills.**
 - (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building, placed in newspaper boxes, or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
 - (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
 - (3) **Advertisements Upon Public or Private Property.** No person shall place any advertisement upon any public property or any street, alley or public ground or upon any private property situated and fixed in any street, alley or public ground or upon any other private property, except by the permission of the owner thereof, but this Section shall not apply to the posting of notices required by law.

Sec. 11-3-3 Abandoned Refrigerators Prohibited.

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

Sec. 11-3-4 Trespass.

- (a) **Purpose.** This Section is created for the purposes of securing to the residents of the Town of Friendship their rights to enjoyment and use of land and property by providing an efficient and orderly method of enforcement of such rights. This ordinance is enacted under the authority of sections of the Wisconsin Statutes and acts amendatory thereto.
- (b) **Short Title.** This Section may be referred to and cited as the Town of Friendship Trespass Ordinance.
- (c) **Violations.** It shall be unlawful and a violation of this Section for any person to commit any of the following acts:
- (1) Enter upon any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on such land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any such activities.
 - (2) To enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on such premises.
 - (3) To hunt, shoot, fish, or gather any product of the soil on the premises of another, or enter said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.
 - (4) To enter upon any enclosed or cultivated land or another with a vehicle of any kind without the express or implied consent of the owner or occupant.
 - (5) To erect upon the land of another any sign which is the same as or similar to the type of sign described in Subsection (d), unless authorized to do so by the owner of the lands involved.
- (d) **Posting of Lands.** For lands to be posted against entry by another under this Section, a sign at least eleven (11) inches square must be placed in at least two (2) conspicuous places for every forty (40) acres sought 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 six (6) months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

- (e) **How Entry Denied.** 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.
- (f) **Failure to Post.** The failure of any person or occupant to post his or her lands shall not be deemed to constitute consent of such owner or occupant to any uninvited entry by another. Any entry by a person other than the lawful owner or lawful occupant of land or building shall constitute a violation of this ordinance if such entry is made under circumstances tending to create or provoke breach of the peace.

Sec. 11-3-5 Damage to Public Property.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Town.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Town.

Sec. 11-3-6 Cemetery Regulations.

- (a) **Purpose and Definition.** In order to protect cemetery areas within the Town from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Town of Friendship.
- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) **Specific Regulations.**
 - (1) **Disturbing Cemetery Property.** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property, except

the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.

- (2) **Protection of Cemetery Property.** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb any animals, birds or waterfowl, wild or domestic, within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery.
- (3) **Motor Vehicles.** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) **Speed Limit.** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) **Parking.** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) **Pets.** Pets, including animals of any species, are prohibited in any cemetery without the cemetery owner's consent.
- (8) **Sound Devices.** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) **Authorized Notices.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except under these regulations. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.

11-3-6

- (10) **Loitering Prohibited.** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) **Alcoholic Beverages Prohibited.** No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Town unless the property is specifically named as being part of a licensed premises.
- (12) **Play Vehicles Prohibited.** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
- (13) **Presence After Hours Prohibited.** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Sec. 11-3-7 Penalties.

In addition to the general penalty of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent law enforcement officers from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

Title 11 ► Chapter 5

Offenses by Juveniles

- 11-5-1** Town Jurisdiction Over Persons 12 through 17 Years of Age
11-5-2 Enforcement and Penalties

Sec. 11-5-1 Town Jurisdiction Over Persons 12 through 17 Years of Age.

- (a) **Adoption of State Statute.** Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Definition of Adult and Juvenile.**
- (1) **Adult** means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
 - (2) **Juvenile** means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.
- (c) **Provisions of Ordinance Applicable to Persons 12 through 17 Years of Age.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons twelve (12) through seventeen (17) years of age may be brought on behalf of the Town of Friendship and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (d) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (e) **Additional Prohibited Acts.** In addition to any other provision of the Town of Friendship Code of Ordinances, no person age twelve (12) through seventeen (17) shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- (f) **Penalty for Violations of Subsection (e).** Any person twelve (12) through seventeen (17) years of age who shall violate the provisions of Subsection (e) shall be subject to the same penalties as are provided in Section 1-1-6 of these ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Sec. 11-5-2 Enforcement and Penalties.

- (a) **Citation Process.** Juveniles may be cited by the citation process on a form approved by the Town Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations by a person under the age of eighteen (18) shall be punishable according to Sections 938.17(2), 938.343, 938.344 and 938.345 of the Wisconsin Statutes. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

Title 11 ► Chapter 6

Public Nuisances

11-6-1	Public Nuisances Prohibited
11-6-2	Public Nuisances Defined
11-6-3	Public Nuisances Affecting Health
11-6-4	Public Nuisances Offending Morals and Decency
11-6-5	Public Nuisances Affecting Peace and Safety
11-6-6	Abatement of Public Nuisances
11-6-7	Cost of Abatement

Sec. 11-6-1 Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Friendship, Fond du Lac County, Wisconsin.

Sec. 11-6-2 Public Nuisance Defined.

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

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (e) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

Sec. 11-6-3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public or private well or cistern, stream, lake, canal or other body of water or ground water by sewage, creamery or other wastes or substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town, other than odors produced through the operation of farming practices.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (m) **Foul Odors.** Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stench, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the operation of farming practices.
- (n) **Abandoned Wells.** All abandoned wells not securely covered or secured from public use.
- (o) **Junked Vehicles.** Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters.

- (p) **Abandoned Equipment.** Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) **Gambling Devices.** All gambling devices and slot machines, other than state-authorized programs.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
- (d) **Continuous Violation of Town Ordinances.** Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which,

- because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk or ditch area of the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
 - (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
 - (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town.
 - (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
 - (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
 - (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
 - (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
 - (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
 - (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.
 - (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.
 - (p) **Appliances and Junk.** Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
 - (q) **Unauthorized Street Use.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

Sec. 11-6-6 Abatement of Public Nuisances.

- (a) **Inspection of Premises.** Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board shall inspect or cause to be inspected the premises complained of.
- (b) **Notice to Owner.** If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement by Town.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town shall cause the abatement or removal of such public nuisance.
- (d) **Abatement by Court Action.** If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Fond du Lac County.
- (e) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7 Cost of Abatement.

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

TITLE 12

Parks and Navigable Waters

Chapter 1	Regulation of Parks and Navigable Waters
Chapter 2	Community Use of Town Facilities

Town of Friendship
Fond du Lac, County Wisconsin

1. Permit and key to be obtained from Town Clerk. Permit fee is \$40.00 (deposit)
with a refund of \$25.00 after inspection of premises. Refund check will be issued at the next regular town board meeting.
2. Alcoholic beverage permitted in hall only with permission of board member or town clerk.
3. Renting of town hall to town of Friendship residences or businesses only.
4. Non profit organizations in the Town Of Friendship may use Town Hall free of charge. However, any damage caused by the organization will be charged to that organization.
5. Building and grounds to be vacated by 11:00 P.M.
6. Permit Holder **MUST BE PRESENT** at all times.
7. Extra tables and chairs that the organization put up must be taken down and put away.
8. Maximum of 100 people inside of Town Hall.
9. Following is a check list to be completed before locking up.
 - A. Main room, kitchen and bath rooms to be cleaned up.
 - B. Thermostat will be reset to 65 degrees in winter or 75 degrees in summer.
 - C. Close and secure all doors and windows.
 - D. Turn off lights.
 - E. Be sure all faucets are turned off.
 - F. If dehumidifier is in use, plug back in.
 - G. RETURN KEY as prearranged.

RENTER; All requirements have been met. _____

TOWN BOARD

Permit Issued to: _____

Phone: _____

Date: _____

NOTE: This form to be signed and dated by renter and returned with key.

Title 12 ► Chapter 1

Regulation of Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Radio-Controlled Model Airplanes Prohibited in Parks
12-1-3	Use of Metal Detectors on Public Property
12-1-4	Fees and User Regulations
12-1-5	Public Utilities and Private Construction

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and public conservancy areas within the Town of Friendship from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this Chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landings, public lake accesses, or recreation facility in the Town of Friendship.
- (b) **General Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
 - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board, or its authorized designee.
 - (3) **Bill Posting.** No person shall post, paste, fasten, pain or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Town Board.
 - (4) **Trapping.** No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
 - (5) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - (6) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No

12-1-1

person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

- (7) **Illegal Entry.** It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- (8) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (9) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the Town Board or its designee.
- (10) **Vending.** Vending is prohibited in Town parks unless authorized by the Town Board.
- (11) **Plant Materials.** No unauthorized removal of any plant materials or plants from any park.
- (12) **Structures.** No temporary or permanent structures are to be erected in a park without specific approval of the Town Board.
- (13) **Hours.** Parks shall be closed to all uses and all persons between the hours of 10:00 p.m. and 6:00 a.m. Central Standard Time or Central Daylight Time, whichever shall be in effect in the State of Wisconsin, during the period from April 1 to November 15, inclusive.
- (14) **Firearms.** The use or possession of any firearms, bow and arrow, crossbow, BB or pellet gun or slingshot is prohibited at all times.
- (15) **Fireworks.** The setting or building of any fire, or the use or possession of any fireworks within the park is prohibited at all times; except on express permission of the Town Chairperson and under such conditions and restrictions as he/she shall deem necessary and proper, and which permission shall be granted only for special group occasions.

Sec. 12-1-2 Radio-Controlled Model Airplanes Prohibited in Parks.

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

Sec. 12-1-3 Use of Metal Detectors on Public Property.

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

Sec. 12-1-4 Fees and User Regulations.

- (a) **Fee Schedule.** It shall be unlawful for any person to use any Town of Friendship park facility, shelter, land, or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.
- (b) **Additional Rules.** Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
- (c) **Permits.** Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Friendship as fully as though the laws were inserted in each permit.

Sec. 12-1-5 Public Utilities and Private Construction.

- (a) **Public Utilities — Location.** The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts and lines, manholes, conduits, and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town Board, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- (b) **Private Construction.**
 - (1) No curb, whether stone, concrete, or asphalt, shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town Board.
 - (2) The location, width, grade, and construction of all paths, driveways, and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town Board and constructed only after written permission is obtained from the Town Board.

Title 12 ► Chapter 2

Community Use of Town Facilities

12-2-1	Applicability and Purpose
12-2-2	Definition of Terms
12-2-3	Community Use of Town Facilities
12-2-4	Fee for Use of Town Facilities
12-2-5	Alcoholic Beverages Prohibited
12-2-6	Proof of Insurance
12-2-7	Indemnification
12-2-8	Limitation on Damages
12-2-9	Condition of Facilities
12-2-10	Use of Kitchen Facilities
12-2-11	Compliance with All Regulations
12-2-12	Application for Use; Permit Required
12-2-13	Regulations

Sec. 12-2-1 Applicability and Purpose.

- (a) **Applicability.** This Chapter shall apply to all requests for and use of the Town Hall and facilities by the general public. The foregoing notwithstanding, this Chapter shall not apply to requests for or use of the Town Hall and facilities by any 4-H organization which has been afforded the use of the Town Hall on a regular basis prior to the adoption of this Chapter.
- (b) **Purpose.** The purpose of this Chapter is to promote the general welfare of the community through provisions designed to:
- (1) To implement policies and procedures for making the Town Hall available to responsible community organizations and associations for appropriate educational, civic, cultural or recreational activities.
 - (2) To regulate use of the Town Hall and its facilities so that community use of the facilities does not infringe upon or interfere with the best interests of the Town and the conduct of Town business.

Sec. 12-2-2 Definition of Terms.

For purposes of this Chapter, the following definitions shall apply as indicated throughout the Chapter:

- (a) **Public Group.** Includes a firm, association, organization, partnership, trust, company or corporation.
- (b) The **present tense** includes the future tense and the **singular** includes the plural.
- (c) **Shall** is mandatory. **May** is permissive.
- (d) **Town Facilities.** The Town Hall of the Town of Friendship, Fond du Lac County, Wisconsin, together with the kitchen, parking lot area and other facilities located within and adjacent to the Town Hall.

Sec. 12-2-3 Community Use of Town Facilities.

- (a) **Availability of Facilities.** The Town Facilities will be made available for public use at such times and for such periods as the facilities are not required for the conduct of Town business. For purposes of this Chapter, Town business includes but is not limited to use by the Town Board, the Town Fire Department, Town Sanitary Districts, Elections, Board of Review, Plan Commission and other Town functions.
- (b) **Use of Town Facilities.** The use of Town Facilities for purposes other than the conduct of Town business shall be limited to the following types of organizations/persons:
 - (1) Youth organizations;
 - (2) Service organizations;
 - (3) Non-profit organizations.
 - (4) Residents of the Town of Friendship.
- (c) **Processing of Requests.** Requests for use of Town Facilities by outside groups or organizations will be processed on a first-come, first served basis with no reservations accepted more than one (1) year prior to the date of the event. Preference will be given as follows:
 - (1) Organizations located within the Town of Friendship.
 - (2) Organizations located outside of the Town of Friendship.
- (d) **Right to Cancel.** The Town reserves the right, with or without cause, to cancel any permit for use of its facilities up to ten (10) calendar days prior to the date of the scheduled activity. Further, in an emergency, as determined by the Town Board, a permit for the use of Town Facilities may be cancelled on shorter notice in order to accommodate a Town function.
- (e) **Regular Use Prohibited.** Public groups shall not be permitted to schedule regular use of Town Facilities. (For example, the regular monthly meetings of a community organization will not be scheduled in Town Facilities.)

- (f) **For-Profit Use Prohibited.** Requests for use of Town Facilities will not be honored if:
 - (1) The event is principally for profit (buying or selling), unless for a bona fide charitable purpose.
 - (2) The event, while informational in content, has a goal of promoting the sale of goods or services.
- (g) **Town Resident Required.** Community groups requesting the use of Town Facilities must have a designated Town Resident present during the entire time that the group's activities are being conducted.
- (h) **Time Availability.** 6am to 12am. Event hours will be requested at time of permit issuance.

Sec. 12-2-4 Fee for Use of Town Facilities.

In addition to all other requirements under this Chapter, the Town Board may establish a Fee Schedule for use of Town Facilities. An additional fee may be required when use of the kitchen facilities at the Town Hall is requested. The Fee Schedule established by the Town Board may be changed from time to time, as the Board deems appropriate. In addition to the basic permit fee charged, charges shall be made for any use of the telephone facilities and/or photocopy machine located in the Town Hall. All fees established hereunder shall be paid in advance by groups requesting use of the Town Facilities. Failure to pay such fees prior to the date of the requested use will result in cancellation of the permit for use of the Town Facilities.

Sec. 12-2-5 Alcoholic Beverages Prohibited.

Except when the Town Board has given permission, no public group utilizing Town Facilities shall provide, either gratuitously or for sale, alcoholic beverages on Town premises, including the Town Hall parking lot.

Sec. 12-2-6 Proof of Insurance.

No public group shall be permitted to use the Town Facilities unless it has provided to the Town, in advance, the appropriate policy or certificate of insurance evidencing the existence of insurance in at least the following amounts: at least One Hundred Thousand Dollars (\$100,000) for injuries to anyone (1) person; Three Hundred Thousand Dollars (\$300,000) for anyone (1) accident and Three Hundred Thousand Dollars (\$300,000) for property damage. The Town will accept blanket, umbrella or other coverage equivalent to the foregoing. The limits of insurance coverage set forth above shall in no manner limit or otherwise alter the public groups' responsibilities or obligations under this Chapter. Notwithstanding the preceding, the Town reserves its statutory defenses under Chapter 893, Wis. Stats. as amended.

Sec. 12-2-7 Indemnification.

The Town shall not be responsible for any defect, latent or otherwise, on or in the premises, or for any damage to the premises, or to any person, firm, corporation or governmental authority by reason of any matter or thing existing or occurring on or about the premises. Public groups authorized to use the Town Facilities hereby assume all risk, responsibility and liability with reference to the present and future conditions of the premises. As a condition to the use of the Town Facilities, public groups using the Town Facilities hereby indemnify and save the Town harmless against and from any and all claims by or for any person, firm corporation or governmental authority arising from the condition of the premises.

Sec. 12-2-8 Limitation on Damages.

The Town shall not be responsible or liable for any damages sustained by any public group as a result of its request for or cancellation of a permit or reservation for, or use of, the Town Facilities. As a condition to the use of the Town Facilities the public group hereby waives all claims for damages to person or property sustained by the group, its members, employees or agents, or invitees resulting from the condition of the Town's Facilities or any equipment.

Sec. 12-2-9 Condition of Facilities.

- (a) **Adequacy of Facilities.** The Town makes no representations or warranties regarding the adequacy of the Town Facilities or any part thereof for any requested or permitted use by any public group.
- (b) **Clean-Up.** Public groups utilizing Town Facilities shall be solely responsible for clean-up of the Facilities at the end of the group's function. The Town Facilities shall be cleaned and restored by the group to the condition existing at the time the group commenced its use of the Facilities.

Sec. 12-2-10 Use of Kitchen Facilities.

Any group wishing to utilize the kitchen facilities located at the Town Hall shall notify the Town Clerk of its request for use of the kitchen facilities at the time application for use permit is made. If permission is granted to use the kitchen facilities, the group shall be solely responsible for complete clean-up and restoration of the kitchen area. Any group using the kitchen facilities shall comply with all Federal, State, and local safety and health laws and regulations with respect to sanitation and the use of the kitchen facilities.

Sec. 12-2-11 Compliance with All Regulations.

Use of the Town Facilities by public groups and all activities conducted thereon by public groups will be conducted in compliance with all applicable Federal and State laws, municipal ordinances, and any policies, rules and procedures promulgated by the Town related to use of the Facilities. Liability for any and all violations shall be the responsibility of the group using the Town Facilities. Violation of any policy, rule or procedure established by the Town for use of its Facilities shall result in immediate cancellation of any permit or reservation for use of the Town Facilities and may result in denial of requests for use in the future.

Sec. 12-2-12 Application for Use; Permit Required.

All public groups requesting use of Town Facilities shall apply for a use permit on a form specified by the Town. In addition to such other information as the Town Board may require, the permit application shall identify the group requesting use of the Town Facilities; shall describe with specificity the function to be conducted and the reason for requesting use of the Town Facilities; shall identify by name, address, day and night time phone number, the representative of the group who shall be contacted regarding and shall be responsible for a group's use of the Town Facilities and for compliance with this Chapter and all other rules, regulations and procedures governing use of the Town Facilities. The person or persons signing the application will be held responsible for payment of all fees and other charges made by the Town for use of the Town Facilities. Such person or persons will also be financially responsible for any damage or loss to the Town incurred by the group's use of the Town Facilities.

Sec. 12-2-13 Regulations.

The Town Board shall promulgate policies, rules and regulations governing public use of the Town Facilities. These regulations shall be supplied to a requesting group at the time any use permit is issued. The Town Board may change the policies, rules and regulations from time to time.

TITLE 13

Zoning Ordinance

Chapter 1	Introduction
Chapter 2	General Provisions
Chapter 3	Zoning Districts and Maps
Chapter 4	Fences
Chapter 5	Residential District
Chapter 6	Manufactured Home District
Chapter 7	Hobby Farm
Chapter 8	Exclusive Agricultural District
Chapter 9	Agricultural Transition District
Chapter 10	Commercial District
Chapter 11	Industrial District
Chapter 12	Highway Setback Lines
Chapter 13	Road Access Control
Access Design Standards	
Vision Corners	
Chapter 14	Administration
Chapter 15	Violations and Penalties
Chapter 16	Changes and Amendments
Chapter 17	Glossary of Terms

Title 13 ► Chapter 1

Introduction

13-1-1	Purpose
13-1-2	Intent
13-1-3	Abrogation and Greater Restrictions
13-1-4	Validity and Conflicts
13-1-5	Force and Effect

Sec. 13-1-1 Purpose

It is the declared intent of this ordinance (hereinafter the "Ordinance") to make various amendments to the Town of Friendship Zoning Ordinance. This ordinance is adopted under the provisions of Chapters 60, 61 and 62 of the Wisconsin Statutes, as amended. All existing ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Sec. 13-1-2 Intent

This ordinance is adopted to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of general welfare; and more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to conserve the value of land and buildings, to guide the location and distribution of land uses, to promote safety and efficiency of streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to define the powers and duties of administrative bodies, and to prescribe penalties for the violation of the provisions of this ordinance or any amendment thereto.

