

Town of Dunbar  
Chapter 22, 23, 24  
“Code of Ordinances”

**Chapter 22**

- 22.01 Lottering
- 22.02 Loud Unnecessary Noise
- 22.03 Disorderly Conduct
- 22.04 Damage to Property
- 22.05 Littering Prohibited
- 22.06 Public Nuisance Prohibited
- 22.07 Nuisances
- 22.08 Nuisance of Public Morals and Decency
- 22.09 Graffiti Prohibited
- 22.10 Harassing and Obscene Phone Calls
- 22.11 Dogs and Animals at Large
- 22.12 Citation Authority/Procedure
- 22.13 Disposal of Abandoned Property
- 22.14 Provisional Operator’s License
- 22.15 Razing Permit Required
- 22.16 Boating Ordinance
- 22.17 Clerk/Treasurer to Appointed Position
- 22.18 Building, Special, Conditional Permit Required
- 22.19 Cemetery Rules and Penalties
- 22.20 Broadband Forward Ordinance
- 22.21 Vacant
- 22.22 Withdrawal from Multi-Jurisdictional Court
- 22.23 Theft
- 22.24 Parks Rules
- 22.25 Recycling Ordinance
- 22.26 Municipal Court Formation
- 22.27 Trespass to Land
- 22.28 Vacant
- 22.29 Vacant
- 22.30 Plowing snow across Roadway
- 22.31 Declaration of Snow Emergency
- 22.32 Limited Liability
- 22.33 Clerk Appointment to BOR
- 22.34 Traffic Laws
- 22.35 Lily Lake Road Speed Limit Reduction
- 22.36 One Mile Road Speed Limit Reduction
- 22.37 Disorderly Conduct With a Motor Vehicle or ATV

22.38 Animal Neglect and Cruelty

22.39 Regulation of ATV/UTV Routes in the Town of Dunbar

## **Chapter 23**

23.01 Policy, Procedures for alternative sworn testimony (BOR)

23.02 Policy, Procedures Confidentiality of Income and Expense (BOR)

23.03 Wisconsin Municipalities Records Retention Policy

## **Chapter 24**

24.01 Zoning Ordinance

24.02 Cell Tower Ordinance

24.03 Dunbar Subdivision Ordinance

24.04 Fencing Ordinance

24.06 Trailer Ordinance

## CHAPTER 23

STATE OF WISCONSIN

COUNTY OF MARINETTE

TOWN OF DUNBAR

### ORDINANCE 22.01

#### LOITERING AND OBSTRUCTING STREETS AND SIDEWALKS

It shall be unlawful for any person or persons to congregate, stand, loaf, or loiter or engage in any activity, sport, or exercise in any street, or upon any sidewalk, bridge, crossing, or other public place so as to obstruct the same or to hinder, prevent, or annoy any person or persons passing or attempting or desiring to pass therein or thereon; or to congregate, stand, loaf, or loiter in or in front of any hall, lobby, doorway, passage, or entrance of any public building, parks (after hours), bank, theater, public hall, hotel, eating or lodging house, office building, store, shop, office or factory, or other like business house or building of public assemblage so as to obstruct free and unobstructed ingress and egress to every such business building or hinder, prevent, or annoy any person or persons passing along or into or out of such business houses or attempting or desiring to enter into or out of such business houses.

#### **Bond \$250.00 Adopting State Statute 947.06 Unlawful assemblies and their suppression.**

(1) Sheriffs, their undersheriffs and deputies, constables, marshals and police officers have a duty to suppress unlawful assemblies within their jurisdiction. For that reason, they may order all persons who are part of an assembly to disperse. An "unlawful assembly" is an assembly which consists of 3 or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(2) An "unlawful assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person, or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

**(3)** Whoever intentionally fails or refuses to withdraw from an unlawful assembly which the person knows has been ordered to disperse is guilty of a Class A misdemeanor.

**(4)** Whoever causes, attempts to cause, or participates in an unlawful assembly upon any property of a public institution of higher education or upon any highway abutting on such property, is punishable under sub. (3) if he or she fails to withdraw from the

assembly promptly upon issuance of an order to disperse, if such order is given in such manner that such person can reasonably be expected to hear or read such order.

**(5)** Whoever, being employed in any capacity by or enrolled as a student in the institution, is convicted under subs. (1) to (4) may be sentenced additionally or alternatively to not to exceed 6 months' suspension without pay from his or her employment by the institution if an employee, or suspension from enrollment in the institution if a student, or both if both an employee and a student. If the suspension is thus imposed, the institution shall not thereafter impose any other discipline upon the person for his or her connection with the unlawful assembly. Any period of suspension from employment by or enrollment in the institution already served shall be deducted by the court in imposing this sentence. Any period of imprisonment, whether or not the person is authorized under s. 303.08 to continue as an employee or student while imprisoned, shall count as a period of suspension from employment or enrollment or both hereunder. [HomeChapter22](#)

## ORDINANCE 22.02

### LOUD AND UNNECESSARY NOISE PROHIBITED

#### (a) Loud and Unnecessary Noise Prohibited

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise.