Sec. 13-1-3 Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Sec. 13-1-4 Validity and Conflicts

- (1) Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- (2) All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Sec. 13-1-5 Force and Effect

- (1) This ordinance shall be in force from and after its passage, approval, publication and recording according to law.
- (2) Interim zoning and land use ordinances heretofore adopted are hereby repealed on the date on which this ordinance becomes effective.

Title 2 ► Chapter 2

Town Meetings

2-2-1	Town Meeting Definitions
2-2-2	Powers of Town Meeting
2-2-3	Annual Town Meeting
2-2-4	Special Town Meetings
2-2-5	Presiding Officer at Town Meetings
2-2-6	Procedure at All Town Meetings
2-2-7	Clerk of Town Meetings

Sec. 2-2-1 Town Meeting Definitions.

In this Code of Ordinances the following definitions shall be applicable:

- (a) **Annual Town Meeting.** The Town meeting held under Sec. 60.11, Wis. Stats.
- (b) **Special Town Meeting.** A Town meeting, other than the annual Town meeting, held under Sec. 60.12, Wis. Stats.
- (c) **Town Meeting.** The annual Town meeting or a special Town meeting.

State Law Reference: Sec. 60.001, Wis. Stats.

Sec. 2-2-2 Powers of Town Meeting.

- (a) **Direct Powers.** Town Meeting may:
 - (1) **Raise money.** Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - (2) **Town offices and officers.**
 - a. Fix the compensation of elective Town offices under Sec. 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - b. Combine the offices of Town Clerk and Town Treasurer under Sec. 60.305(1), Wis. Stats.

- c. Combine the offices of Town Assessor and Town Clerk under Sec. 60.305(2), Wis. Stats.
 - d. Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
 - e. Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under Sec. 60.305(1)(b), Wis. Stats.
- (3) **Election of town officers.**
- a. Adopt a plan under Sec. 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
 - b. Provide under Sec. 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.
- (4) **Public Waterways.** Appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, Wis. Stats.
- (5) **Cemeteries.** Authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), Wis. Stats.
- (6) **Administrator agreements.** Approve agreements to employ an Administrator for more than three (3) years under Sec. 60.37(3)(d), Wis. Stats.
- (b) **Directives or Grants of Authority to Town Board.** Except as provided under Subsection (c), directives or grants of authority to the Town Board under this Subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town Meeting directing or authorizing the Town Board to exercise one of the optional powers of this Subsection shall include language that makes the intent of those attending the Town Meeting clear. A resolution adopted under this Subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town Meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This Subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town Meeting may:
- (1) **Raise money.** Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.
 - (2) **Membership of Town Board in populous towns.** If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under Sec. 60.21(2), Wis. Stats.
 - (3) **Exercise of village powers.** Authorize the Town Board to exercise powers of a Village Board under Sec. 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.
 - (4) **General obligation bonds.** Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.

- (5) **Purchase of land.** Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.
- (6) **Town buildings.** Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.
- (7) **Disposal of property.** Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.
- (8) **Watershed protection and soil and water conservation.** Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.
- (9) **Appointed assessors.** Authorize the Town Board to select Assessors by appointment under Sec. 60.307(2), Wis. Stats.
- (10) **Compensation of elective Town offices.** Authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), Wis. Stats.
- (c) **Authorization to Town Board to Appropriate Money.** The Town Meeting may authorize the Town Board to appropriate money in the next annual budget for:
 - (1) **Conservation of natural resources.** The conservation of natural resources by the Town or by a bona fide nonprofit organization under Sec. 60.23(6), Wis. Stats.
 - (2) **Civic functions.** Civic and other functions under Sec. 60.23(3), Wis. Stats.
 - (3) **Insects, weeds and animal diseases.** The control of insect pests, weeds or plant or animal diseases within the Town.
 - (4) **Rural numbering systems.** Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under Sec. 59.07(65), Wis. Stats.
 - (5) **Cemetery improvements.** The improvement of a Town cemetery under Sec. 157.50(5), Wis. Stats.

State Law Reference: Sec. 60.10, Wis. Stats.

Sec. 2-2-3 Annual Town Meeting.

- (a) **Requirement.** The Town of Friendship shall hold an annual Town meeting as provided in this Section.
- (b) **When Held.**
 - (1) Except as provided in Subsection (b)(2) below, the annual Town meeting shall be held on the second (2nd) Tuesday of April.
 - (2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above for the next annual Town meeting if the date is within ten (10) days after the second (2nd) Tuesday of April.

- (c) **Where Held.**
- (1) The annual Town meeting may be held in the Town or in any village or city within or adjoining the Town of Friendship.
 - (2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.
- (d) **Adjournment.** The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under Subsection (b). Business not acted on at the annual meeting, or within the thirty (30) days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under Sec. 60.12, Wis. Stats.
- (e) **Notice.** No public notice of the annual Town meeting is required if held as provided under Subsection (b)(1). If held as provided under Subsection (b)(1), notice of the time and date of the meeting shall be given under Sec. 60.12(3), Wis. Stats.
- (f) **Jurisdiction.** The annual Town meeting may transact any business over which the Town meeting has jurisdiction.
- (g) **Poll List.** The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

State Law Reference: Sec. 60.11, Wis. Stats.

Sec. 2-2-4 Special Town Meetings.

- (a) **Who May Convene.** A special Town meeting may be convened if:
- (1) Called by a Town meeting.
 - (2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk.
 - (3) Called by the Town Board.
- (b) **Time, Date and Purpose to be Stated.** If a special Town meeting is requested or called under Subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- (c) **Notice.** The Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.

(d) **Location.**

(1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.

(2) A special Town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.

(e) **Adjournment.** A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.

(f) **Jurisdiction.** Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

State Law Reference: Sec. 60.12, Wis. Stats.

Sec. 2-2-5 Presiding Officer at Town Meetings.

(a) **Who Presides.**

(1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in Sec. 2-1-1. If the Town Board Chairperson is absent, the First Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.

(2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.

(b) **Duties.** The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

(c) **Enforcement Authority.** The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

State Law Reference: Sec. 60.13, Wis. Stats.

Sec. 2-2-6 Procedure at All Town Meetings.

(a) **Qualified Voters.** Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

- (b) **Definition.** A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.
- (c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.
- (d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.
- (e) **Reconsideration of Actions.**
 - (1) No reconsideration of any vote shall be had at any Town meeting unless it be taken by a majority vote within one (1) hour from the time such vote shall have been passed, or if taken later than one (1) hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a Town meeting shall be determined by a majority of the electors voting.
 - (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under Sec. 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Sec. 60.14, Wis. Stats.

Sec. 2-2-7 Clerk of Town Meetings.

The Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk is absent, the Deputy Town Clerk, if the Town has one, shall serve as town meeting clerk. If the Deputy Clerk is absent, the Town meeting chairperson shall appoint a clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under Sec. 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk within five (5) days after the meeting.

State Law Reference: Sec. 60.15, Wis. Stats.

Title 13 ► Chapter 3

Zoning Districts and Maps

13-3-1	Zoning Districts
13-3-2	Zoning Maps

Sec. 13-3-1 Zoning Districts

For the purpose of this ordinance, the Town of Friendship is hereby divided into the following districts, and may be known by the accompanying symbols:

Residential District (R)

Manufactured Home District (R-MH)

Hobby Farms

Exclusive Agricultural District (A-1)

Agricultural Transition District (A-D)

Commercial District (C)

Industrial District (I)

Sec. 13-3-2 Zoning Maps

The boundaries of the aforesaid districts are hereby established as shown on the map entitled “Zoning Map for the Town of Friendship, Fond du Lac County, Wisconsin”. This map, together with all explanatory matter and regulations thereon is made a part of this ordinance and is on file in the office of the town clerk.

1. The district boundaries, unless otherwise indicated, re street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes, streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be constructed to be the district boundary line.
2. The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

Title 13 ► Chapter 4

Fences

13-4-1	Fences Defined
13-4-2	Fences- In residential zoned districts
13-4-3	Setback for Residential Fences
13-4-4	Fences in Commercial-Recreational, Office and Manufacturing Districts

Sec. 13-4-1 Fences Defined. For the purpose of this Section

Fence- An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

Boundary Fence- A fence placed on the property lines of adjacent properties.

Protective Fence- A fence constructed to enclose a hazard to the public health, safety and welfare.

Architectural or Aesthetic Fence- A fence constructed to enhance the appearance of the structure or the landscape.

Hedge- A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

Picket Fence- A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

Sec. 13-4-1-1 General

No person may construct a fence in the Town without a Fence Permit issued by the Permit Issuer. The Permit Issuer may not issue a Fence Permit until the fence has been approved by the Town Board. Except as elsewhere provided in this Title, all fences shall be constructed with no setback from lot lines. Any person applying for a Fence Permit shall provide the Town Board a certified survey map, plat of survey, or other evidence satisfactory to the Town Board showing the location of property lines and the location of the proposed fence. The applicant shall also submit a narrative statement describing the design and construction of the proposed fence, including the material that will be used to construct the fence. If there is a dispute regarding the location of a lot line, the Town Board will determine an acceptable location for the fence based on the supporting documentation submitted to it. By applying for a fence permit, the applicant agrees to hold the Town harmless from any claims, losses, or damages of any kind arising out of the location of a fence.

Sec. 13-4-2 Fences. In Residential Zoned Districts.

The following regulations apply. Fences will be permitted on or within the property line. On or within the side and rear yard the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type (50% or less opaque) and shall not exceed two and one half (2 1/2) feet in height, and shall be no closer than two (2) feet to a road R.O.W.

Sec. 13-4-3 Setback for residential Fences.

1. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines.
2. Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
3. Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
4. All fences shall be maintained and kept safe and in state of good repair, by the owner of fence, and the finished side or decorative side of a fence shall face adjoining property.

Sec. 13-4-4 Fences in Commercial-Recreational, Office and Manufacturing Districts

A development plan, will include architectural drawings and sketches illustrating the design of any fence proposed for the site. plan review process.

Non-residential districts:

Six (6) feet maximum height when used to screen permitted parking areas required by this Ordinance.

Ten (10) feet maximum height when used to screen permitted open storage areas.

Title 13 ► Chapter 5

Residential District

13-5-1	Permitted Uses
13-5-2	Conditional Uses
13-5-3	Regulations and Standards

The Residential District is designed to provide a suitable environment for family life by protecting the residential character from incompatible uses, and by permitting under certain conditions appropriate neighborhood facilities and institutions. The R-District is further intended to preserve openness and avoid overcrowding by requiring certain minimum yard areas and open space, and to make available a variety of dwelling types, densities and locations to serve a wide range of individual housing requirements.

Sec. 13-5-1 Permitted Uses

The Following uses are permitted within the residential district:

1. One-family dwellings.
2. Two-family dwellings.
3. Any manufactured home must have a permanent foundation (frost proof wall).
4. Public parks, playgrounds.
5. Conversion of any existing building to a permitted use.
6. General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming.
7. Home occupations meeting the definition and requirements of Section 13-17-2(19) of this ordinance.
8. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-5-2 Conditional Uses

1. Club or lodge.
2. Day nursery/kindergarten.
3. Dwelling, multiple family.
4. Electric and/or gas substations, public waterworks and appurtenant structures and telephone exchanges.
5. Golf courses.
6. Topsoil removal.
7. Public or semi-public buildings.
8. Roadside Stands

Sec. 13-5-3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

1. **Occupancy:** Residential occupancy shall not exceed one family and not more than 2 roomers or boarders per dwelling unit.
2. **Location:** Dwellings shall be located so as to abut a public street or highway which is fully improved and opened in accordance with the standards of the Town of Friendship for streets and highways and shall have minimum of 30 feet of frontage thereon and a width of not less than 50 feet at the building line. The location of lots on private roads in existence at the time of adoption of the original ordinance is excluded from road requirements.

13-5-3

3. **Minimum Floor Area:** The minimum habitable floor area at the first floor elevation shall be 960 square feet.
4. **Off-street Parking Requirements:**
 - (a) Each dwelling unit shall be provided with a minimum of two off-street parking spaces located in the same lot or tract of land as the dwelling served.
 - (b) Off-street parking space shall total at least 180 square feet for each space required.
5. **Dimensions of Building Sites:**
 - (a) The minimum lot areas and widths for dwelling units not served by public sanitary sewer shall be as follows:
 1. **Single Family Dwelling: Single Family Dwelling:** The minimum lot area shall be one acre excluding road right-of-way and the minimum lot width 150 feet at the building line; on riparian lots, 100 feet at the water's edge.
 2. **Two Family Dwelling:** The minimum lot area shall be 2 acres excluding road right of way and the minimum lot width 200 feet at the building line; on riparian lots, 125 feet at the water's edge.
 3. Where larger lot sizes are required for installation of private sewage systems pursuant to the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
 4. The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance.
 - (b) The minimum lot areas and width for dwelling units served by public sanitary sewer shall be as follows:
 1. The minimum lot area shall be 20,000 square feet and the minimum lot width 65 feet at the building line; on riparian lots, 65 at water's edge.
 2. **Two Family Dwelling:** The minimum lot area shall be 30,000 square feet and the minimum lot width 100 feet at the building line; on riparian lots, 75 feet at the water's edge.
 3. **Multiple family dwelling:** The minimum lot area shall be 40,000 square feet and the minimum lot width 150 feet, on riparian 100 feet at the water's edge. The minimum lot area per dwelling unit shall be 10,000 square feet.
 4. **Height:** The height of principle structures shall not exceed three stories or 35 feet.
 5. **Side Yard:** The sum of the widths of the required side yards shall be not less than 25 feet, with no single side yard having a width less than 10 feet.
 6. **Rear Yard:** The minimum required rear yard is 25 feet, except on riparian lots, the rear yard shall comply with the applicable county shore land and floodplain zoning ordinance and state law.

Title 13 ► Chapter 6

Manufactured Home District

13-6-1	Intent– Where Manufactured Homes Permitted
13-6-2	Definitions
13-6-3	Permits Required
13-6-4	Minimum Dimensional Requirements for R-MH & Individual Manufactured Home Communities, Minimum Number of Lots or Space
13-6-5	Permitted and Permissible Uses and Structures
13-6-6	Maximum Density Limitations in Manufactured Home Communities
13-6-7	Maximum Lot Coverage
13-6-8	Required Outdoor Living on Lot
13-6-9	Yards; Open Space Adjacent to Dwelling Units; Spacing of Dwelling Units
13-6-10	Limitations on Signs
13-6-11	Off-Street Parking Requirements
13-6-12	Common Recreational Facilities
13-6-13	Procedures - Site Plan Approval for Manufactured Home Communities
13-6-14	Standards for General Site Planning for Manufactured Home Communities
13-6-15	Required Street Parking - Private Streets
13-6-16	Lots and Locations for Dwelling on Lots: Improvements Required Before Occupancy

Sec. 13-6-1 Intent - Where Manufactured Home districts Permitted

1. Residential-Manufactured Home (R-MH) zoning districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set fourth in this section. Within such districts, manufactured homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
2. It is the intent of this article to recognize Manufactured Homes constructed prior to October 1, 1974, as distinct and different from units designated as Manufactured Homes within the definitions of this section and to prohibit units not meeting the requirements for manufactured homes as defined herein. Units constructed prior to 1974 are prohibited. Manufactured Homes not meeting the requirements of the One and Two Family Building Dwelling Code shall not be permitted in a residential Manufactured Home (R-MH) district except as a conditional use, Permits may be obtained only after approval by the Board of Appeals

Sec. 13-6-2 Definitions

The following definitions are used in this section:

1. **Manufactured Home Communities (Parks).** Manufactured Home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivisions regulations, which would apply also to manufactured home subdivisions without common open space or continuing management.
2. **Residential Manufactured Home.** A single family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing and Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, DILHR 20.12-20.17.

13-6-2

3. **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the home and installed within sixty (60) days from the date of placement on site.
4. **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
5. **Secondary Exposure.** Open areas adjacent to the side and rear walls of a dwelling unit.
6. **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.058 of the Wisconsin Statutes shall also be applicable.

Sec. 13-6-3 Permits Required

1. Permits for the installation of the manufactured homes shall be obtained by the owner or the person making the installation for the owner of the manufactured home prior to the placement of the home on a lot. In addition, Class C permits may be required according to Section 13-6-5(3)(c) below.
2. It is intended that such manufactured home developments shall be so located, designed and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods.

Sec. 13-6-4 Minimum Dimensional Requirements for R-MH Districts and for Individual Manufactured Home Communities; Minimum Number of Lots or Spaces

1. Where a R-MH District is to be established for the development of a single manufactured home community only, minimum area shall be ten (10) acres. The minimum width of tract for portions used for general vehicular entrances and exists only (other than alleys or service entrances) shall be sixty (60) feet; for portions containing lots for dwellings and buildings open generally to occupants, minimum dimension shall be two hundred (200) feet. The minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five (25%) of total units permitted on the zoned site.
2. These limitations shall not apply where expansion of an existing manufactured home community is concerned and where such expansion will not increase variation from requirements applying to manufactured home communities, as set forth herein.

Sec. 13-6-5 Permitted and Permissible Uses and Structures

The following principle uses and structures are permitted within R-MH Districts:

1. **One-Family Detached Manufactured Homes (residential manufactured home).** In manufactured home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwelling may be sold on lots they occupy in residential use.
2. **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principle uses and structures shall be permitted, except for those requiring specific approval as provided below.
3. **Principle or Accessory Uses and Structures Requiring Class C Permit.**
 - (a) **Commercial and Service Facilities in Manufactured Home Communities.**

In Manufactured Home communities so located that such facilities are not conveniently available in the neighboring area and containing at least one hundred (100) dwelling units, commercial and service establishments intended to serve only persons within the community, designed, improved and located to protect the character of the community and the surrounding neighborhood, and occupying in total, including related parking area, not more than five percent (5%) of the area of the community, may be permitted only by Class C permit as provided below.

- (b) Outdoor Storage Areas in Manufactured Home Communities. In manufactured home communities, outdoor storage areas, including those for recreational vehicles, may be permitted only by Class C permit as provided below. Such areas shall be so designed, improved and located as to protect adjoining uses from adverse visual or other effects and shall occupy, in total, not more than five percent (5%) of the area of the manufactured home community if within the boundaries of the main portion of the community. If the property includes a separate parcel or parcels for utility, maintenance or storage facilities, the limitation as to area shall not apply. Use of such area shall be limited to occupants of the community.
- (c) Class C Permits. Class C permits in such cases may be granted by the Town Board, either in connection with general site plan approval for the development as a whole or in subsequent site plan approval for the specific feature involved, upon written findings that the purposes of these regulations and limitations, as set forth above, would be adequately met by the development as proposed or subject to such additional conditions and safeguards as he finds necessary to promote such purposes.

Sec. 13-6-6 Maximum Density Limitations in Manufactured Home Communities

The maximum density in any manufactured home community shall not exceed five (5) units per gross acre for detached single-family dwellings. For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, land occupied by manufactured home stands or lots, and lands occupied by utilities installations. In computations, single-family detached residences shall thus be considered to require eight thousand seven hundred twelve (8,712) square feet of gross land area.

Sec. 13-6-7 Maximum Lot Coverage

The following limitations on maximum lot coverage shall apply to residential uses in manufactured home communities. Where a roofed area, such as a carport or outdoor recreation shelter, is open for forty percent (40%) or more of its perimeter, its lot coverage shall be computed as one-half (1/2) the area covered by the roof. Where the lot is adjacent and accessible to approved common open space (other than vehicular areas), an additional five percent (5%) of the lot area may be occupied.

Sec.13-6-8 Required Outdoor Living Area on Lot

1. In manufactured home communities, an outdoor living area shall be provided on each lot equal to at least ten percent (10%) of its area, provided that in no case shall such area be less than three hundred (300) square feet or required to be more than five hundred (500) square feet. The minimum horizontal dimension of such area shall be not less than fifteen (15) feet.
2. Such outdoor living area shall be properly drained, located for convenience and optimum use and walled, fenced or planted to provide reasonable privacy. Within such area, a section suitably surfaced for garden furniture shall be provided, not less than one hundred (100) square feet in area or ten (10) feet in minimum horizontal dimension. This section may be covered, in whole or in part, by a roof, subject to the limitations on maximum lot coverage set forth above.

13-6-9

Sec.13-6-9 Yards; Open Space Adjacent to Dwelling Units; Spacing of Dwelling Units

1. Intent
 - (a) Yards and other open spaces required herein in relation to dwellings in manufactured home communities are intended to perform a variety of functions. Among these are assuring (as appropriate to and required by the dwellings as designed, located and constructed) adequate privacy, usable outdoor living space, desirable outlook, natural light, ventilation, access to and around dwellings, off-street parking space and spacing between dwellings and portions of dwellings and other buildings for reducing potential adverse effects of noise, odor, glare or hazards from fire.
 - (b) It is intended in these regulations to relate provisions to performance of these functions, allowing maximum flexibility in detailed site planning and use so long as performance requirements and related standards are met.
2. Open Space Depth Defined; Requirements by Dwelling Unit's Exposure. Open space depth is the minimum open space distance on the lot (except as otherwise specifically provided) perpendicular to the wall of the dwelling at any point, or to any addition of the dwelling which is enclosed for more than sixty percent (60%) of its perimeter.
3. Distance to Common Areas. Except as provided below, distance from any Secondary Exposure of a dwelling to a street pavement or to the edge of a common driveway, a common parking area, a common walk or other common area shall be at least eight (8) feet. In the case of Primary Exposures, this distance shall be fifteen (15) feet. Carports open in a manner that assures visibility as required below may extend to within four (4) feet of a common sidewalk adjacent to a street or to a common parking area, or to with eight (8) feet of the street pavement or common parking area if no such sidewalk is involved.
4. Other Minimum Open Space Depth Requirements. Other open space depth requirements shall be, by exposure: Primary, fifteen (15) feet; Secondary, six (6) feet. Dwellings on lots adjoining nonresidential buildings shall be separated from such buildings by at least ten (10) feet more than the above requirements.
5. Occupancy of Open Space by Carports, Recreational Shelters, Storage Structures.
 - (a) A carport, enclosed for fifty (50%) percent or less of its total perimeter by attachment to the dwelling and by a wall at the inner end perpendicular to the attachment to the dwelling and by a wall at the inner end perpendicular to the dwelling, may extend into any open space on the lot, required or other, that does not adjoin the outdoor living area on an adjacent lot or any common non-vehicular open space.
 - (b) Enclosed storage facilities combined with and included within such carports or recreational shelters shall not exceed ten (10%) percent of the floor area of such carport or shelter. Separate storage structures not exceeding thirty (30) square feet in floor area or seven (7) feet in height may occupy any open space on the lot, required or other, that is farther from a street or common non-vehicular open space than the nearest portion of the dwelling. Only one (1) such separate storage structure shall be permitted per dwelling unit.
 - (c) Carports, recreational shelters and storage facilities for adjacent lots may be so located as to attach across lot lines, provided that as located and constructed they do not constitute undesirable impediments to view (including visibility at intersections of streets or the intersections of driveways with streets) or increase fire hazards.
6. As an alternative to providing required open space for each dwelling exposure on its own lot, where equivalent spacing can be assured in form appropriate to the exposures involved by decreasing clearance from the lot line on one (1) lot and increasing clearance on the adjacent lot, this arrangement may be permitted, provided that access for servicing and maintenance of dwellings involved can be assured and further provided that minimum open space depth for primary exposures shall be located on the same lot as the dwelling.

Sec. 13-6-10 Limitations on Signs

In connection with Manufactured Home Communities, no sign intended to be read from any public way adjoining the district shall be permitted except:

1. No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
2. No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy", may be erected at each principal entrance.
3. In the case of new manufactured home communities consisting in whole or in part of manufactured home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
4. No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

Sec. 13-6-11 Off-Street Parking Requirements

1. Residential parking requirements shall be two (2) stalls per unit. Parking spaces shall be provided on the same lot that the dwelling unit is located and shall be surfaced with bituminous or concrete paving.

Sec. 13-6-12 Common Recreational Facilities

1. No less than ten percent (10%) of the total area of any manufactured home community established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
2. To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installation of utilities.
3. Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

Sec.13-6-13 Procedures - Site Plan Approval Required for Manufactured Home Communities

Before building permits may be issued for construction of manufactured home communities, in addition to other required permits, reports, or reviews, a special permit shall be required. Determinations by the Town Board in relation to such permits shall include review of site plans and such other information or material as is necessary to establish conformity with the requirements and intent of these regulations. In connection with such permit, the Town Board may establish such conditions and safeguards as are required to assure such conformity.

Sec. 13-6-14 Standards for General Site Planning for Manufactured Home Communities

The following guides, standards, and requirements shall apply in site planning for manufactured home communities:

1. Principal Vehicular Access Points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering a development.

13-6-14

2. Access for Pedestrians and Cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
3. Protection of Visibility - Automotive Traffic, Cyclists and Pedestrians. At intersections of any streets, public or private, the provisions of Chapter 4-2 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty five (25) feet from said access measured at right angles to the path.
4. Exterior Yards for Manufactured Home Communities; Minimum Requirements; Occupancy. The following requirements and limitations shall apply to yards at the outer edges of manufactured home communities:
 - (a) Along Public Streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yard, and no groups parking facilities or active recreation areas shall be allowed therein.
 - (b) At Edges of R-MH Districts (Other Than at Streets or Alleys). Where R-MH are so located that one (1) or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimensions shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual recreational shelters or storage structures.
5. Ways for Pedestrians and/or Cyclists in Exterior Yards. In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if approximately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
6. Yards, Fences, Walls or Vegetative Screening at Edges of Manufactured Home Communities. Along with edges of manufactured home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential district from potentially adverse influence within the manufactured home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
7. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intend uses and structural features. In particular.
 - (a) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid as to encourage outside traffic to traverse the

community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

- (b) **Vehicular Access to Streets.** Vehicular access to streets from off-site parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- (c) **Ways for Pedestrians and Cyclists: Use by Emergency, Maintenance or Service Vehicles.**
 - 1. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principle off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related open spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - 2. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize contacts with normal auto traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designed to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicles but shall not be used by other automotive traffic.

Sec. 13-6-15 Required Street Parking - Private Streets

1. Parking Requirements

<u>Street Class</u>	<u>Parking Permitted</u>	<u>Paving Width (feet)</u>
Minor, one-way (serving less than 20 lots)	No	14
	One Side	16
	Both Sides	23
Minor, two-way (serving 50 lots or less)	No	18
	One Side	25
	Both Sides	32
Collector (serving more than 50 lots)	No	20
	One Side	27
	Both Sides	34

2. Streets

- (a) Streets that are to be dedicated to the jurisdiction, if any, shall be dimensioned and improved in accord with general subdivision regulations.
- (b) For other than streets, required paving widths shall be as follows, based generally on a moving lane width of ten (10) feet for collector streets and nine (9) feet for minor streets, with parallel parking lanes at seven (7) feet in locations where on-street parking is to be permitted. As an exception to these general rules, one-way minor streets serving less than twenty (20) lots, and driveways to parking bays containing less than ten (10) parking spaces shall have a minimum pavement width of fourteen (14) feet. Driveways to parking bays containing ten (10) or more parking spaces shall be eighteen (18) feet in pavement width (see table).

13-6-16

**Sec. 13-6-16 Lots and locations for Dwelling on lots;
Improvements Required Before Occupancy**

1. Location on the lot shall be suitable for the type of dwelling proposed, considering size, required open spaces and manor of support, and any improvements necessary on the lot for the support or anchoring of the type of dwelling proposed shall be provided to the dwelling so supported and/or anchored before occupancy.
2. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.

Title 13 ► Chapter 7

Hobby Farms

13-7-1	Purpose
13-7-2	Special Uses
13-7-3	Minimum Lot Size

Typically a one family farmhouse with outbuildings and/or barn.

Comment. This is a separate exclusive agricultural zoning district of a short term nature. The Farmland Preservation Law recognizes that it may be desirable to limit some areas needed for future development to agricultural use on a short term basis S.91.55(b) state. Transition areas shall be areas in predominantly agricultural uses which the plan identifies for future development.

Sec. 13-7-1 Purpose.

Purpose. The purpose of the Hobby Farm District is to provide for the continuation of small scale, general agriculture and related uses in those areas that are generally suitable for farming but which do not necessarily meet the standards and objectives of the A-1 and A-T Districts. The intent is to conserve areas with soils, drainage and topography generally suitable for farming while permitting limited and regulated residential, use in these areas.

Sec. 13-7-2 Special Uses

1. The raising and keeping of domestic stable animals are special uses that must be approved by the Town's Board, which shall have the power to impose such conditions as are necessary to protect the public health, safety and welfare and individual property rights. The raising and keeping of domestic stable animals includes, horses, cattle, llamas, sheep/goats, chickens/ducks, turkeys, buffalo, elk, and red deer. Site and building plans must be approved by town board at the time of OK'ing animals.

Sec. 13-7-3 Minimum Lot Size.

Minimum Lot Size; The minimum lot size of Hobby Farm is five acres.

Highway setbacks section 10.0.

Road access control section 11.0

Height and yard setbacks section 2.8 & 4.0

Fencing section 13-4-1, 4-2, 4-3

Title 13 ► Chapter 8

Exclusive Agricultural District (A-1)

13-8-1	Purpose
13-8-2	Land Included Within This District
13-8-3	Permitted Uses
13-8-4	Conditional Uses
13-8-5	Minimum Lot, Height and Yard Requirements
13-8-6	Standards for Rezoning

Sec. 13-8-1 Purpose

The purposes of the A-1 District are to:

1. Preserve productive agricultural land for food and fiber production.
2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
3. Maintain a viable agricultural base to support agricultural processing and service industries.
4. Prevent conflicts between incompatible uses.
5. Reduce costs of providing services to scattered non-farm uses.
6. Pace and shape growth.
7. Implement the provisions of the county agricultural plan as adopted and periodically revised.
8. Comply with the provisions of the Farmland Preservation law to permit eligible landowners to receive tax credits under Section 71.09(11) of the Wisconsin Statutes.

Sec. 13-8-2 Land Included Within this District

This district is generally intended to include prime agricultural lands historically exhibiting high crop yields, which generally consist of Class I, II and III soil capability classes established by the Soil Conservation Services, USDA. This district also includes other lands which are integral parts of productive farm operations.

Sec. 13-8-3 Permitted Uses

The following are permitted uses unless regulated as special exceptions under Sec.13-8-4.

1. **Agricultural Uses.** Beekeeping; dairying; egg production; floriculture; forest and game management; grazing; livestock raising (less than 750 animal units); orchards; plant greenhouses and nurseries; poultry raising (less than 10,000 fowl); raising grain, grass, mint, and seed crops; raising of fruits, nuts, berries; sod farming and vegetable raising; (Source s. 91.01 (1) Wis. Stats.) Existing farm dwellings land related structures which remain after farm consolidation or farm sale may be separated from the farm lot, and are not subject to the 35 acre minimum lot size. Refer to County and State Siting Ordinance.
2. Roadside farm produce seasonal stands for the sale of produce grown on the premises.
3. **Agriculturally Related Residences.** The only residences allowed as permitted uses are those which are to be occupied by any of the following:
 - (a) An owner of the parcel.
 - (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
 - (c) A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 - (d) A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

13-8-3

4. **Pre-Existing Residences and Residential Lots.** Pre-existing residences located in areas subject to zoning under this section which do not conform to paragraph 6.3(2) may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 59.97(10). Such pre-existing residences may be altered, repaired or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Residential lots of record at the date of adoption of this ordinance may be used for new residences, which shall then be classified as pre-existing residences.
5. **Other Agriculturally– Related Structures and Improvements.** No structure or improvement may be built unless consistent with the individual owner's agricultural use, or unless otherwise permitted by this ordinance.
6. **PERMITTED UTILITY USES:** Gas and electric utility uses not requiring authorization under S.196.491 (Certain Electric generating facilities and transmission lines).

Sec. 13-8-4 Conditional Uses

1. Agricultural related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses.
 - (a) **Standard Applicable to Conditional Uses:** The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional uses. In passing upon applications for conditional uses, the Board of Appeals shall consider the following relevant factors:
 1. The statement purpose of the zoning ordinance and the A-1 district.
 2. The potential for conflict with agricultural use.
 3. The need of the proposed use for a location in an agricultural area.
 4. The availability of alternative locations.
 5. Compatibility with existing or permitted uses on adjacent lands.
 6. The productivity of the lands involved.
 7. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 8. The need for public services created by the proposed use.
 9. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 10. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
 - (b) **Conditions which may be Attached to Conditional Uses:** Upon a consideration of information supplied at the public hearing and a review of the standard contained in Section 13-8-4 (1)(a), the following conditions may be attached to the granting of a conditional use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls, erosion prevention measures, location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance as provided in Section 13-13 of this ordinance.
2. **Roadside farm produce seasonal stands for the sale of produce grown on the premises.**
3. **Farm consolidation:** the separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:
 - (a) The separation is for the purpose of farm consolidation;
 - (b) The residence or structure existed prior to the adoption of the ordinance;
 - (c) The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
 - (d) The separation meets all standards applicable to conditional uses; and
 - (e) The created parcel must conform with all regulations contained in this zoning ordinance.

Sec. 13-8-5 Minimum Lot. Height and Yard Requirements

1. Minimum Lot Size
 - (a) Minimum lot size to establish a residence or farm operation is 35 acres, except as provided in (b)-(c) below (Source s. 91.75 as amended).
 - (b) The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation or parents or children of the farm operator shall be 1.5 acres excluding road right of way.
 - (c) Where an additional residence for persons specified in subsection (b) above is located on a farm without creating a separate parcel, the residence shall be at least 75 feet from other residences.
 - (d) The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation shall be 1.5 acres excluding road right of way.
2. Yards
 - (a) The minimum side and rear yards for farm dwellings and accessory structures shall be 10 feet from the nearest lot lines except that where a pre-existing residence or residential lot abuts, then the side yard minimum shall be thirty feet from said lot line.
 - (b) Highway setbacks for farm dwellings and structures shall be as specified in Section 13-12 of this ordinance.
3. Minimum Lot Size, Height and Yard Requirements for Special Exceptions
 - (a) The minimum lot size, height, and requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 10 of this ordinance.

Sec. 13-8-6 Standards for Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all re-zonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural resources.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.
10. A-1 land changed to residential land shall be a minimum of 1.5 acres excluding the road right of-way.

NOTE: The findings should be made in writing with a copy to the applicant and the Wisconsin Department of Agriculture, Farmland Preservation Section, which under s. 91.77(3) must be notified of all re-zonings.

11. Up to 4 (four) lots in a 5 (five) year period can be sold without the need for a sub-division plan.

Title 13 ► Chapter 9

Agricultural Transition District (A-T)

13-9-1	Purpose
13-9-2	Land Included Within This District
13-9-3	Permitted Uses
13-9-4	Conditional Uses
13-9-5	Minimum Lot, Height and Yard Requirements
13-9-6	Standards for Rezoning

Sec. 13-9-1 Purpose

The purpose of the A-T district are to:

1. Provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion.
2. Defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost.
3. Ensure that urban development is compatible with local land use plans and policies.
4. Provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:
 - (a) A minimum of every five years.
 - (b) Upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects land in the district; or
 - (c) Upon extension of public services, such as sewer and water, necessary to serve urban development.

Sec. 13-9-2 Lands Included Within this District

This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar land are to be included.

Sec. 13-9-3 Permitted Uses

Same as Section 13-8-3 Exclusive Agricultural District (A-1).

Sec. 13-9-4 Conditional Uses

Same as Section 13-8-4 Exclusive Agricultural District (A-1).

Sec. 13-9-5 Minimum Lot, Height and Yard Requirements

Same as Section 13-8-5 Exclusive Agricultural District (A-1).

Sec. 13-9-6 Standards for Rezoning

Same as Section 13-8-6 Exclusive Agricultural District (A-1).

Title 13 ► Chapter 10

Commercial District (B)

13-10-1	Permitted Uses
13-10-2	Conditional Uses
13-10-3	Regulations and Standards

The Commercial District is designed to promote the orderly development of commercial uses in accordance with the growth and development needs of the town. It is intended to provide for a variety of retail, service, office and other business uses. The district is further designed to protect neighboring residential areas by establishing certain minimum yards, yard areas, and parking and loading areas.

Sec. 13-10-1 Permitted Uses

1. Banks and similar services.
2. Business and professional offices or studios.
3. Clubs, lodges, public meeting halls, theaters, bowling alley, or similar places of assembly or recreation.
4. Dental and medical clinics.
5. Dwelling, single family, only as accessory to a principle use.
6. Hotel, motel, boarding or lodging houses.
7. Public and semi-public buildings and uses.
8. Retail stores and shops.
9. Restaurants.
10. Service type business, such as barbershop, beauty parlor, Laundromat, servicing or repair of home appliances and similar uses.
11. Signs meeting the following requirements:
 - (a) Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 350 square feet in area (on double faced signs, only 1 side shall be counted in determining square footage); such sign shall be set back from the highway right of way line 1 foot for each additional 10 square feet in excess of 100 square feet, and shall provide a minimum of 6 feet of visual clearance above ground level; such signs if illuminated, shall not blink or be mechanically activated in whole or in part, and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.
 - (b) Directional signs indicating the location of a business offering goods or services. Such signs shall observe setback and side yard requirements, shall not be illuminated, and shall not exceed 250 square feet in area.
12. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-10-2 Conditional Uses

1. Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked or non-licensed vehicles or wrecked farm equipment.
2. Boat liveries and marinas, public and private beaches, bathhouses, day camps, resorts or clubs, public and private parks, golf grounds, cabins, picnic areas, swimming pools, and other recreational uses of similar character or customarily established in connection with the foregoing.

13-10-2

3. Taverns
4. Wholesaling establishments
5. Multiple Family Residences.
6. Outdoor storage of goods and materials.

Sec. 13-10-3 Regulations and Standards

1. **Height.** The height of buildings shall not exceed 60 feet.
2. **Side Yard.** Side yards shall meet the requirements of Section 4.3(7) of this ordinance (Residential District).
3. **Setback.** See Section 11-0 (Highway Setback).
4. **Rear Yard.** Rear yards shall meet the requirements of Section 4.3(8) of this ordinance (Residential District).
5. **Minimum Lot Size.**
 - (a) Areas not served by Public Sanitary Sewer: Shall meet the minimum lot area 66,000 Sq feet or 1 1/2 acre.
 - (b) Areas served by Public Sanitary Sewer. Minimum lot area for areas served by public sanitary sewer shall meet the requirements of 40,000 square feet.
 - (c) When an apartment or residence is a part of the business structure, there shall be additional square footage sufficient to qualify the same under the requirements for residence of the R District. This provision shall apply to multiple family residences, boarding houses and lodging houses. All other residences shall comply with the requirements of Section 4.3(5) (Residential District).
6. **Minimum Width.** Minimum lot width shall meet the requirements for single family dwellings under Section 4.3(5) of this ordinance (Residential).
7. **Off-Street Parking Requirements.** Off street parking spaces shall be provided as follows:
 - (a) Two off-street parking space per dwelling unit or lodging unit shall be provided on the same lot or tract of land of such dwelling unit or lodging unit served.
 - (b) One off-street parking space per person normally employed on the lot or tract of land.
 - (c) One off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

Title 13 ► Chapter 11

Industrial District (I)

13-11-1	Permitted Uses
13-11-2	Conditional Uses
13-11-3	Regulations and Standards

The Industrial District is designed according to the following principles to provide for a range of industrial uses which: have suitable access to transportation facilities, are located so as to minimize nuisances and adverse impact to surrounding land uses, incorporate adequate right-of-way, open space, or other buffers where required to protect neighboring land uses, are located so as to minimize traffic through residential areas, and are located and sized to meet the requirements of a variety of industrial uses.