#### (b) Types of Loud and Unnecessary Noises

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

(1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or another vehicle on any street or public place in the town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electric; the use of any horn,

whistle, or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

(2) Radios, phonographs, similar devices. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or another machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

(3) Loudspeakers, amplifiers for advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

(4) Animals, birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.

(5) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) Construction or repair of buildings. The erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Director of Public Works shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.

(7) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital, or court street.

(8) Engine Braking prohibited. No person shall operate or cause to be operated a motor vehicle and utilize an unmuffled engine brake or other similar engine compression retarding devices to slow or stop the vehicle, except in an emergency situation to avoid imminent danger to a person or property.

(a) An "Engine Brake" is a device designed to retard the motion of a motor vehicle by using the compression of the motor vehicle's engine.

(b) This section does not apply to highway maintenance or emergency vehicles operated by a government entity.

9. The provisions of this section shall not apply to:

(a) Any vehicle of the town while engaged in necessary public business.

(b) Excavations or repairs of streets or other public construction by or on behalf of the town, County, State at night when public welfare and convenience, renders it impossible to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(d) Dunbar Sportsman Club shooting range during the hours of 7:00 AM and 11:00 PM. If a special night shoot is schedule after 11:00 PM, the club is required to obtain a permit by the town board 48 hours in advance to the planned event. There is no cost to the club for such permit.

(e) Exemption. "Farmers Right to Farm". Noise from farms in an agricultural zoned district are exempt from this noise ordinance if the following is present:

1. The agricultural use or agricultural practice alleged to be a nuisance is conducted on, or on a public right-of-way adjacent to, land that was in agricultural use without substantial interruption before the plaintiff began the use of property that the plaintiff alleges was interfered with by the agricultural use or agricultural practice.

2. The agricultural use or agricultural practice does not present a substantial threat to public health or safety.

**Bond \$250.00 HomeChapter22**

### ORDINANCE 22.03

#### DISORDERLY CONDUCT

No person shall within the Town of Dunbar, in any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons; or intentionally cause, provoke or engage in any fight, brawl, riot, or noisy altercation other than a bona fide athletic contest.

**Bond \$250.00 Adopting State Statutes 947.01 Disorderly conduct.**

(1) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.

(2) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

[HomeChapter22](#)

#### ORDINANCE 22.04

##### DESTRUCTION OF PROPERTY PROHIBITED

A. No person shall willfully injure or intentionally deface, destroy, or unlawfully remove, take, or meddle with any property of any kind or nature within the Town of Dunbar belonging to the Town of Dunbar or its departments and/or to any private person within the Town of Dunbar, without the consent of the owner or proper authority.

B. 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 One Thousand Dollars (\$1,000.00). **Bond \$200.00**

##### **Adopting State Statute 943.01 (1) Damage to property.**

(1) Whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor

##### PENALTIES

In addition to the general penalty of this Code, or any other penalty imposed for violation of any section of this Chapter, any person who shall cause physical damage to, or destroy any public property, shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. [HomeChapter22](#)

#### ORDINANCE 22.05

##### LITTERING PROHIBITED

1. No person shall, within the Town of Dunbar, throw any glass, refuse, waste, filth, or other litter upon any public property, forest land or any private property not

owned by that person, or the surface of any public body of water. **Bond \$150.50**  
**Adopting State Statute 287.81 Littering.**

**(1)** In this section:

**(a)** "Aircraft" means any structure invented, used or designed for navigation or flight in the air.

**(am)** "Highway" has the meaning given in s. 340.01 (22)

**(as)** "Large item" means an appliance, an item of furniture, a tire, a vehicle, a boat, an aircraft, building materials, or demolition waste.

**(b)** "Vehicle" has the meaning given in s. 340.01 (74) but includes an electric personal assistive mobility device, as defined in s. 340.01 (15pm) and an all-terrain vehicle, as defined in s. 340.01 (2g).

**(c)** "Waters of the state" has the meaning given in s. 281.01 (18).

**(2)** Except as provided in sub. (3), a person who does any of the following may be required to forfeit not more than \$500:

287.81 (2)(a) **(a)** Deposits or discharges any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property.