Sec. 13-11-1 Permitted Uses

1. Automotive repair and body shops
2. Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
3. Commercial bakeries.
4. Commercial greenhouses.
5. Farm machinery sales and service.
6. Feed mill.
7. Food processing and packing, except for cabbage, fish, meat, and poultry products.
8. General farming.
9. Knitting mills and the manufacture of products from finished fabrics.
10. Laboratories.
11. Manufacture of goods from leather, but not tanning of hides, or manufacture of leather.
12. Manufacture of wood products.
13. Manufacture, processing and assembly of confections, cosmetics, electrical and electronic appliances and devices, instruments, jewelry, non-alcoholic beverages, pharmaceuticals, tobacco and toiletries.
14. Metal fabrication and machining.
15. Paper converting operations.
16. Printing and publishing.
17. Residential uses, limited to dwellings for watchmen, caretakers, owners or manager employed on the premises, the residence of a fanner engaged in general fanning on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting, processing or manufacture of food and food products.
18. Signs, meeting the requirements of Section 13-10-1 (11), 13-11-3(7) and 13-11-3(8) of this ordinance.
19. Warehousing.
20. Wholesaling.
21. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-11-2 Conditional Uses

1. Salvage yards and the storage of wrecked or dismantled vehicles.
 - (a) No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Friendship, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities or conducting business therefrom or thereon, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, copper or other metal, furniture, used motor vehicles or parts thereof, or other articles which from its worn condition renders it less useful or practically useless for the purpose of which it was made, whether commonly classed as junk or parts, including the conduct of business in second-hand motor vehicles, wrecks of motor vehicles or the conduct of motor vehicle junking, auto salvage or junk yards, without first having obtained and paid for a license as hereinafter provided. One carrying on any of the aforesaid business shall be referred to herein as "junk dealer".
 - (b) Every applicant for a license to engage in the business of junk dealer shall file with the Town Clerk a written application upon a form prepared and provided by the Town signed by the applicant or applicants. Said application shall state:
 - (1) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residence, if the applicant is an association or corporation.
 - (2) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.
 - (3) The premises where such business is to be located or carried on.Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for the cause at any time by the Town Board. Likewise, the business licensed to be carried on shall at all times be subject to the police power of the Town of Friendship, which is reserved to the Town for the benefit of the public welfare and common good of the inhabitants of the Town of Friendship.
 - (c) The Town Clerk shall report such application to the Town Board who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by the proper authorities.

Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than seven (7) feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No articles shall be piled so as to protrude above said enclosure.
 - (d) No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of three hundred (300) feet are used solely for residence purposes. Said enclosure shall be located 25 feet from the street or road line and nine feet from the side lot line. Two or more adjoining junk yards may be constructed wall to wall if approved by the Town Board and property owners. In the event that the character of the neighborhood so changes as to require the suspension or revocation of the license as a means of protecting property values of the surrounding territory, such may be done if exercised within the police power as such is exercised by the Town Board.
 - (e) Upon the filing of the application and the payment to the Town Clerk of the license fee herein after provided, the Town Constable shall issue to the applicant a license to engage in business as provided in Section 13-1. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, and the date of issuance and expiration of the license and the names and address of the licensee.

No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists. In granting the application, the Town Board shall take into consideration the location of the proposed junk yard, the absence of a police record of the applicant, the type of neighborhood in which the junk yard is to do business, all to the effect as to whether the engaging of the junk business in the particular neighborhood will detract from the existing property values.

- (t) Every junk dealer shall pay an annual license fee of \$10.00. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the date of issuance thereof, unless revoked sooner.
- (g) Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have been endorsed upon the license.
- (h) No junk dealer shall carry on the business at or from any other place than the one designated in the license therefor. Nor shall said business be carried on after such license has been revoked or has expired.
- (i) The Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
- (j) Every junk dealer upon being served with a written notice to do so by the Town Board on blank forms to be furnished by the said Town Board, an accurate description of all goods, articles or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for the same, and the name, residence and general description of the person from who such goods, articles or things were received.
- (k) If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the City of Fond du Lac as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk merchant or peddler who has or receives any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer, Town Board, or any magistrate or person duly authorized in writing by the Sheriff of Fond du Lac County, or any magistrate who shall exhibit such authorization to such dealer or peddler.
- (l) Upon complaint being made in writing by any town official or resident of the Town of Friendship to the Town Constable that any licensee has violated any of the provisions of this ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why this license shall not be revoked. The Town Board and the Town Constable shall proceed to hear the matter and if they find the allegations of said complaint are correct, they, shall revoke said junk dealer's license.

Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by an officer upon the person, firm, partnership, association or corporation named in the application, by mailing the same to the address given in the application and upon filing a copy of the same with the Town Constable.

- (m) Any person, persons, firm, association, partnership, or corporation who by himself or itself or by his or its clerk, agent, or employee, shall conduct the business of a junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its or their license revoked, shall continue as a junk dealer, may upon conviction thereof be subjected to a forfeiture of not more than \$10.00 for each day during which said violation shall continue, together with the costs of prosecution, and in default of the payment of such forfeiture and the costs of such prosecution, shall, be imprisoned in the County Jail of Fond du Lac County for a period not exceeding ninety days. In addition to the penalties imposed, the license of the person, firm, association, partnership or corporation violating the same shall be cancelled or revoked.
- 2. Outdoor storage of goods and materials.
- 3. Recapping or re-treading of tires.
- 4. Mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:
 - (a) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing purpose and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
 - (b) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from the said street or highway a distance not less than that required for buildings and structures under this ordinance; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and left in a clean condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site, however, the proposed re-use of the site for a dumping grounds shall have the concurrence of the Town Board.
 - (c) Application for a permit for mineral extraction operation proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits lines, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
 - (d) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals and the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
 - (e) No permit shall be granted for a period of time exceeding four years, unless approved by The Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and a permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.

- (f) A filing fee of \$250 shall be required for each initial application, and a filing fee of \$25 for each renewal application.
- (g) All existing mineral extraction operations lawfully operated and existed shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.

Sec.13-11-3 Regulations and Standards

1. MINIMUM LOT SIZE: 40,000 square feet in area.
2. MINIMUM LOT WIDTH: 150 feet at the building line.
3. MAXIMUM LOT COVERAGE: The amount of the total lot area which may be covered by all principal and accessory building shall not exceed fifty percent.
4. REQUIRED YARDS AND OPEN SPACES: On every lot in the I District yards shall be required as follows: A front yard on each lot line abutting a street, a side and a rear yard, except in the case where three lot sides abut a street, there shall be required in addition to three front yards, a side yard.
 - (a) Front Yard: where a lot abuts a highway or street the front yard shall extend 110 feet from the center line of road.
 - (b) Side Yard: Side yard widths shall be 10 feet or greater, no accessory building shall project into the required side yard spaces.
 - (c) Rear Yard: Rear yard depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.

Where a lot abuts a lot in a Residence District there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the Industrial District to the Residence District is a public street, the front yard in the I-Industrial District to the Residence District is a public street, the front yard in the Industrial District shall be suitably landscaped.
5. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particular matter, glare and heat or as to create fire or explosive hazards.
6. OFF STREET PARKING SPACE: Off-street parking shall be provided as follows:
 - (a) One off-street parking space per person normally employed on the lot or tract of land.
 - (b) One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
7. SIGNS: Signs are permitted as an accessory use to the principal use of the premises.
 - (a) The gross area of signs per establishment shall not exceed one-half the lineal feet of frontage of the zoning lot on which such signs are located.
8. No signs affixed to a structure shall project more than three feet beyond the limits of such structure and shall not project across lot lines.
9. On lots not served by public sewer, sufficient lot area shall be provided so that the requirements of Fond du Lac County Sanitary Code and all provisions of the Administrative Code relating to the use and occupancy of the building are complied with.

Title 13 ► Chapter 12

Highway Setback Lines

13-12-0	Highway Setback Lines
13-12-1	Classes of Highways and Center Lines
13-12-2	Structures Prohibited Within Setback Lines
13-12-3	Structures Permitted Within Setback Lines
13-12-4	Setback Distances

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Friendship, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highway; at the intersections of highways with highways and highways with railways as hereafter provided. Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village, nor on the side within another town where the highway is located on a town boundary.

Sec. 13-12-1 Classes of Highways and Center Lines

Highways are classified and the position of the center line shall be determined as follows:

1. CLASS 1 HIGHWAYS

- (a) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or town board. The center line is the midway point between the edges of the road surface.
- (b) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or town board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
- (c) Roads and streets in platted subdivisions not otherwise classified. The center line is at the midpoint between the edges of the road surface.
- (d) Private roads. The center line is at the midpoint between the edges of the road surface.

2. CLASS 2 HIGHWAYS

- (a) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- (b) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

3. CLASS 3 HIGHWAYS

- (a) State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States highways. The center line is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

Sec. 13-12-2 Structures Prohibited Within Setback Lines

No new building, manufactured home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, manufactured home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.

Sec. 13-12-3 Structures Permitted Within Setback Lines

The following kinds of structures may be placed between the setback line and the highway:

- 1 . Open fences.
2. Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structure may be made, provided the owner file with the Town Board and agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
3. Underground structures not capable of being used as foundations for future prohibited overground structures.
4. Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum site distances.
5. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

Sec.13-12-4 Setback Distances

Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways shall be as follows:

1. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.
2. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
3. ALONG HIGHWAY GENERALLY: The setback distances from the center line, at any point for the respective classes of highways', shall be as follows:
 - (a) Class 1 highway, 110 feet, except in platted subdivision where the setback distance shall be 40 feet from the right-of-way lines as shown on the recorded plat; also expecting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.
 - (b) Townline Road, Subway Road, Cemetery Road, Lincoln Road, and Lone Elm Road, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet.
 - (c) Class 2 and 3 highways other than those named in sub.3.(b) above, 100 ft; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.
 - (d) Exceptions: Where buildings, structures or uses are to be erected or established

Highway Setback Lines

13-12-4

between buildings existing at the time of the adoption of this ordinance, and where such buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use shall be the average of Highway Setback Lines 13-12-2 the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

4. **AT ORDINARY HIGHWAY INTERSECTIONS:** At grade intersections of highways with highways, except those roads and streets in platted subdivision which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 100 feet back from the intersection of such setback lines.
5. **AT HIGHWAY INTERSECTIONS WITH TRANSITIONAL WIDENING:** At intersection provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
6. **AT HIGHWAY INTERSECTIONS WITH CURVE CONNECTIONS:** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
7. **AT RAILROAD GRADE CROSSINGS:** At railroad grade crossings there shall be vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 100 feet back from the intersection of such highway setback lines and such railway right-of-way line.

Title 13 ► Chapter 13

Road Access Control

13-13-1	Purpose
13-13-2	General
13-13-3	Definitions
13-13-4	Regulations
13-13-5	Access Spacing and Frequency
13-13-6	Design Standards
13-13-7	Administration and Enforcement

Sec. 13-13-1 PURPOSE

The purpose of this ordinance is to regulate and control access on to town roads in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed Town roads, and to provide for safe and efficient use of the Town of Friendship road system.

The design standards herein prescribed are to promote the orderly and safe movement in and out of private properties as to constitute a minimum of interference to through traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the road.

Sec. 13-13-2 GENERAL

1. The present tense includes the future tense and the singular tense includes the plural.
2. The word “shall” is mandatory; the word “may” is permissive.
3. The word “used” or “occupied” also mean intended, designed, or arranged to be used or occupied.
4. The word “person” includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
5. All distances unless otherwise stated shall be measured in the horizontal direction.
6. “ADT” is the average daily traffic on a segment of highway.
7. “Town Board” means the duly elected Town Board of the Town of Friendship or the Town Board's duly appointed representative.

Sec.13-13-3 Definitions

Access- Connection point for a private driveway or other public road to a town road. **Access Permit - A** permit from the Town Board granting permission to connect for access purposes, to a town road.

County Trunk Highway (CTH)- Any segment of a Fond du Lac County Trunk Highway.

Driveway- Any public access for motorized vehicles to one or two parcels.

Field Entrance- An access point, the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

Limited Access Highway- Highways on which access is provided for via entrance and exit ramps (USH 41).

Parcel- The area of land outside the public right-of-way, within the property lines of a given piece of property.

Road- Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathways intended for the public use of motorized vehicles to obtain access to more than two parcels.

Rural Road- Any town road with a 55 MPH speed limit in a largely rural or underdeveloped area.

13-13-3

Semi-Urban Road- Any town road outside the municipal boundaries of a city or village with a speed limit below 55MPH.

Stopping Sight Distance- A measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.

Subdivision- A subdivision of land authorized by the Fond du Lac County Subdivision Ordinance, the Town of Friendship Subdivision Ordinance, if any, or a certified survey map under Chapter 236 of the Wisconsin Statutes.

Vision Comer- A clear triangle of right-of-way to control sight restrictions at access points. (See diagrams)

Sec. 13-13-4 Regulations

1. **EXISTING ACCESS.** Any use of access to a town road (via driveway or road) prior to the effective date of this ordinance will be permitted, provided that any future improvements or alterations shall meet the terms of this ordinance.
2. **VACATED ACCESS.** If the Town Board determines that the use of an access has been discontinued for a period of at least two years, the Town Board shall notify the owner by certified mail that the access is to be considered vacated. The Town Board will allow the owner 30 days to reply. If after 30 days the Town Board decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated, will require a permit and be considered a new access under this ordinance.
3. **ACCESS PROHIBITIONS.** No person shall construct as access point within the meaning of this ordinance unless a valid permit has been obtained from the Town Board. Entrance to or exit from a town road shall be prohibited except at designated access points. No person shall alter, in any way, existing appurtenances or features within the town road right-of-way including but not limited to ditches, drainage ways, culverts, bridges or pavement surfaces (including existing access points) until or unless a permit has been obtained from the Town Board.
4. **SUBDIVISION OF LAND.** Before any parcel of land is allowed to be subdivided, it must be proven that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this ordinance.

Sec. 13-13-5 Access Spacing and Frequency

1. Only one access per parcel will be allowed for parcels zoned residential or agricultural unless provided for elsewhere in this ordinance.
2. Commercial and industrial zoned parcels may be allowed two (2) points of access, provided each access meets the criteria of this ordinance, the development requires more than 50 parking spaces, and/or if two (2) access points would provide for safer movement of traffic.
3. When a property owner owns more than one parcel adjacent to another, with the same zoning, all with frontage on the County Highway, the parcels shall be treated as a single parcel under this ordinance.
4. Except as provided below, access permits shall not be issued where the horizontal distance between access points would become less than 150 feet for SEMI-URBAN ROADS and 600 feet for RURAL ROADS (except for AGRICULTURAL RELATED RESIDENCES), unless there is n o o t h e r alternate to provide access to the existing parcel. Notwithstanding the preceding, the Town Board has the authority to issue access permits where the horizontal distance between access points w o u l d become less 150 feet in developed areas such as Van Dyne and similarly developed areas where 150 foot separation would be impracticable.
5. **AGRICULTURALLY RELATED RESIDENCES** on which at least one person earns at least 25% of his or her gross annual income from farm operations on the farm parcel, or a parent or child of the operator of the farm, may have a driveway at a distance not less then 150 feet from the centerline of the proposed driveway to the centerline of an existing driveway.
6. **ROAD OR STREET:** A driveway access shall not be permitted at a distance of less than 200 feet for SEMI-URBAN or 600 feet from RURAL ROAD from the centerline of an intersecting road to the proposed driveway.

7. **Intersecting Road Access.** A new intersecting road access, must be at least 1000 feet for RURAL and 500 feet for SEMI-URBAN, from the nearest road which enters onto the CTH should NOT be staggered, creating T intersections, but should connect with another road on the other side of the road.
8. **Entrance and Exit Ramps.** Driveways shall not be permitted within 500 feet, on a RURAL ROAD and 300 feet on a SEMI-URBAN ROAD; and roads shall not be allowed within 1000 feet on a RURAL ROAD and 500 feet for SEMI-URBAN ROADS of an entrance or exit ramp of a LIMITED ACCESS HIGHWAY.
9. In the event that the applicant proposes a use not covered by this ordinance, the department shall make the determination of the applicable criteria based on the need to preserve town road capacity and safety. Access proposals which conflict with safe driving standards may not be allowed.

Sec. 13-13-6 Design Standards

Driveways and roads with access onto town roads must comply with the following design standards:

1. **CULVERTS** must be at least 24 feet long and placed under at least 1 foot of cover, be a minimum of 15 inches in diameter, be at least 10 feet from the nearest culvert endwalls will not be allowed less than 10 feet from the property line in rural areas, and be constructed of corrugated metal or concrete with endwalls. Plastic pipe will not be permitted. Culvert size will be determined by the Town Board so as to allow for proper drainage.
2. **SLOPES** to the side of the access shall not be steeper than 4 to 1 (25%) or that of the embankment of the town road whichever is less.
3. **RETAINING WALLS** shall be prohibited.
4. **PAVEMENT** of driveway access shall consist of blacktop or compacted gravel. Concrete shall not be allowed within 6 feet of the road edge on roads over 35 mph.
5. **CONSTRUCTION OF ACCESS** shall be so that drainage of the town road shall not be impeded.
6. **CURB AND GUTTER** must be removed at the entrance for a new access and new curb and gutter must be provided within the right-of-way where applicable.
7. **ANGLE** of access shall be as close to 90 degrees with the centerline of the town road as possible, but not less than 75 degrees.
8. **INTERIOR TURNAROUNDS** shall be provided as necessary such that vehicles do not need to back out onto the town road, except in the case of single family residences.
9. **EXISTING TOWN ROAD PROPERTY** including road surfaces, curbs, shoulders, slopes, ditches, and vegetation shall be restored to its original condition by the applicant.
10. **VISION CORNERS** must be free of all obstructions at each access point in accordance with the VISION CORNER diagram included at the end of this ordinance. Vision comers are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of the pavement of the town road, to two points 4.5 feet above the center of the nearest on coming lane of the town road in each direction, at a distance of "D" (as shown in diagram) from the point where the town road meets the center of the proposed access. Distance shall correspond to the speed limit of the road. Signalized intersections must meet the same standards as driveways.
11. Facing access points on opposite sides of a town road shall be located directly opposite each other whenever possible.
12. Shared/joint access will be encouraged whenever possible to minimize the number of access points and interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are an alternative.
13. Type "A" access. Private driveways with access to one or two agricultural or residential parcels must have a driveway width of 16 to 24 feet and a return radius of 20 feet. (See drawing)
14. Type "B" access standards must be used for residential driveways with 3-20 units and commercial or industrial with up to 25,000 square feet. (See drawing)
15. Acceleration and deceleration lanes may be required in SEMI-URBAN areas when ADT is above 100 or when peak traffic demand and access location warrant.
16. Far side passing (bypass) lane will be required when the ADT of the town road is 2,500 or more for a type "B" access and 1,000 or more for a Type "C" access or when in the judgment of the Town Board, peak traffic demand and/or location of access warrant it.

Sec. 13-13-7 Administration and Enforcement

1. **ADMINISTRATION.** The Town Board or its duly appointed representative is authorized to administer this ordinance. Applications for permits and variances shall be made to the Town Board prior to beginning construction. The Town Board shall review the proposed development or construction and shall either grant or deny the proposed access based on the provisions, standards, and requirements of this ordinance within 30 days. Applicants commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as fines and possible prosecution.

The Town Board reserves the right to retain the services of a qualified engineer or other professional assistance. The applicant shall reimburse the Town for any fees incurred by the Town to review, administer or enforce the applicant's road project.

2. **INTERPERTATION.** All restrictions on the use of land is restricted to the objects, growth, and use of land within the rights of way of the Town of Friendship roads. Whenever it is questionable as to jurisdiction of this ordinance, the entire object shall be considered to be entirely within, that jurisdiction.
3. **PERMITS.** No structure, object or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this ordinance until a permit has been issued by the Town Board. An access permit shall expire one year from date of issuance. Construction must be completed within this time. The Town Board may require scale drawings or other information prior to granting a permit.

The permittee shall be liable for all materials, labor and other costs connected with the construction of the access. Fond du Lac County will not be liable for any damage or injury resulting from construction on access. Fond du Lac County will not be responsible for any maintenance including snow and ice control of any access.

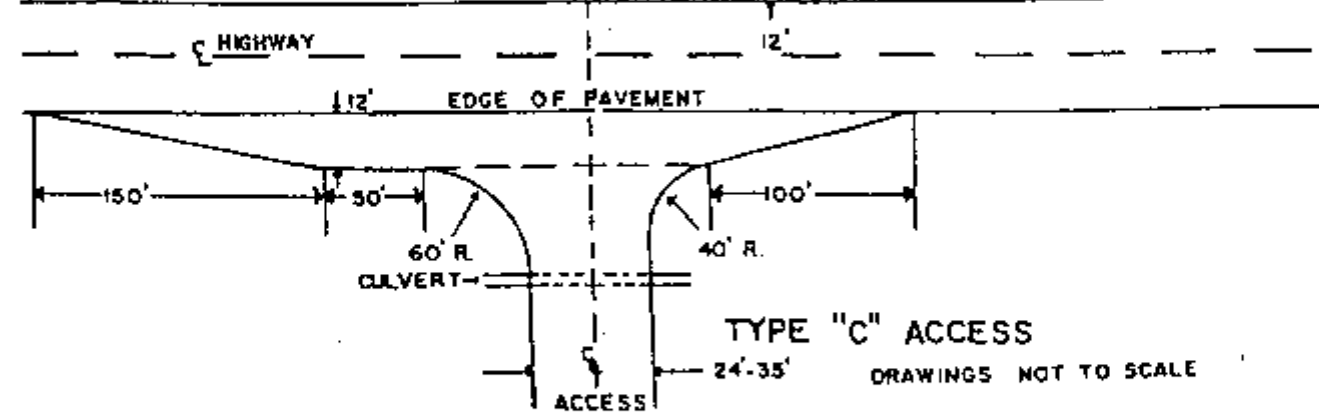
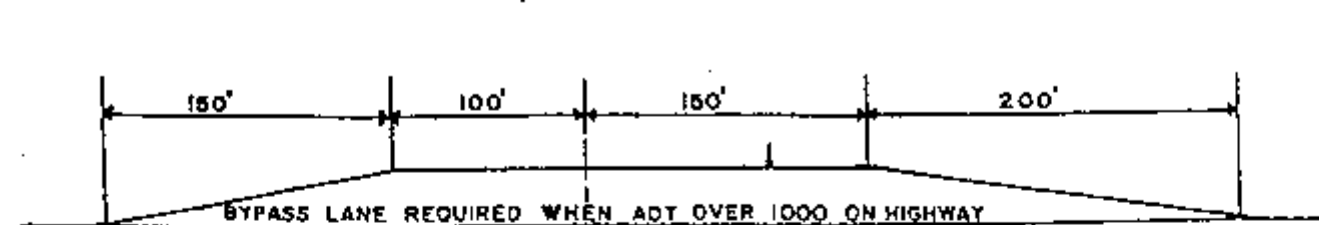
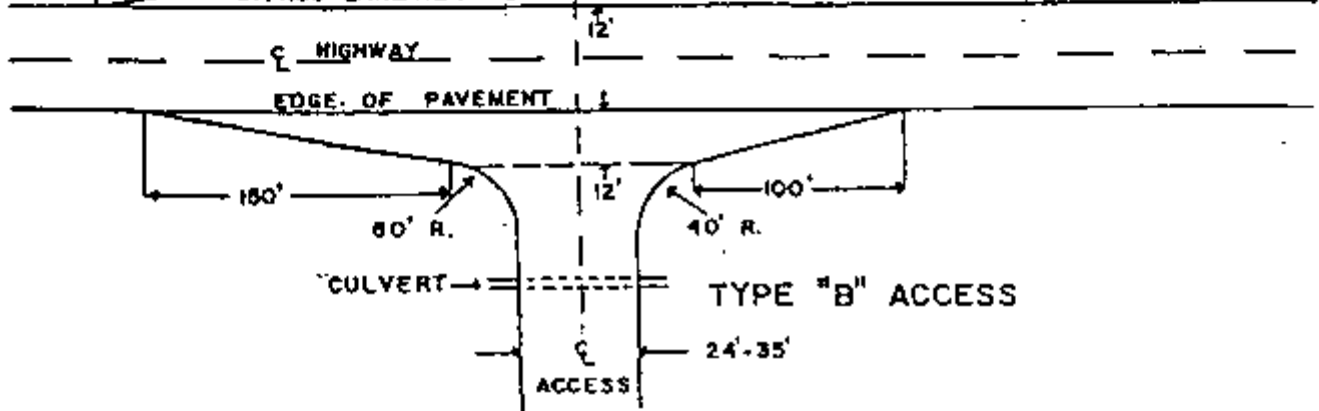
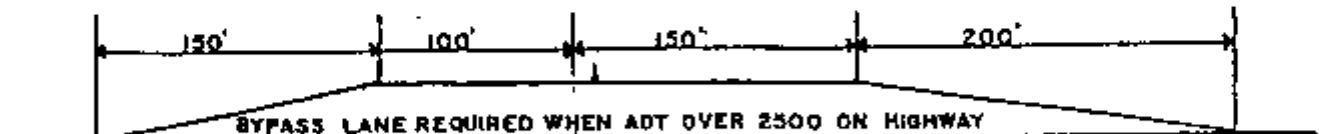
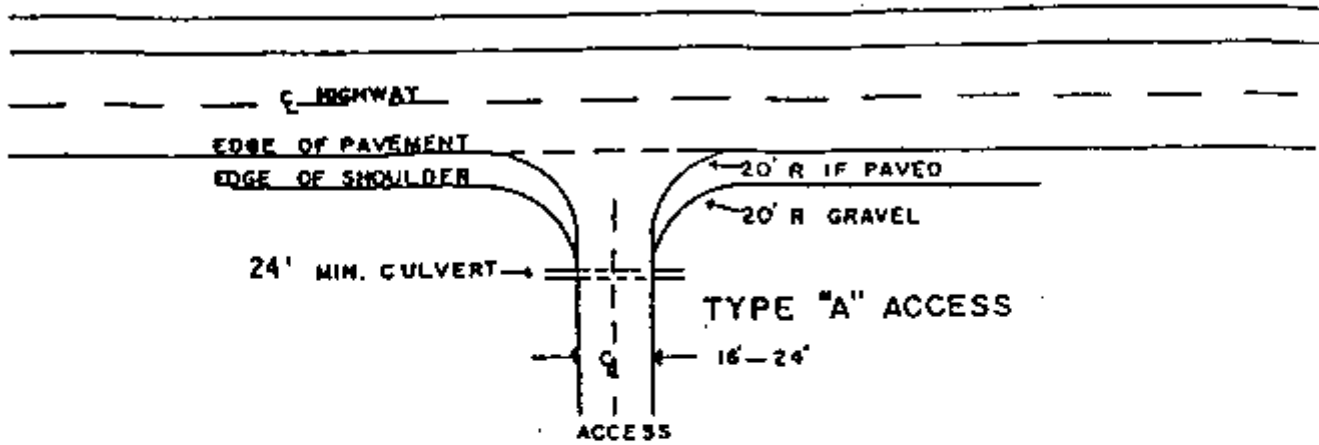
The applicant shall pay to the Town of Friendship a fee for each permit application as determined by the type of access as set forth in subsection D below.

4. **PERMIT FEES.**

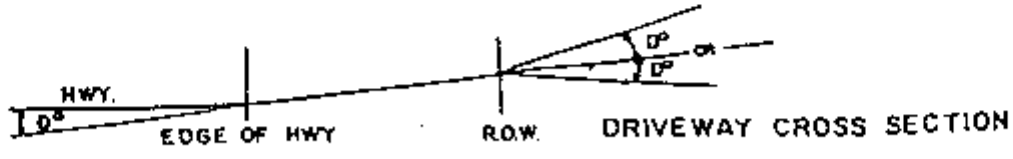
New road connection or	Type "C" \$100.00
	Type "B" 50.00
	Type "A" 50.00
Agricultural Field Access	20.00

5. **HAZARD MARKING AND LIGHTING.** During construction all access locations shall be properly signed and marked per standard work zone control requirements. In addition, when access work zone's will be provided. All work zone safety equipment will be at the expense of the applicant.
6. **MAINTENANCE OF TOWN ROAD DURING CONSTRUCTION.** During construction of the access, the permittee shall be required to keep the town road free of large accumulations of mud and debris. The highway will be swept clean at the direction of the department.
7. **VIOLATIONS.** In the case of any violation of this ordinance, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offence. No person as defined by Section 13-2 of this ordinance shall resist, obstruct or interfere in any way with the Town Board or its duly authorized representative in the enforcement of this ordinance, or fail to obey the Town Board's or its duly authorized representative's order.
8. **PENALTIES.** Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding by the court, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense., together with the costs for prosecution, including reasonable attorney's fees, or other professional fees incurred by the Town to enforce this ordinance.

ACCESS DESIGN STANDARDS

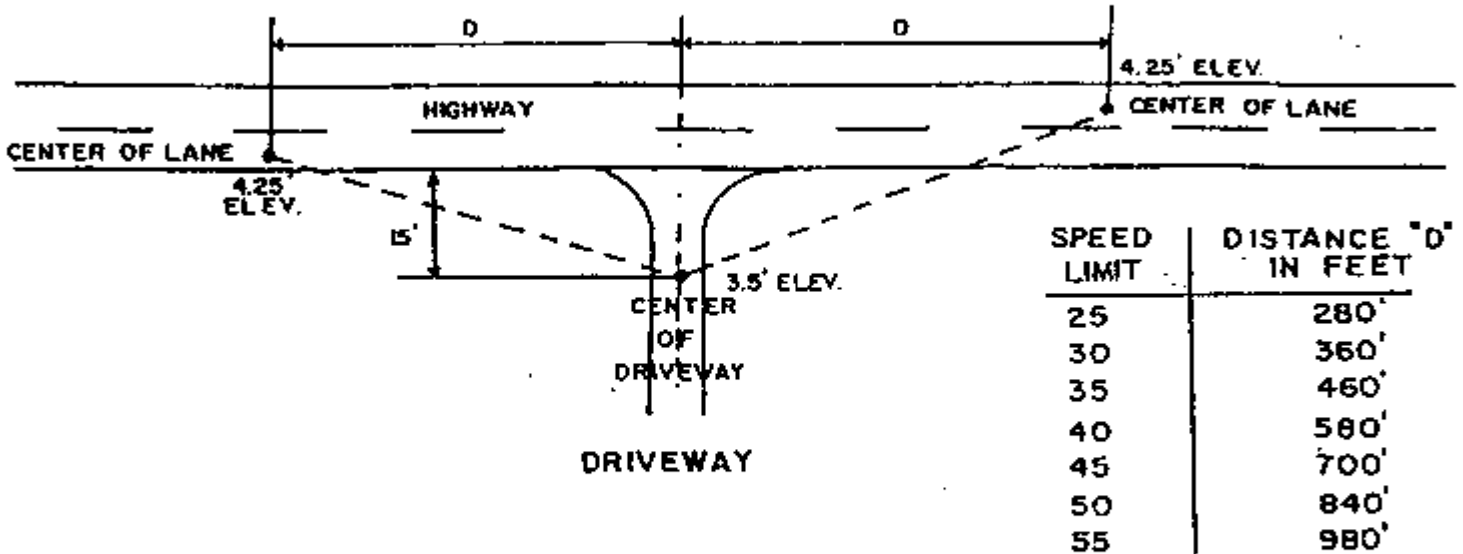


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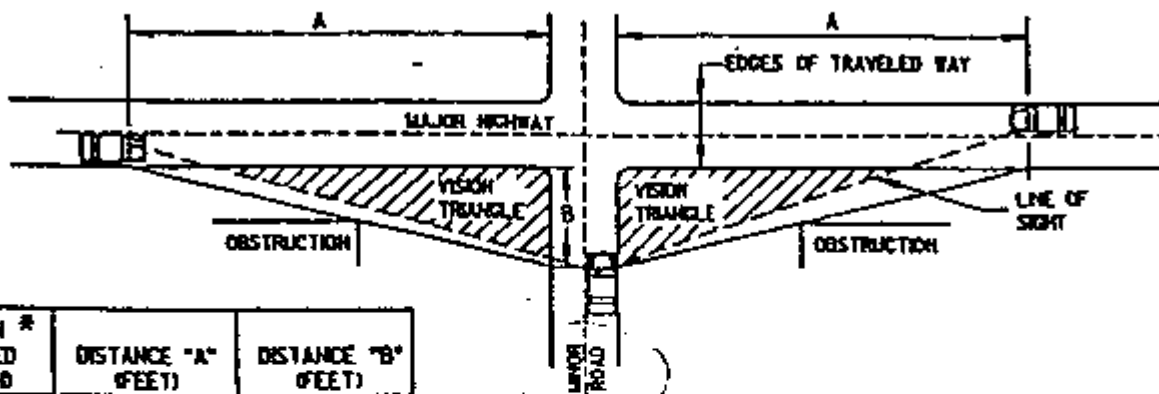


DRAWINGS NOT TO SCALE

VISION CORNERS



GUIDE DIMENSIONS FOR VISION TRIANGLES STOP CONTROL ON MINOR ROAD



DESIGN SPEED (MPH)	DISTANCE "A" (FEET)	DISTANCE "B" (FEET)
40	300	120
50	400	150
55	500	175
60	600	175

* USE THE DESIGN SPEED OF THE MINOR ROAD TO DETERMINE DISTANCE "B".

EXAMPLE: GIVEN: DESIGN SPEED IS 60 MPH ON THE MAJOR HIGHWAY AND 50 MPH ON THE MINOR HIGHWAY.

SOLUTION:

READING FROM THE DIMENSION TABLE, THE LEGS OF THE VISION TRIANGLE ARE "A" = 600 FEET AND "B" = 150 FEET.

Title 13 ► Chapter 14

Administration

13-14-1	Planning Commission
13-14-2	Board of Appeals
13-14-3	Building Inspector

Sec. 13-14-1 Planning Commission

1. ORGANIZATION OF THE PLANNING COMMISSION. The Planning Commission shall consist of 5 members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years, except that of those first appointed; 1 shall serve for 1 year; 2 for 2 years and 2 for 3 years. One member shall be a member of the Town Board. The members of the committee shall serve at such compensation to be fixed by resolution. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Members shall not be members of appeals board. Two alternate members shall be selected by the Town Chairman.
2. MEETINGS OF THE PLANNING COMMISSION. The board shall adopt rules in accordance with the provisions of this section. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
3. POWERS OF THE PLANNING COMMISSION. The Planning Commission shall have the following powers:
 - (a) To review and make recommendations to the Town Board all changes and amendments submitted to the Planning Commission pursuant to Section 13-17-1 below.
 - (b) To perform any other assignment delegated to the Planning Commission by the Town Board under this zoning ordinance.

Sec. 13-14-2 Board of Appeals

Under the provisions of Section 62.23(7)(e) Wisconsin Statutes, there is hereby established a Board of Appeals.

1. ORGANIZATION OF THE BOARD OF APPEALS: The Board of Appeals shall consist of 5 members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years, except that of those first appointed; 1 shall serve for 1 year, 2 for 2 years and 2 for 3 years. The members of the committee shall serve at such compensation to be fixed by resolution. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. A Town Board member shall not serve on the Appeals Board.
2. MEETINGS OF THE BOARD OF APPEALS: The board shall adopt rules in accordance with the provisions of this section. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

13-14-2

3. POWERS OF THE BOARD OF APPEALS: The Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.
 1. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any decision of the building inspector. Such appeal shall be taken within 20 days of filing with the building inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the appeals action was taken.
 2. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class I notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
 - (b) To permit the extension of a district where the boundary line of a district divides a lot in 4. No conditional use permit shall be issued unless the board shall find that the conditional use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which is proposed to be located.
4. EXERCISE OF POWER
 - (a) In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
 - (b) The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

Sec. 13-14-3 Permit Issuer

1. It shall be the duty of the Permit Issuer to enforce the provisions of this ordinance.
2. The Permit Issuer shall prepare a record of all buildings, structures, and manufactured homes situated within the setback lines as established by this ordinance, or any amendments thereto, which shall include the distances of such buildings, manufactured homes or structures from the center line of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current and shall show any such buildings, structures or manufactured homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
3. Building maintenance and repairs that do not exceed \$2000, does not require a building permit.

Title 13 ► Chapter 15

Violations and Penalties

Sec. 13-15-1

Any building, structure or manufactured home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed as unlawful building, structure, or manufactured home or use. The Building Inspector shall promptly report all such violations to the Town Board, which shall instruct the attorney for the town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure, or manufactured home or the establishment of such use, or to cause such building, structure, manufactured home or use to be removed.

Sec. 13-15-2

At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$50 nor more than \$500 for each offence, together with the costs of prosecution, including reasonable attorneys' fees, and in default of payment may be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offence.

Title 13 ► Chapter 16

Changes and Amendments

Sec. 13-16-1

When any amendments of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall refer the same to the Town Plan Commission to formulate a tentative draft of such amendment and recommend the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give notice of a public hearing on such amendment by publication of a Class 2 notice, specifying the time and place of such hearing.

Sec. 13-16-2

In case a protest is presented against such amendment, duly signed and acknowledged by the owner of 20% or more of the areas of land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Town Board.

Title 13 ► Chapter 17

Glossary of Terms

Sec. 13-17-1 General Terms

For the purpose of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure" the word shall is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.

Sec. 13-17-2 Definitions

1. Airport. Public - Any airport which complies with the definition contained in Section 114.013 (3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
2. Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
3. Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.
4. Boathouse - Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
5. Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
6. Building. Accessory - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or use of the premises.
7. Building. Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
8. Building. Main - A building constituting the principal use of one lot.
9. Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
10. Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is water which is flowing within the limits of the defined channel.
11. Dwelling. One Family - A detached building designed for or occupied exclusively by one family.
12. Dwelling. Two Family - A detached or semi-detached building designed for the occupied exclusively by two families.
13. Dwelling. Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
14. Family - (a) an individual; or (b) or more persons related by blood, marriage, or adoption; or (c) maximum of 5 persons not so related; together with his or their domestic servants and gratuitous guest maintaining common household in a dwelling unit or lodging unit.
15. Frontage - All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.

16. Garage, Private - An accessory building or space for the storage of motor-driven vehicles.
17. Garage, Public - Any building or premises, other than a private, or a storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
18. Garage, Storage - Any building or premises used for the storage only of motor driven vehicles or motor driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, part, fuel, grease or oil is sold.
19. Home Occupation - A gainful occupation conducted by members of family only, within their place or residence, provided: the home occupation is clearly incidental to the residential use of premises, there is no outdoor storage of equipment, vehicles, or supplies associated with the home occupation, no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no process or mechanical equipment is used that generates excessive noise, dust, smoke, glare, fumes, or odor, that no sign other than one unlighted name plate nor more than 2 feet square is installed.
20. Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
21. Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
22. Lot, Zoning Lot - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A zoning lot- mayor may not coincide with a lot of record.
23. Lot Comer - A lot located:
 - (a) At the junction of and abutting 2 or more intersecting streets; or
 - (b) At the junction of an abutting a street and the nearest shoreline of high-water line of a storm or floodwater runoff channel or basin; or
 - (c) At the junction of and abutting 2 or more storm or flood water runoff channel or basins; or
 - (d) At the abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
24. Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
25. Lot, Interior - A lot other than a comer lot.
26. Lot Width - The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.
27. Manufactured Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a manufactured home shall remain classified as a manufactured home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the manufactured home equal or exceed 50% of the assessable value of the manufactured home.
28. Manufactured Home Park - Any plot or tract of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes as located, regardless of whether or not a charge is made for such accommodations.
29. Motel - A building or group of buildings containing rooms which are offered for compensation or the temporary accommodations of transients.