**(b)** Permits any solid waste to be thrown from a vehicle operated by the person.

**(c)** Fails to remove within 30 days or otherwise abandons any automobile, boat or other vehicle in the waters of the state.

**(d)** Owns an aircraft that has crashed in the waters of the state and fails to remove the aircraft from those waters within 30 days after the crash, within 30 days after June 15, 1991, or within 30 days after the national transportation safety board pursuant to an investigation under 49 CFR Part 831 authorizes its removal, whichever is latest.

**(2m)** Except as provided in sub. (3), a person who deposits any large item on or along any highway, in any waters of the state, on the ice of any waters of the state, or on any other public or private property shall forfeit not more than \$1,000.

**(3)**

**(a)** Subsections (2) (a) and (2m) do not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.

**(b)** Subsections (2) and (2m) do not apply to a person who deposits or discharges solid waste in conformance with chs. 30, 31, 281 to 285 or 289 to 299 or a permit, license or other approval issued by the department under those chapters.

2. No person or persons shall deposit any solid waste products, construction materials, recycling items, garbage, trash, rubbish or other debris at the Town of Dunbar Recycling and Solid Waste Site outside normal business operating hours of Saturday, from 8:00 AM to 11:00 AM, while an active town employee (attendant) is on site. No person or persons other than tax paying residents of the Town of Dunbar may deposit any solid waste products, construction materials, recycling items, garbage, trash, rubbish or debris at the Town of Dunbar Recycling and Solid Waste Site.



### 3. Issuance of Citations for Violation

The following officials may issue citations with respect to the violation of the provisions of this ordinance:

- The Chairperson for the Town of Dunbar
- Supervisors for the Town of Dunbar
- Any person or persons authorized by a majority vote of the Town Board

(a) Penalty Provisions. Any person who shall violate the provisions of this ordinance shall be subject to the following penalties: This penalty section abolishes and replaces the penalty section under Ordinance 01-2013, Section 10.

(a) First Offense Penalty: A forfeiture of \$150.50 together with the costs of prosecution, and in default of payment of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeitures and costs are paid, for a period of time to be determined by the Municipal Court but in no event to exceed the maximum time for incarceration provided by applicable statutes which address nonpayment of monetary judgments issued by municipal courts.

(b) Second and Subsequent Offenses Penalty: Any person found guilty of violating any provision of this code who shall previously have been convicted of a violation of the same code within one (1) year thereof shall upon conviction thereof forfeit \$250.50 each such offence, together with costs of prosecution, and in default of payment of such forfeiture and costs be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, for a period of time to be determined by the Municipal Court but in no event to exceed the maximum time for incarceration provided by applicable statutes which address nonpayment of monetary judgments issued by municipal courts. [HomeChapter22](#)

## ORDINANCE 22.06

### PUBLIC NUISANCE ORDINANCE

#### SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Dunbar Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons, public nuisances and certain uses and activities in the town.

## SECTION II – AUTHORITY

The town board has the specific authority under ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and chapter 823, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt these ordinances.

## SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, prohibits any person, persons, firm or corporation from erecting, contriving, causing, continuing, maintaining or permitting to exist any public nuisance within the Town of Dunbar, Marinette County, Wisconsin.

## SECTION IV - DEFINITIONS

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

1. Substantially annoy, injure, or endanger the comfort, health, or safety of the public;
2. In any way render the public insecure in the use of property;
- 3 Greatly offend the public morals or decency;
4. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or any other public way; or
5. Substantially affect neighborhood property values.

### Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances although this itemization shall not be considered to be exclusive and other nuisances fitting the definition set forth above shall also be prohibited:

1. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, except for storage of manure or fertilizer in connection with farm operations.
2. The pollution of any public road right-of-way or public well or cistern, stream, lake, or other body of water by sewage or other substances.
3. Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous or disagreeable odors, gases or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort or injure the health of any appreciable number of persons within the town.

### Public Nuisances Affecting Peace and Safety

The followings acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting the peace and safety, without limitation because of enumeration.

1. All trees, hedges, bushes, signs or other obstructions which prevent a person driving a vehicle on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or crosswalk.
2. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
3. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in and 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.
4. All open and unguarded pits, excavations or used basements freely accessible from a public street, alley, sidewalk or road.
5. Trees found to be a menace to public safety or are the cause of substantial annoyance.

#### Public Nuisances Affecting Morals or Decency

A. Bawdyhouses. Pursuant to s. 823.09, Wis. stats., whoever erects, establishes, continues, maintains, uses, occupies, or leases any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permits the same to be so used, in the town, is guilty of a nuisance and the building, erection, or place in or upon which such lewdness, assignation, or prostitution is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose, are declared a nuisance, and shall be enjoined and abated.