Glossary of Terms

13-17-2

30. Nonconforming Use - A building or premises lawfully used or occupied at the time the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or its amendments thereto.
31. Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the R-Residence or A-Agricultural District, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at anyone time, and a barbershop to 2 licensed barbers operating at one time; and provided further that a beauty parlor or barber shop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
32. Roadside Stand - A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products on the premises. No such roadside stand shall be more than 200 square feet in ground area and there shall not be more than 1 roadside stand on anyone premises.
33. Salvage Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts therefrom, excepting community recycling operations. Two or more inoperative vehicles or pieces of equipment stored outside of a completely enclosed building shall constitute a salvage yard.
34. Sanitary Sewer - A constructed conduit for the collection of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Resources.
35. Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, and within which they may not be placed except as herein after provided. Within the setback lines means between the setback line and the highway".
36. Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating addresses. Each display surface of a sign shall be considered a sign.
37. Sign, Directional- A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
38. Sight Plan, Detailed - A detailed site plan containing the applicable information listed below shall accompany applications for conditional use permits, variances, and zone changes, and shall accompany applications for land use permits where required by the building inspector.
 - (a) Topography of the site including slopes, drainage courses, navigable waters, wetland areas and elevations of the proposed building sites.
 - (b) Existing tree and other vegetative cover.
 - (c) The ordinary high water mark of abutting navigable waters. (d) The exact location of the lot lines and the area of the lot.
 - (e) The site of all existing and proposed structures and buildings on the subject property including underground and surface storage areas, sanitary facilities and the location of all structures and buildings within 100 feet on adjoining properties.
 - (f) The proposed uses.
 - (g) The engineering design for all work in respect to waterways or floodproofing.
 - (h) The dimensions and location of areas to be graded including the original and final elevations of the area.
 - (i) The location and dimensions of areas to be filled including the original and final elevations and the type of fill material to be used.

- (j) When not serviced by a public sewerage system, a County Sanitary Permit.
 - (k) Landscaping including proposed tree cutting and/or walls or fences to be used for screening.
 - (l) Design of ingress and egress.
 - (m) Off-street parking.
 - (n) Height of all structures where height standards prevail.
 - (o) The locations and types of all signs.
 - (p) Locations and widths of existing and proposed right-of-ways.
 - (q) Additional information as required by the Building inspector.
39. Conditional Use - A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning district. Conditional Use as applied is synonymous with the term special exception.
 40. Stable - "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
 41. Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
 42. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
 43. Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
 44. Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.
 45. Temporary Structure - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not be habitable.
 46. Tower - Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
 47. Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
 48. Yard - An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 49. Yard, Front - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
 50. Yard, Rear - A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
 51. Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot line and extending from the rear line of the front yard to the front line of the rear yard.

TITLE 14

Subdivision and Platting

Chapter 1 Land Division and Subdivision Code

Please see Fond du Lac County Subdivision Ordinance
County Ordinance's can be found online at www.co.fond-du-lac.wi.us
or at 160 S. Macy Street, Fond du Lac, WI

TITLE 15

Building Code

- Chapter 1 Building Code**
- Chapter 2 Please see Fond du Lac County Subdivision Ordinance**
- Chapter 3 Minimum Housing Standards**
- Chapter 4 Reserved for Future Use**
- Chapter 5 Please see Fond du Lac County Stormwater Ordinance**
- Chapter 6 Please see Fond du Lac County Stormwater Ordinance**
- Chapter 7 Please see Fond du Lac County Stormwater Ordinance**
- Chapter 8 Please see Fond du Lac County Stormwater Ordinance**

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Title 15 ► Chapter 1

Building Code

15-1-1	Building Permits and Inspection
15-1-2	Unsafe Buildings
15-1-3	Disclaimer on Inspections
15-1-4	Regulation and Permit for Razing Buildings
15-1-5	Basements; Excavations
15-1-6	Regulations for Moving Buildings
15-1-7	Severability

Sec. 15-1-1 Building Permits and Inspection.

(a) Permit Required.

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Town Permit issuer or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding when using a different material from original.
 - d. Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, plumbing, venting, and electrical or gas supply systems when altered.
 - e. Any electrical wiring for new construction or remodeling.
 - f. Any HV AC for new construction or remodeling.
 - g. Any plumbing for new construction or remodeling.
 - h. Exempt are normal repairs performed in Subsection (a)(1)e-g.

- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired unless the cost is under \$3000:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance: Permits are not required for re-roofing, re-siding with like kind quality, replacement windows, finishing of interior surfaces, installation of cabinetry, and minor repairs as deemed by the Building Inspector. However, unless structural changes are made, no more than two (2) layers of roofing shall be installed on a roof. Windows do not need a permit unless changes to the structure are needed.
 - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Town Permit issuer or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require

(c) **Site Plan Approval.**

- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) **Administration.** The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Plan Commission to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
- (3) Requirements. In acting on any site plan, the Town Permit issuer shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Town Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) **Effect on Municipal Services.** Before granting any site approval, the Town Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities.
- (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Town Clerk within ten (10) days of the denial.

- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board.
- (e) **Utilities Required.**
 - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter COMM 20.09(4), Wis. Adm. Code.
- (g) **Waiver of Plans; Minor Repairs.**
 - (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).

(h) **Approval of Plans.**

- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspections.**

- (1) The following inspections shall be requested forty-eight (48) hours (business work) in advance by the applicant/contractor or property owner as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. Drantile/basement floor.
 - d. Underfloor plumbing/electric service.
 - e. Insulation.
 - f. Final carpentry, HVAC, electric and plumbing.
 - g. Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.

(k) **Revocation of Permits.**

- (1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.

- e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (l) **Report of Violations.** Town officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
 - (n) **Uniform Dwelling Code.**
 - (1) **Purpose.** On December 3, 2003, the Governor signed into law the Home Safety Act. The Home Safety Act became effective as of December 18, 2003. Among other provisions, the Home Safety Act requires new construction to be inspected for compliance with Wisconsin's Uniform Dwelling Code ("UDC"). The Home Safety Act provides local municipalities with three enforcement options: (a) adopt an ordinance for local enforcement of the UDC. (b) delegate enforcement to the County, or (c) take no action which then causes the Safety and Buildings Division to enforce the UDC for new homes in the municipality. The purpose of this Ordinance is to begin local enforcement of the UDC either through the Town, with another municipality or through a private party contract. The Town Board has determined that the adoption of this Ordinance is necessary to promote the health, safety and well-being of persons occupying or using one and two family dwellings.
 - (2) **Authority.** The regulations contained in this Ordinance are adopted pursuant to Subchapter II of Chapter 101 of the Wisconsin Statutes, as amended by the Home Safety Act.

3. **Adoption of UDC.** The Wisconsin UDC contained in Subchapter II or Chapter 101 of the Wisconsin Statutes, together with Comm. 20-25 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of the UDC and Comm. 20-25 of the Wisconsin Administrative Code.
4. **Building Inspection.** Until further notice, the Town Board shall contract with a certified inspector or independent agency. The certified inspector or independent inspection agency shall have all powers of a building inspector, as authorized by law under Wisconsin (UDC).
5. **Building Permit Required.** No person shall alter, in excess of \$50,000.00 value in any twelve month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. This provides for inspection of construction of new 1-2 family homes and alterations or additions to homes build before June 1, 1980.
6. **Restoration or repairs.** Residing, re-rooting, finishing of interior surfaces and installation of cabinetry, along with replacement of existing windows and doors are considered minor repairs. No building inspection permit is required for this work to be performed because it is deemed a minor repair.
7. **Building Permit Fees.** The building permit fee shall be determined by Town Board resolution, amended from time to time. The building permit fee shall be sufficient to cover the entire cost of the inspections required by this Ordinance.
8. **Penalties.** The enforcement of this Ordinance shall be by means of withholding of building permits, the imposition of forfeitures or injunctive relief forfeitures shall be not less than \$50 nor more than \$500 for each day of non-compliance. In addition, the Town shall be entitled to recover its cost of collection and reasonable attorneys' fee.
9. **Effective Date.** This Ordinance shall be effective upon passage and publication as provided by law.

Sec. 15-1-2 Unsafe Buildings.

Whenever the Building Inspector or Town Board find any building or part thereof within the Town of Friendship to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

Sec. 15-1-3 Disclaimer on Inspections.

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

Sec. 15-1-4 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-5 Regulations for Moving Buildings.

1. **Permit Required.** It shall be unlawful for any person to move or cause to be moved any building in, into, through, or from the Town of Friendship (hereinafter "Town") without first obtaining a permit from the Permit Issuer/Building Inspector. For purposes of this Ordinance, "Building" shall mean any structure to be placed on a permanent foundation used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up each part shall be deemed a separate building.
2. **Application for Permit.** Any person desiring a permit shall file with the Permit Issuer/Building Inspector an application in writing for that purpose. A separate application shall be filed, and a fee paid, for each building. Such application shall specify the following:
 - (a) The character and size of the building to be moved;
 - (b) The reason for such moving;
 - (c) The use, purpose and occupancy for which said building or structure is to be used;
 - (d) The location from which and to which said building is to be moved;
 - (e) A plot plan showing the proposed location of the building upon which the property to which said building is to be moved;
 - (f) The roads within the Town on, over or through which it is desired to move said building;
 - (g) Whether the building conforms to the zoning regulations in the location to which it is to be moved.
3. **Investigation.** Upon the filing of the application, the Permit Issuer/Building Inspector shall investigate the building and report the results of such investigation, together with recommended action, to the Town Board.
4. **Denial of Permit.** No permit shall be issued to move any building which, in the opinion of the Town Board:
 - (a) Is so constructed or in such condition as to be dangerous;
 - (b) Is infested with pests or is unsanitary;
 - (c) If it is a dwelling or habitation, is unfit for human habitation;
 - (d) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the District within a radius of 1,000 feet from the proposed site;
 - (e) If the proposed use is prohibited by the zoning regulations of the Town or, if relevant, the applicable subdivision;
 - (f) If the structure is of a type prohibited at the proposed location by any ordinance of the Town;
 - (g) If the moving of the building causes unreasonable damage to the trees, plants and shrubs on and along the public roads in the Town; or

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- (h) If the equalized assessed value of the building is not within 20% of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within 20%. Such determination shall be made by the Town Assessor.

Furthermore, the Town Board must find that the exterior architectural appeal and functional plans of the building to be moved will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable District established by the zoning ordinances of the Town as to cause a substantial depreciation of the property values of said neighborhood within the applicable District.

5. **Terms and Conditions of Permit.** When a building moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public roads, or other public property in the Town on, over or through which the building shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the District to which it is to be moved. Such terms and conditions shall be written upon the permit or attached thereto. The Permit Issuer/Building Inspector shall issue the moving permit only after obtaining Town Board approval.
6. **Estimate of Cost and Deposit.** If applicable, the applicant shall deposit with the Town Clerk a cash deposit sufficient to cover the cost to the Town as estimated by the roadway superintendent, of trimming, moving, removing, or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure, supporting any wires, cables, or other equipment belonging to the Town; the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the Town; or, the cost of moving, removing, repairing, or replacing culverts.
7. **Liability Insurance.** Every person moving a building in the Town shall file with the Town Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do business in Wisconsin, which policy shall conform in all respects to the requirements of this section. In lieu of filing the insurance policy herein, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy. The Town shall be named as an additional insured on the certificate of insurance.

The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the moving of such building, covering injury to one person in the sum of not less than \$500,000 and for one accident, aggregate not less than \$1 million, together with property damage insurance in the sum not less than \$500,000, or such other coverage as is deemed necessary by the Town Board.

8. **Performance Bond.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Town Clerk a performance bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the moving permit shall be fully performed and completed within a reasonable time, all as required in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus 10% thereof, and shall name the Town as obligee, and shall be in a form approved by the Town attorney; provided, however, that the bond shall be not less than \$5,000 per building to be moved. In lieu of furnishing a bond, the owner or lessee may post a cash deposit, letter of credit or comparable security. An extension of time for completion may be granted in writing by the Permit Issuer/Building Inspector, when, in his or her discretion, circumstances shall so justify, but no such extension shall release any surety or other security required by this section.
9. **Clearance of Site and Safety Measures Required.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall comply with the following clearance and safety measures:
 - (a) Before any work is started on a building, the Permittee or his or her authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed;
 - (b) If relevant, the Permittee shall obtain written approval from the appropriate Sanitary District for the connection to the sanitary sewer system;
 - (c) Immediately after the moving of any building, the Permittee shall securely barricade all basement excavations and other holes or openings;
 - (d) Within 10 days after the moving of any building the Permittee shall complete the following work:
 - (1) securely close and seal any sanitary piping located on the property;
 - (2) Fill with dirt or sand any septic tanks or cesspools located on the property;
 - (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Permit Issuer/Building Inspector;
 - (4) Remove any buried underground tanks formerly used for storage of flammable liquids; and
 - (5) Remove all refuse, debris and waste materials from the property.
10. **Permit Fee and Inspection Fee.** A permit fee of \$50.00 shall accompany the application. Each building requires a separate application and fee. In addition, the applicant shall also pay an inspection fee in an amount equal to the then-current fee charged for new home inspections. The inspection fee shall be paid in the same manner as building permit fees are paid for new homes. An applicant shall pay an additional \$50.00 permit fee before an extension of the permit is granted.

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11. **Issuance of Permits.** The Town Clerk shall issue a house moving permit when all the necessary requirements and conditions of this ordinance have been complied with. The building shall not be occupied until an occupancy permit has been obtained. An occupancy permit shall be issued only after the Permittee has completed the internal and external work and alterations required by this Ordinance or the special conditions of the permit.
12. **Control and Supervision.** Every building which is moved on, over or through any Town road shall be moved in a careful manner and the work shall be prosecuted with diligence to the satisfaction and approval of the Town Board.
13. **Notice Required.** Notice must be given by the person to whom the permit is issued, or his or her representative, to both the Roadway Superintendent and the Permit Issuer/ Building Inspector not less than 36 hours nor more than 48 hours before the actual work of moving a building is to commence.
14. **Default in Performance of Conditions.** Whenever a default has occurred in the performance of any term or condition of any permit, or the terms of this ordinance, written notice thereof shall be given to the Permittee by the Town, with said notice to state the work to be done, the estimated cost, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the Permittee must, within the time therein specified, either cause the work to be done or pay over to the Town Clerk the estimated cost of doing the work, as set forth in the notice, plus 10% of said estimated cost. Upon receipt of notice from the Town Clerk that the Permittee has deposited such money, the Town shall cause the work to be performed and completed. If the Permittee defaults, the Town shall have the option, in lieu of completing the work required, to demolish the building and to clear, clean and restore the sight or sights. The Town also reserves the right to draw upon the security provided by the Permittee under section 8, above.
15. **Approval of Route.** The roads over which any building is to be moved must be approved by the Town Board.
16. **Obstructing Roads.** No person owning or having charge of the moving of any building into, on, over, through, or from any Town road shall permit said building to remain in anyone location on any such road for a period longer than 24 hours except by written permission obtained from the Town Board. The Permittee is also required to comply with the requirements of the subdivision into which the building is being moved, if applicable.
17. **Lights and Barricades.** The person having charge of the moving of any building shall maintain proper lights and barricades whenever such structure is on any Town road during the hours of darkness.

18. **Wires and Structural Supports.** If the moving of any building for which a permit shall have been granted makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables, or other equipment of any public utility or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted shall obtain permission in writing from the owner or owners of such pole, structure, or the wires, cables or other equipment thereon, and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The person to whom said permit is granted shall pay to said public utility any and all costs or expenses for the removal, rearrangement or replacement of any pole or structure support of wires, cables, or equipment thereon or of any damage to such property.
19. **Repairs to Public Property.** If the moving of any building for which a permit shall have been granted causes damage to Town roads or other Town property, in addition to any other remedies the Town may have, the Town may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or it may require the person to whom such permit has been granted, upon written notification, to make all necessary repairs to such roads or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, fail to make said necessary repairs within the time designated in the written notice, the Town may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.
20. **Refunding of Deposits.** When the moving of any building for which a permit has been granted is completed, and all damages to Town roads or other public property have been repaired to the satisfaction of the Town and all other costs of repairing damage or performing other work has been paid, the remaining deposit shall be refunded to the Permittee. If the above costs exceed the total amount of money deposited, the Permittee shall be held liable for the amount of damage or other costs that are in excess of the amount deposited, and it shall be the duty of the Town Clerk, upon receipt of the request from the Permit Issuer/Building Inspector, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.
21. **Expiration of Permit.** Permits issued pursuant to this Ordinance shall expire 6 months from the date of issuance. A new application for permit is required unless the Permittee requests an extension from the Permit Issuer prior to the expiration of the original permit. The Town reserves the right to grant or deny extensions, as circumstances warrant. All rights are reserved.
22. **Penalties.** Any person who violates this Ordinance shall be liable for a civil forfeiture in an amount not less than \$100 nor more than \$1,000, with each day constituting a separate offense. In addition, the violator shall be liable to the Town for its costs of prosecution, including reasonable attorneys' fees.
23. **Effective Date.** This Ordinance shall become effective upon adoption by the Town Board and publication in the Town's official newspaper.

Sec. 15-1-6 Disclaimer on Inspections.

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

Sec. 15-1-7 Garages.

(a) **Definitions.** As used in this Chapter:

- (1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- (2) **Detached Private Garage.** A private garage entirely separated from the principal building.
- (3) **One-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials.
 - a. Two (2) inch brick or stone veneer.
 - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
 - c. Five-eighths (5/8) inch of vermiculite plaster board.
 - d. Five-eighths (5/8) inch fire code gypsum plaster board.

(b) **Locations.**

- (1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
- (2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

(c) **Footings and Foundations.**

- (1) **Detached Garage.** Detached private garages, six hundred (600) square feet or more in floor area, shall have footings and foundation walls to the established frost line. Detached private garages of less than six hundred (600) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
- (2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
- (3) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.

(d) **Construction.**

- (1) **All Private Garages.** Private garages shall be constructed as follows:
 - a. Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
 - b. Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
 1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
 2. Diagonal corner bracing may be applied on the inside surface of studs.
 3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
 4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
 - c. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- (2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
 - a. All walls in common with a principal building on attached private garage shall be of not less than one (1) hour fire resistive construction on garage interior.
 - b. An attached private garage may have a door connecting directly into the principal building, provided that the floor of that garage is at least eight (8) inches below the floor of such principal building. Such door shall be a self-closing metal clad door or solid wood door not less than one and three-quarter (1-3/4) inches in thickness.

Sec. 15-1-8 Reserve for Future Use.

Sec. 15-1-9 Penalties and Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use here after established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.

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- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Friendship charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted In the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

TITLE 16

Intergovernmental Agreements

Title 16 ► Chapter 1

Intergovernmental Agreements

- 16-1-1** Intergovernmental Agreement Regarding the Joint Maintenance of Townline Road
- 16-1-2** Intergovernmental Agreement Regarding the Joint Maintenance of Lone Elm Road

Sec. 16-1-1 Intergovernmental Agreement Regarding the Joint Maintenance of Townline Road

1. Authority. This Agreement is entered into pursuant to Section 66.0301 of the Wisconsin statutes regarding intergovernmental cooperation and, therefore, should be liberally construed to accomplish its intended purposes. In addition, the undersigned representatives of the Town of Friendship and Eldorado represent that they have been duly authorized by their respective Town Boards to execute this Agreement.
2. Maintenance Responsibility. The parties acknowledge that their legal jurisdiction is defined by the centerline of the Road, Regardless, Friendship and Eldorado hereby agree to be responsible for the maintenance, repair and replacement of the Road allocated, as follows:

Friendship is responsible for the south three miles from County 00 to County N;
Eldorado is responsible for the north three miles from County N to Lone Elm road;

The above maintenance, repair and replacement responsibilities include, without limitation, snow removal, seal coating, slurry sealing, hot mix and crack sealing. Each Town shall bear financial responsibility for its respective portion of the Road as allocated above. Each Town is responsible for the driveway culverts, the placement and the issuing of all permits for driveway culverts, anywhere on the Towns side of the road, no matter who is responsible for that portion of road.

3. Indemnity/Insurance. Each Town shall take the necessary steps in order that insurance coverage is obtained for its respective portion of the Road despite that the respective Towns lack ownership of the entire Road. In addition, each Town shall defend, indemnify and hold harmless the other Town from and against any and all claims, demands, losses, suits, damages or liabilities whatsoever, including reasonable attorneys' fees arising out of the maintenance, repair or replacement of their respective one half of the Road. This general indemnification shall not be construed as limiting or qualifying other indemnification right under law.
4. Consultation. Despite the allocation of responsibilities under this Agreement, each Town shall seek the advice and counsel of the other Town prior to making a substantial investment or change in the Road. For instance, if Friendship is contemplating paving all or a portion of the Road, Friendship will provide Eldorado with reasonable information concerning the project. The purpose of this paragraph is to encourage the sharing of information so as to improve services to improve services to the residents of Friendship and Eldorado.

5. Waiver. Except as otherwise specifically provided in this Agreement, a right of a Town under this Agreement can only be waived in writing. A waiver on one occasion, or in one set of circumstance, shall not be deemed a waiver of such right on any other occasion or in any other circumstance.
6. Complete Agreement. This Agreement represents the agreement of the parties and supersedes all prior agreements or promises, either written or oral.
7. Term/Termination. This Agreement shall continue indefinitely unless either party provides written notice of intent to terminate at least 2 years prior to the effective date of termination.

Sec. 16-1-2 Intergovernmental Agreement Regarding the Joint Maintenance of Lone Elm Road

1. Authority. This Agreement is entered into pursuant to Section 66.030 1 of the Wisconsin Statutes regarding intergovernmental cooperation and, therefore, should be liberally construed to accomplish its intended purposes. In addition, the undersigned representatives of the Towns of Black Wolf and Friendship represent that they have been duly authorized by their respective Town Boards to execute this Agreement.
2. Maintenance Responsibility. The parties acknowledge that their legal jurisdiction is defined by the centerline of the Road. Regardless, Black Wolf and Friendship hereby agree to be responsible for the maintenance, repair and replacement of the Road allocated, as follows:

Friendship is responsible for the first mile west from STH 45;
Black Wolf is responsible for the second mile west of STH 45;
Friendship is responsible for the first one-half mile west of STH 175;
Black Wolf is responsible for the next one-half mile west of STH 175.

The above maintenance, repair and replacement responsibilities include, without limitation, snow removal, seal coating, slurry sealing, hot mix and crack sealing. Each Town shall bear financial responsibility for its respective portion of the Road as allocated above. Each Township is responsible for the driveway culverts and the issuing of all permits for driveway culverts, anywhere on the Townships side of the road. No matter who is responsible for that portion of road.

3. Indemnity/Insurance. Each Town shall take the necessary steps in order that insurance coverage is obtained for its respective portion of the Road despite that the respective Towns lack ownership of the entire Road. In addition, each Town shall defend, indemnify and hold harmless the other Town from and against any and all claims, demands, losses, suits, damages or liabilities whatsoever, including reasonable attorneys' fees arising out of the maintenance, repair or replacement of their respective one half of the Road. This general indemnification shall not be construed as limiting or qualifying other indemnification rights under law.
4. Consultation. Despite the allocation of responsibilities under this Agreement, each Town shall seek the advice and counsel of the other Town prior to making a substantial investment or change in the Road. For instance, if Black Wolf is contemplating paving all or a portion of its portion of the Road, Black Wolf will provide Friendship with reasonable information concerning the project. The purpose of this paragraph is to encourage the sharing of information so as to improve services to the residents of Black Wolf and Friendship.

Intergovernmental Agreements

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5. Waiver. Except as otherwise specifically provided in this Agreement, a right of a Town under this Agreement can only be waived in writing. A waiver on one occasion, or in one set of circumstances, shall not be deemed a waiver of such right on any other occasion or in any other circumstances.
6. Complete Agreement. This Agreement represents the complete agreement of the parties and supersedes all prior agreements or promises, either written or oral.
7. Term/Termination. This Agreement shall continue indefinitely unless either party provides written notice of intent to terminate at least 2 years prior to the effective date of termination.

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN
ADULT-ORIENTED ESTABLISHMENTS ORDINANCE**

IT IS HEREBY ORDAINED by the Town Board of the Town of Friendship, Fond du Lac County, Wisconsin as follows:

FINDINGS AND PURPOSE

Several studies have documented the significant adverse secondary effects on surrounding communities caused by adult-oriented establishments. The Town Board has considered the following studies:

- *Crime-Related Secondary Effects of Sexually-Oriented Businesses* by Richard McCleary finding that criminal activity is higher near adult-oriented establishments.
- Report by Beaumont, Texas City Planning Department finding that criminal activity is higher at adult-oriented establishments.
- Report by Cleveland, Ohio Police Department showing higher rates of crime in areas near adult-oriented establishments.
- Report by Los Angeles, California Department of City Planning concluding that crime rates are higher in areas of concentrated adult-oriented establishments.
- Report by City of Toledo, Ohio finding that adult-oriented establishments account for a disproportionate amount of crime, particularly adult-oriented establishments featuring live entertainment.
- Report by City of Austin, Texas finding that crime rates are higher where adult-oriented businesses are concentrated.
- Report by Tucson, Arizona Police Department Investigative Services detailing the widespread presence of bodily fluids present in adult-oriented establishment viewing booths.
- *Effects of Adult Entertainment Businesses on Residential Neighborhoods* prepared by the El Paso Department of Planning Research & Development showing increased sexual dangers for children, pornography in the schools, exposure of minors to adult entertainment, declining property values, and public drunkenness associated with adult-oriented establishments.
- Letter from Thomas O'Loughlin, Chief of Milford Massachusetts Police, indicating the increased rates of crime when adult-oriented establishments locate near businesses serving alcohol.
- *Do "Off-Site" Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence* by Richard McCleary and Alan Weinstein concluding that adult-

oriented establishments that sell products solely for off-site use cause significant crime-related secondary effects.

- *Study of Calls for Service to Adult Entertainment Establishments which Serve Alcoholic Beverages* by Fulton County Georgia Police Department explaining the increased risk of crime when adult-oriented establishments are permitted to serve alcoholic beverages.
- *Rural Hot Spots: The Case of Adult Businesses* by Richard McCleary explaining that although most studies regarding adult-oriented establishments are conducted in urban settings, the results can be translated to rural areas.
- *Secondary Effects of Sexually-Oriented Businesses*, Testimony on Missouri House Bill 1551 by Richard McCleary, explaining that limiting hours of operation for adult-oriented establishments reduces ambient crime risk.

The Town Board recognizes these negative secondary effects and also recognizes that the presence of alcohol in adult-oriented establishments causes further undesirable behavior.

The Town Board believes that the experiences and studies of other communities set forth above are relevant in addressing the secondary effects of adult-oriented establishments in the Town of Friendship.

The regulations in this Ordinance are not aimed at the content of any speech. Rather, this Ordinance has the purpose and effect of controlling the negative secondary effects of adult-oriented establishments while avoiding regulation of content.

This Ordinance is not intended to prohibit adult-oriented establishments from operating in the Town of Friendship. It is only intended to regulate their location and manner of operation while providing a reasonable opportunity for such establishments to exist. This Ordinance is also intended to regulate the proximity of adult-oriented establishments to certain sensitive land uses.

The Town Board concludes:

(a) All adult-oriented establishments regulated by this Ordinance have adverse secondary impacts.

(b) The adverse secondary impacts of adult-oriented establishments tend to diminish if such establishments are governed by content-neutral regulations.

(c) The consumption of alcoholic beverages on the premises of an adult-oriented establishment exacerbates the negative secondary effects of such establishments.

DEFINITIONS

(a) “Adult-oriented establishment” shall include, but is not limited to, “adult bookstores,” “adult motion picture theatres,” “adult mini-motion picture establishments” or “adult cabarets,” and further means any premises to which public patrons or members are invited or admitted and

which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect. "Adult-oriented establishment" also includes the physical location from which adult entertainment is broadcast.

(b) "Adult bookstore" means a retail establishment that has:

(1) As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:

(i) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or

(ii) Sexually-oriented devices, as defined in this section

(2) As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, DVDs, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.

(3) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually-oriented devices, as defined in this section:

(i) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies and/or sexually-oriented devices;

(ii) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;

(iii) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;

(iv) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental

(v) The above factors shall be considered along with all other factors and available information

(4) Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually-oriented devices shall not constitute an “adult bookstore” even though it offers for sale and/or rental videotapes or DVDs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:

(i) Such described videotapes or DVDs are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes or DVDs are stocked and displayed;

(ii) Access by persons under eighteen (18) years of age to the room where such described videotapes or DVDs are stocked and displayed is restricted;

(iii) The square footage of the separate room where such described videotapes or DVDs are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videotapes or DVDs are stocked and displayed; and

(iv) The general circulation videotapes or DVDs portion of the business establishment offers a quantity and selection of new release general circulation videotapes or DVDs that is typical of a general circulation video store and offers a quantity and selection of other general circulation videotapes or DVDs that are organized and displayed in a manner that is typical of a general circulation video store.

(c) “Adult cabaret” means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.

(d) “Adult entertainment” means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas,” as defined below, appearing unclothed, or the removal of articles of clothing to reveal “specified anatomical areas.”

(e) “Adult mini-motion picture theater” means a commercial establishment with one or more adult mini motion picture booths where:

(1) A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their

emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, for observation by patrons therein; or

(2) A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below.

(3) Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined below:

(i) Restricted access to the business establishment or portions thereof where viewing booths are located by persons under eighteen (18) years of age

(ii) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive

(iii) the above factors shall be considered along with other available information

(f) “Adult motion picture theatre” means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

(g) “Sexually-oriented device” means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

(h) “Specified anatomical areas” means:

(1) Less than completely and opaquely covered:

(i) Human genitals, pubic region; or

(ii) Showing the areola or nipple of a female breast.

(2) Human male genitals in a discernible turgid state, even if opaquely covered

(i) “Specified sexual activities” means simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
- (3) Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast;
- (4) Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above

LICENSE

- (a) Except as provided in subsection (e) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the Town of Friendship without first obtaining a license to operate issued by the Town Board.
- (b) A license may be issued for only one (1) adult-oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation that desires to operate more than one adult-oriented establishment must have a license for each.
- (c) No license or interest in a license may be transferred to any person, partnership, or corporation.
- (d) It shall be unlawful for any entertainer, employee or operator to knowingly work in or to knowingly perform any service directly related to the operation of any adult-oriented establishment which does not have a valid license pursuant to this ordinance.
- (e) Nothing in this ordinance shall be construed as to permit material or performances prohibited by Wis. Stat. § 944.21.

APPLICATION FOR LICENSE

- (a) Any person, partnership, or corporation desiring to secure a license shall make application to the Town Board.
- (b) An applicant for a license, interested directly in the ownership or operation of the business, shall furnish the following information under oath:
 - (1) The name (including all aliases) and date of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
 - (2) Written proof that any person required to be named under paragraph (b)(1) is at least eighteen (18) years of age

(3) A description of the activities to be conducted on the premises. If any booth, room or cubicle for private viewing of any adult entertainment is intended, a sketch or other adequate description of the premises is required.

(4) The address of the adult-oriented establishment to be operated by the applicant.

(5) Whether any person required to be named under paragraph (b)(1) is currently operating, or has previously operated, in this or any other County, City, or State under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(6) If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.

(c) Within 45 days of receiving an application for a license, the Town Board shall notify the applicant whether the application has been denied or granted.

(d) Whenever an application is denied, the Town Board shall advise the applicant in writing of the reasons for such action. The applicant may request a review of the denial pursuant to Chapter 68 of the Wisconsin Statutes, as amended from time to time.

(e) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this ordinance shall be grounds for denial of the application.

STANDARDS FOR ISSUANCE OF LICENSE

(a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age

(ii) The applicant shall not have been found to have previously violated this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application

(iii) The applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any

jurisdiction within the five (5) years immediately preceding the date of application, unless the person has been duly pardoned.

(2) If the applicant is a corporation:

(i) All officers, directors, shareholders, and agents required to be named under this ordinance are at least eighteen (18) years of age.

(ii) Neither the corporate applicant nor any officer, director, or shareholder required to be named under this ordinance shall have been found to have previously violated this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application.

(iii) No officer, director, shareholder or agent required to be named under this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.

(3) If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.

(ii) Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this ordinance or any similar adult-oriented establishment ordinance within five (5) years immediately preceding the date of application.

(iii) No applicant or person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.

FEES

(a) A license fee shall be submitted with the application for the license in the amount of \$500.

DISPLAY OF LICENSE

(a) The license shall be displayed in a conspicuous, public place in the adult-oriented establishment

RENEWAL OF LICENSE

(a) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Board. The application for renewal shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) A license renewal fee in the amount of \$250 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty in an amount specified by resolution shall be assessed against the applicant who files for a renewal less than forty five (45) days before the license expires.

(c) If any law enforcement agency is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Board.

REVOCATION, SUSPENSION, AND NON-RENEWAL OF LICENSE

(a) A license issued under this ordinance may be suspended or revoked for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application

(2) The operator, entertainer, or any employee of the operator, violates any provision of this ordinance or any rule or regulation adopted by the Town Board pursuant to this ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Town Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(3) The operator becomes ineligible to obtain a license

(4) Any cost of fee required to be paid by this ordinance is not paid

(5) Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment

(6) Any operator, employee or entertainer sells, furnishes, gives, or displays, or causes to be sold, furnished, given, or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(b) The transfer of a license or any interest in a license shall automatically and immediately revoke the license

(c) Any operator whose license is revoked and who seeks to obtain a new license under this ordinance must apply for a license or permit according to the new license application provisions set forth in this ordinance and must meet the standards for the issuance of a new license as set forth in this ordinance. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for six (6) months from the date of revocation. If the Town Board is required to hold a special meeting to act on a new license, the applicant will be subject to a special meeting fee in the amount of \$250 in addition to the applicable application fee.

LOCATION

(a) No adult-oriented establishment shall be located:

- (1) Within 1000 feet of a residence.
- (2) Within 1000 feet of an existing adult-oriented establishment.
- (3) Within 1000 feet of any pre-existing school, church, or day care center.
- (4) Within 1000 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.

(b) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, school, place of worship, or residential district or establishment selling or dispensing fermented malt beverages or intoxicating liquor.

HOURS OF OPERATION

(a) No adult-oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, or between the hours of 2:30 a.m. and 8 a.m. on Saturdays and Sundays

PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT

(a) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock, or other control-type devices. Each booth, room, or cubicle shall be viewable from the public area of the adult-oriented establishment.

(b) Every booth, room, or cubicle shall meet the following construction requirements

- (1) Each booth, room, or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall

(2) Each booth, room, or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room, or cubicle

(3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured, and easily cleanable

(4) The floor must be light colored, non-absorbent, smooth textured, and easily cleanable

(5) The lighting level of each booth, room, or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor

(c) Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of a booth, room, or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.

ALCOHOLIC BEVERAGES

(a) The sale, use, or consumption of any alcoholic beverages, fermented malt beverages, or intoxicating liquors on the premises of an adult-oriented establishment is prohibited.

RESPONSIBILITIES OF THE OPERATOR

(a) If an employee commits an act or omission constituting a violation of this chapter, either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Any such act shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

(b) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment.

(c) The operator shall maintain the premises in a clean and sanitary manner at all times.

(d) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

(e) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

ADMINISTRATIVE PROCEDURE AND REVIEW

(a) Chapter 68 of the Wisconsin Statutes, as amended from time to time, shall govern the review regarding the granting, denial, renewal, non-renewal, revocation, or suspension of a license under this chapter. If an owner appeals the non-renewal, revocation, or suspension of a license, that owner will be granted a temporary license applicable while the appeal is pending.

EXCLUSIONS

(a) All public and private schools, as defined in Chapter 115 of the Wisconsin Statutes, are exempt from obtaining a license hereunder when instructing pupils in sex education as part of the curriculum.

(b) Licensed medical care facilities are exempt from obtaining a permit when engaged in the providing of medical care or sex education

PENALTIES AND PROSECUTION

(a) Any person, partnership, or corporation found to have violated this chapter shall have any license obtained hereunder revoked.

(b) In addition to the revocation of a permit issued under this ordinance, any person who shall violate any provision of this ordinance or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

SEVERABILITY

(a) If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

ENFORCEMENT

(a) Personnel of the Fond du Lac County Sheriff's Department shall have the authority to enter any adult-oriented establishment to inspect the premises and enforce this ordinance. Such inspections shall be limited to public areas and may only be conducted during business hours.

DISCONTINUATION OF OPERATION

(a) Any discontinuation in the operation of an adult-oriented establishment for a period of three (3) months or more shall cause the license to lapse and become void. A license holder whose license has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of new licenses.

EFFECTIVE DATE

(a) This ordinance shall take effect and be in force upon its passage and publication as required by law.

Adopted this 11th day of August, 2016.

TOWN OF FRIENDSHIP

Jeff Meisenberg, Town Board Chairperson

Attest: Lori Hofmann, Town Clerk

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN**

**ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE
DEVELOPMENT OF WIND ENERGY SYSTEMS IN THE
TOWN OF FRIENDSHIP**

The Town of Friendship, Fond du Lac County, Wisconsin, hereby adopts an Ordinance establishing a temporary moratorium on the development of wind energy systems as follows:

Section 1. Legislative Findings.

- a. The Public Service Commission of Wisconsin recently adopted regulations governing the siting process and performance standards for wind energy systems, which are found at PSC 128.
- b. The regulations in PSC 128 were set to become effective on March 1, 2011.
- c. On March 1, 2011, the Joint Committee for the Review of Administrative Rules met and voted to suspend PSC 128 under Wis. Stat., § 227.26.
- d. Section 66.0401 of the Wisconsin Statutes regulates wind energy system siting.
- e. Section 66.0401 states that a town may not impose a restriction on a wind energy system that is more stringent than the standards contained in the Public Service Commission's regulations.
- f. Without any Public Service Commission regulations in effect, it is impossible for the Town to determine the extent of its authority to regulate wind energy systems and prepare an ordinance regulating them.
- g. Without an ordinance, the Town has no authority to regulate wind energy system setbacks, noise levels, shadow flicker requirements, signal interference limits, stray voltage limits, or construction and operation standards.
- h. Residents of the Town of Friendship have expressed a desire for the Town to exercise local control on issues relating to wind energy systems and obtain a fee for wind energy development.
- i. The Town must wait for the Public Service Commission to pass new wind energy system regulations before it can adopt a wind energy system siting ordinance. And until that time, a moratorium on the development of wind energy systems in the Town is necessary to prevent wind energy systems from being constructed without local control.

- h. Time is of the essence in adoption of this moratorium.
- i. This moratorium serves to preserve and protect the public health and safety.

Section 2. Authority. This Ordinance is adopted pursuant to Wis. Stat., §§ 60.10(2)(c), 60.22(3), 60.50, 60.61, 61.34, 62.17, 62.23, 66.0401 and 236.45. This Ordinance is also adopted pursuant to the Town's police powers, which are being exercised for the purpose of protecting the public health, safety, and general welfare in the Town of Friendship.

Section 3. Temporary Moratorium on Acceptance of Applications, Construction, or Expansion of Wind Energy Systems. The Town does hereby declare a moratorium on the acceptance of applications for wind energy systems, the constructions of wind energy systems, and the expansion of wind energy systems, whether the applications are for building permits, driveway permits, or any other type of permit, or land division approval, that may be required to construct and operate wind energy systems in the Town. All applications submitted shall be returned without being considered.

Section 4. Term of Moratorium. This moratorium shall be in effect until the first day of the fourth month after the Public Service Commission adopts wind siting regulations under Wis. Stat., § 66.0401. The Town reserves the right to lift this moratorium prior to that date if the Town adopts an ordinance regulating wind energy systems, or if the Town otherwise chooses to lift the moratorium. The Town reserves the right to extend this moratorium if it finds that an extension is necessary.

Section 5. Inconsistent Ordinances Voided. All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

Section 6. Scope. This temporary moratorium applies throughout the Town of Friendship.


Section 7. Interpretation and Severability. This Ordinance shall be liberally construed to accomplish its intended purposes. If a court of competent jurisdiction determines that any section or provision is invalid or illegal, the court is authorized to substitute reasonable language in order to preserve the intended purposes of this ordinance. If any section or provision of this Ordinance is adjudged to be invalid or illegal by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 8. Definitions. For purposes of this Ordinance "wind energy system" shall have the same definition as that set forth in Wis. Stat., § 66.0403(1)(m).


Section 9. Effective Date. This Ordinance shall take effect upon adoption and publication as provided by law.

Adopted this 11 day of August, 2011.

TOWN OF FRIENDSHIP

By: 
Chuck McCourt, Town Chairperson

Attest:


Lori Hofmann, Town Clerk

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN**

SEX OFFENDER RESIDENCY ORDINANCE

The Town Board of the Town of Friendship, at a duly-noticed public meeting with quorum present and voting, hereby ordains the following:

Section 1: Recitals.

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

Section 2: Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town of Friendship by regulating the residency of sex offenders.

Section 3: Definitions.

- (a) Sex Offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a Sexually Violent Offense or a Crime Against Children.
- (b) Sexually Violent Offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- (c) Crime Against Children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

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

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

Wis. Stat. § 940.225(3) Third Degree Sexual Assault

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

Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child
Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)
Wis. Stat. § 944.06 Incest
Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)
Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child
Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child
Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
Wis. Stat. § 948.05 Sexual Exploitation of a Child
Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity
Wis. Stat. § 948.06 Incest with a Child
Wis. Stat. § 948.07 Child Enticement
Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime
Wis. Stat. § 948.08 Soliciting a Child for Prostitution
Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff
Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material
Wis. Stat. § 948.12 Possession of Child Pornography
Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children
Wis. Stat. § 948.30 Abduction of Another’s Child
Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense
Wis. Stat. § 975.06 Sex Crime Law Enforcement

- (d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4: Residency Restriction.

- (a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:
 - (1) A school for children.
 - (2) A public park, park facility, or pathway.
 - (3) A daycare licensed by the State of Wisconsin.
 - (4) A public library.
 - (5) A public playground.
 - (6) A public athletic field used by children.
 - (7) A residential care center for children.
 - (8) A public swimming pool.
 - (9) The school bus pickup/drop off sites for the Flood Mobile Home Park and the school bus pickup/dropoff sites within unincorporated Van Dyne, defined as the area bordered by Lone Elm Road to the north, Lincoln Road to the south, Hwy 45 to the east and the railroad tracks to the West.
- (b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5: Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

- (b) The person had established a Residence, as defined in Section 3 above, at the location prior to the effective date of this Ordinance.
- (c) The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- (d) The Sex Offender is a minor or ward under guardianship.

Section 6: Safety Zones.

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

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.
- (i) The school bus pickup/drop off sites for the Flood Mobile Home Park and the school bus pickup/dropoff sites within unincorporated Van Dyne, defined as the area bordered by Lone Elm Road to the north, Lincoln Road to the south, Hwy 45 to the east and the railroad tracks to the West. This restriction is limited to the hours of 6:00 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Section 7: Safety Zone Exceptions.

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

- (a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 - (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 - (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- (c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
 - (1) The Sex Offender is eligible to vote.
 - (2) The polling location is the designated polling location for the Sex Offender.
 - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- (d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- (e) The property supporting a use enumerated in Section 6 also supports a police station, Town Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 9: Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town of Friendship unless he or she was a resident of Fond du Lac County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 10: Rental of Property for use by Sex Offenders.

No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 11: Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Section 12: Severability.

The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

Section 13: Rules of Construction.

In the construction of this Ordinance, references to the singular include the plural. References to "person" extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.

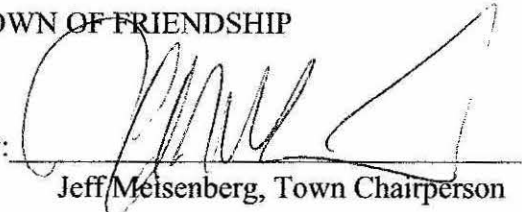
Section 14: Effective Date.

This ordinance shall be effective upon its adoption and publication.

Dated this 12 day of December, 2015

TOWN OF FRIENDSHIP

By:


Jeff Meisenberg, Town Chairperson

Attest:



Lori Hofmann, Town Clerk

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN**

UTILITY LOCATION ORDINANCE

The Town Board of the Town of Friendship, Fond du Lac County, Wisconsin, upon proper notice and with a quorum present, hereby adopts the following Utility Line Location Ordinance.

Section 1: Purpose. The purpose of this Ordinance is to create a permitting and regulatory scheme for the construction and installation of facilities used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, or natural gas across or within Town road right-of-way.

Section 2: Authority. This Ordinance is adopted pursuant to Wis. Stat. §§ 86.16, 182.017, 66.0831, and pursuant to the Town's police powers.

Section 3: Definitions. For purposes of this Ordinance, the following definitions apply:

- (a) "Person" shall mean all individuals, partnerships, associations, and bodies politic or corporate.
- (b) "Facilities" shall mean any pipes, lines, or other infrastructure used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, or natural gas across or within Town road right of way.

Section 4: Establishment of Permit. No Person may construct or install Facilities across or within any Town road right-of-way without a Facility Location Permit issued by the Town Board.

Section 5: Application for Permit. Any Person seeking a Facility Location Permit shall submit an application to the Town Board that shall contain, at a minimum, the following information:

- (a) The applicant's name, address, and contact information.
- (b) A written description of the proposed Facilities.
- (c) The location of the proposed Facilities.
- (d) The location of all existing Facilities.
- (e) The vertical and horizontal distance between the proposed Facilities and all existing Facilities.
- (f) Any other information requested by the Town Board.

Section 6: Facility Separation. All proposed Facilities shall be set back from existing Facilities that were installed by the Town or a Town Sanitary District a minimum horizontal distance of eight feet and a minimum vertical distance of eighteen inches, unless lesser setbacks are approved by the Town Board in its sole discretion.

Section 7: Administration of Permit. Facility Location Permits shall be issued by the Town Board unless the Town Board has delegated such authority to a Town official. In either event, no Facility Location Permit will be issued until the Town first submits the application to all affected Town utility districts for review and recommendation. A Facility Location Permit may be approved subject to such conditions established by the Town Board.

Section 8: Indemnification. All Facility Location Permit holders shall defend, indemnify, and hold harmless the Town, all Town sanitary and utility districts, and their respective officers, employees, agents, and insurers harmless of and from all actions of any nature whatsoever that arise out of or are connected with any work done by the applicant pursuant to a Facility Location Permit.

Section 9: Enforcement. Any Person who violates this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each offense. For purposes of determining forfeitures under this Ordinance, each day an offense continues constitutes a separate offense. In addition to forfeitures, the Town may seek injunctive relief, abatement orders, and other equitable relief as the Town deems necessary to enforce this Ordinance. The Town shall also be awarded cost of prosecution, including reasonable attorneys' fees, in the event of a violation.

Dated this 9th day of June, 2016

TOWN OF FRIENDSHIP

By: Jeff Meisenburg
Town Chairperson

Attest: Lori Hofmann
Town Clerk

ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

Town of Friendship Fond du Lac County, Wisconsin

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Friendship and to regulate the operation of all-terrain and utility terrain vehicles in the Town.

SECTION 2.0 AUTHORITY

The Town Board of the Town of Friendship, Fond du Lac County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

SECTION 3.0 ADOPTION OF ORDINANCE

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

SECTION 4.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

Town: means the Town of Friendship, the Town Board or any other Town of Friendship official(s) authorized by the Town Board to act on behalf of the Town of Friendship.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
- a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 - b. It has a width of 50 inches or less.
 - c. It is equipped with a seat designed to be straddled by the operator.
 - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

SECTION 5.0 OPERATION OF ALL-TERRAIN AND UTILITY 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 or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

SECTION 6.0 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

The Town of Friendship hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: Shady Lane, Cottage Drive, Cottage Lane, Main Street, Park Street, High Street, South Eastwood Street and North Eastwood Street, Subway Road, Cemetery Road, Lincoln Road, Viaduct Road, Melody Lane, Lone Elm Road from Howlett Road east to Lake Winnebago, Lone Elm Road from Swiss Road to CTH RP, Townline Road from CTH OO north to CTH N, West Lake Court, Cottonwood Road, White Pine Road, Minnesota Avenue from Acorn Street north to Subway Road, Evergreen Road, Maple Road, Sawmill Road, Curve Road, Shoe Road, Acorn Road, Chestnut Road, Bark Road, Donovan Road, Hickory Road, Kinker Road East of State Highway 45, Bridge Road, Northwestern Avenue, Silver Street and Franklin Avenue.

SECTION 7.0 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY 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 and utility terrain vehicle routes designated by this resolution:

- 7.1** Routes shall be marked with uniform all-terrain and utility 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 signs marking Town all-terrain and utility terrain vehicle routes:
- (a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
 - (b) Possess any uniform all-terrain and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- 7.2** Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
- 7.3** Operators must abide by all traffic laws unless further restricted by this Ordinance.
- 7.4** The speed limits for ATVs and UTVs shall be as follows:
- (a) On the following roads the speed limit shall be 10 mph: Shady Lane, Cottage Drive, Cottage Lane, Main Street, Park Street, High Street, Northwestern Avenue, Silver Street, Franklin Avenue, South Eastwood Street and North Eastwood Street.
 - (b) On the following roads the speed limit shall be 30 mph: Subway Road, Kinker Road East of State Highway 45, Cemetery Road, Lincoln Road, Viaduct Road, Melody Lane, Lone Elm Road from Howlett Road east to Lake Winnebago, Lone Elm Road from Swiss Road to CTH RP, Townline Road from CTH OO north to CTH N, West Lake Court, Cottonwood Road, White Pine Road, Minnesota Avenue from Acorn Street north to Subway Road, Evergreen Road, Maple Road, Sawmill Road, Curve Road, Shoe Road, Acorn Road, Chestnut Road, Bark Road, Donovan Road, Hickory Road, and Bridge Road.
- 7.5** ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- 7.6** All all-terrain and utility terrain vehicle operators shall ride single file.
- 7.7** No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
- 7.8** No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment.

- 7.9** All ATV/UTV operators shall ride on the right hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- 7.10** No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- 7.11** No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Town Road which is a designated ATV route.
- 7.12** No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- 7.13** Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat., Section 23.33(12).

SECTION 8.0 ENFORCEMENT

This ordinance may be enforced by the Town Board or law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Fond du Lac County Sheriff's Department and any other law enforcement agency serving the Town of Friendship's jurisdiction.

SECTION 9.0 PENALTIES

9.1 The penalties under s. 23.33(13), Wis. Stats., are adopted by reference.

SECTION 10.0 MAINTENANCE

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

SECTION 11.0 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 12 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.

Dated this 14th day of September, 2017.

TOWN OF FRIENDSHIP
Jeff Meisenburg, Town Chairperson

Attest:
Lori Hofmann, Town Clerk

Commercial Electrical Inspections

Contents

- 1.1 Authority
- 1.2 Purpose
- 1.3 Adoption of Codes
- 1.4 Building Inspector
- 1.5 Building Permit Required
- 1.6 Building Permit Fees
- 1.7 Penalties
- 1.8 Effective Date

1.1 AUTHORITY. These regulations are adopted under the authority granted by s. 101.12, stats.

1.2 PURPOSE. The purpose of this ordinance is to promote the general health, safety and welfare by enforcing the adopted codes.

1.3 ADOPTION OF CODES. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the electrical inspector, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 316

Wisconsin State Electrical Code

1.4 ELECTRICAL INSPECTOR. The electrical inspector authorized by the municipality to enforce the adopted codes shall be properly certified by the Division of Industry Services.

1.5 ELECTRICAL PERMIT REQUIRED.

(1) (a) Except for an electrical wiring project described in s. [101.875 \(2\)](#), Stats., and as provided in par. **(b)**, no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following:

1. A farm.
2. A public building, structure, or premises.
3. A place of employment.
4. A campground.
5. A manufactured home community.
6. A public marina, pier, dock, or wharf.
7. A recreational vehicle park.

(b) Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the inspection agency designated by the department to provide electrical inspections for the installation no later than the next business day after commencement of the installation.

No person shall build or cause to be built any new public building or alter a public building without first submitting plans and specifications to the building inspector and obtaining a building permit for such building.

(2) The application for a permit required under sub. **(1)** shall contain all of the following information:

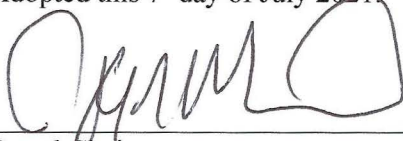
- (a) The name of the applicant.
- (b) The name of the building or property owner.
- (c) The location of the electrical wiring installation.
- (d) The scope and extent of the electrical wiring installation.
- (e) The name of the person responsible for the installation.
- (f) The name and license number of the master electrician, residential master electrician, or registered master electrician under s. [SPS 305.437](#) responsible for the installation, unless exempted under s. [101.862 \(4\)](#), Stats.
- (3) The issuing inspection agency shall indicate on the electrical permit
 - (a) The date of issuance.
 - (b) A permit required under sub. (1) shall expire 12 months after the date of issuance, if installation of the electrical wiring has not commenced.

1.6 BUILDING PERMIT FEE. Building permit fees shall be determined by resolution.


1.7 PENALTIES. Enforcement of this section shall be by means of withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000 for each day of noncompliance.

1.8 EFFECTIVE DATE. This ordinance shall be effective 7/10/2021 upon passage and publication as provided by law.

Adopted this 7th day of July 2021



Board Chairperson

Attest: 
Town Clerk

Published: 7/10/21

TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN

Short-Term Rental Licensing Ordinance

Section 1. Purpose.

The purpose of this ordinance is to ensure that the quality and nature of the short-term rentals operating within the Town of Friendship are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Section 2. Authority.

The Town Board of the Town of Friendship has been authorized to exercise village powers pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Section 66.1014 of the Wisconsin Statutes.

Section 3. Definitions.

The following definitions shall apply to this ordinance:

- a) "Property Manager" means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.
- b) "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- c) "Short-Term Rental" means a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

Section 4. Short-Term Rental License.

- a) No person may maintain, manage, or operate a Short-Term Rental more than 10 nights each year without a town short-term rental license issued pursuant to this ordinance.
- b) Licenses shall be issued using the following procedures:
 - 1) All applications for a short-term rental license shall be filed with the Town Clerk on forms provided. Applications must be filed by the property owner. Applications must include a list of properties within 1,000 feet of the property

seeking a short-term rental license under this ordinance. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

- 2) The Town Clerk shall issue a short-term rental license to all applicants following payment of the required fee, receipt of all information and documentation requested by the application, and Town Board approval of the application.
- 3) A short-term rental license shall be effective for one year and may be renewed for additional one-year periods. All short-term rental licenses, regardless of when they were issued, will be reviewed for renewal yearly on the second Thursday in January. A renewal application and renewal fee must be filed with the Town Clerk at least 45 days prior to the license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a Residential Dwelling licensed for short-term rentals changes.
- 4) The Town Board may suspend, revoke, or non-renew a short-term rental license following a due process hearing if the Board determines that any of the following have occurred:
 - a. The licensee has failed to comply with any of the requirements of this ordinance;
 - b. The licensee, the licensee's Property Manager or the licensee's renters have been convicted of engaging in illegal activity while on the short-term rental premises on two or more separate occasions within the past 12 months; or
 - c. The licensee has outstanding fees, taxes, or forfeitures owed to the Town in violation of Town ordinance.

Section 5. Operation of a Short-Term Rental.

Each Short-Term Rental shall comply with all of the following requirements:

- a) Except as provided in sub. a, no Residential Dwelling may be rented for a period of 6 or fewer days.
 - a. A Residential Dwelling may be rented for periods of 6 or fewer days if the Residential Dwelling is also the principal residence of the licensee. For purposes of this section, a person's "principal residence" is the person's true, fixed, and

permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, the person intends to return. Additional characteristics of a primary residence include, but are not limited to, where the person receives mail, claims of residence for purposes of voter registration, and addresses on state-issued identification cards. A person may have only one primary residence.

- b) If a Residential Dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days, which shall run consecutively.
- c) The property owner or Property Manager shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
- d) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees. Further, parking shall comply with the parking plan that is made part of the license.
- e) Any outdoor event held at the Short-Term Rental shall last no longer than one day occurring between the hours of 8:00 a.m. and 10:00 p.m. At minimum, a seven-consecutive-day interval must occur between outdoor events held at the Short-Term Rental. Any activities occurring at the Short-Term Rental shall comply with other applicable noise regulations.
- f) A local property management contact (either the property owner or an appointed Property Manager) must be on file with the Town at all times and must be located within 10 miles of the Short-Term Rental. The property owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week by telephone. The Town must be notified within 24 hours of any change in contact information.
- g) Each Short-Term Rental shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least two years. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
- h) Each Short-Term Rental shall hold a valid State of Wisconsin Tourist Rooming House License and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications. Licensees shall at all times comply with the applicable standards of Administrative Code Chapter ATCP 72.
- i) If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued with the State of

Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Administrative Code Chapter ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.

Section 6. Penalties.

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$1,000, plus the applicable surcharges, assessments, attorneys' fees, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town may also seek equitable relief, including injunctions and abatement orders, in the event of a violation. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

Section 7. Fees

The fee for a Short-Term Rental License shall be \$500.00.

Section 8. Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section 9. Effective Date and Publication.

This ordinance shall become effective upon adoption and publication as required under Wis. Stat. §60.80. The Town Clerk and Town Attorney are hereby authorized and directed to incorporate this ordinance into Title 7 of the Town's Code of Ordinances.

Dated this 8th day of September, 2022.


TOWN OF FRIENDSHIP

By:



Jeff Meisenburg, Chairperson

Attest:



Glenn Bolden, Town Clerk

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN**

Short-Term Rental License Application

Please complete and submit the following information to the Town of Friendship Town Clerk.

Address of Short-Term Rental Property: _____.

Tax Parcel Number of Property: _____.

Number of Bedrooms at Property: _____.

Number of On-Site Parking Spaces: _____.

List of Properties within 1,000 feet of the Address of the Short-Term Rental Property
(attach additional page if needed):

Property Management Contact Information (name, address, email, phone):

1. Submit with this application the Town's application fee for a Short-Term Rental License. (\$500).
2. State of Wisconsin Sale and Use Tax Number: _____.
3. Attach a copy of the State Sanitary Permit issued for the property.
4. Submit a sample rental contract that includes language ensuring compliance with the standards contained in the Town of Friendship Short-Term Rental Licensing Ordinance.
5. Submit a Parking Plan showing allowable parking locations for renters of the property.

6. Submit a copy of the Tourist Rooming House License issued for the property pursuant to Administrative Code Chapter ATCP 72.
7. Submit proof of insurance in the name of the proposed license holder.
8. Submit all questions pertaining to this ordinance and application to the Town Chairman.

I, the undersigned applicant, hereby acknowledge receiving a copy of or am otherwise aware of the Town of Friendship Short-Term Rental Licensing Ordinance and agree to comply with the requirements of that Ordinance. I understand that failure to comply with the requirements of the Ordinance may result in revocation or nonrenewal of my license or other penalties as provided in the Ordinance.

Signature of Applicant

Date

** PLEASE NOTE: Pursuant to the Town of Friendship's Short-Term Rental Licensing Ordinance, all short-term rental licenses, regardless of when they were issued, will be reviewed for renewal yearly on the second Thursday in January.