#### Public Nuisances Affecting Neighborhood Property Values

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances affecting neighborhood property values, without limitation because of enumeration. [HomeChapter22](#)

1. 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.
2. All buildings so old, dilapidated or out of repair as to be dangerous unsafe, unsanitary or otherwise unfit for human use.
3. Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, campers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets, highways or waters. 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 view).

## SECTION V - ABATEMENT OF PUBLIC NUISANCES

### Summary Abatement

#### 5.1 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. The inspecting officer shall make a written report of his findings to the Town Board upon completion of the inspection. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the clerk.

(a). When a member of the Town Board has an interest in an alleged nuisance, or if the Board of Appeals is directed by the Town Board to act in its stead, the Town of Dunbar Board of Appeals shall determine if a nuisance exists.

#### 5.2 Notice to Owner.

If the Town Board or the Town Board of Appeals determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Town Board may direct that notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting, or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant, or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within a given time period, and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing or maintaining the same, as the case may be.

### Abatement by The Town

If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Town Board may cause the abatement or removal of such public nuisance.

### Abatement by Court Action

If the Town Board or the Town Board of Appeals shall determine that a public nuisance exists on private premises but that the nature of the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, the Town Board may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Marinette County in accordance with the provisions of Wis. Stat. Ch. 823 (1997-1998),

### Other Methods Not Excluded

Nothing in this ordinance shall be construed as prohibiting abatement of public nuisances by the Town of Dunbar or its officials, in accordance with the laws of the State of Wisconsin.

#### Cost of Abatement

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be billed to the owner or other person causing, permitting, or maintaining the nuisance. If the bill is not fully paid within forty-five (45) days after the date of mailing, such cost shall be assessed against the real estate on which the nuisance existed as a special charge or special assessment pursuant to the Town's police power.

#### SECTION VI – PENALTIES

Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall, upon conviction, be fined not less than \$25.00, nor more than \$250.00 for each offense, together with the costs of prosecution including reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense. Furthermore, the Town shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied. In lieu of abatement and/or in addition to such abatement a person, business or property may be issued a citation in violation of this section and be required to pay a forfeiture not to exceed \$250.00 for each said violation.

#### SECTION VII - INTERPRETATION AND SEVERABILITY

7.1 Interpretation. The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations, and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provision of this ordinance shall prevail. Where the provisions of any statute, other regulations, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provision of such statute, other regulations, ordinance or covenant shall prevail.

7.2 Severability. It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

#### SECTION VIII - EFFECTIVE DATE

This ordinance is effective on publication.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 11 day of October 2011.

Russell Bousley, Chairman

Robert Kordus, Supervisor #1

David White, Supervisor #2

Attest: Becky Grandaw, Clerk/Treasurer

#### SECTION IX - REGULATING DISPOSAL OF ABANDONED MOTOR VEHICLES.

Pursuant to the authority granted by Section 342.40, Wisconsin Statutes, the Town of Dunbar, Marinette County, Wisconsin does ordain as follows:

SECTION 1. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended on any public highway outside the limits of any incorporated city or village for more than 12 hours or whenever any vehicle has been left unattended on private or public property without the permission of the owner for more than 48 hours the vehicle is deemed abandoned and constitutes a public nuisance.

SECTION 2. Any vehicle in violation of this ordinance shall be impounded by the Sheriff of Marinette County until lawfully claimed or disposed of under Section 5 or 6 except that if the Sheriff or his duly authorized deputy determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle the vehicle may be junked by the Sheriff prior to expiration of the impoundment period upon his determination that the vehicle is not wanted for evidence or other reason.

SECTION 3. Any Sheriff's deputy who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment designated by the Sheriff.

SECTION 4. The owner of any abandoned motor vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the County against the owner.

SECTION 5. Any abandoned vehicle which is determined by the Sheriff or his duly authorized deputy to have a value in excess of \$100 shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the vehicle after payment of accrued charges.

Thereafter, the Sheriff shall dispose of the vehicle by sale at public auction after publication in the official newspaper of a Class 1 notice under Chapter 985, Wisconsin Statutes, of the time and place of such sale and a description of the vehicle to be sold. The sale shall be conducted in the same manner as an execution sale of personal property.

SECTION 6. Any abandoned vehicle which is determined by the Sheriff or his duly authorized deputy to have a value less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

SECTION 7. Within 5 days after the sale or disposal of a vehicle as provided in Section 5 or 6 the Sheriff shall advise the Wisconsin Division of Motor Vehicles of the sale or disposition thereof.

SECTION 8. Any person, firm or corporation who violates any provisions of this ordinance shall, forfeit **\$250.00** together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof but not exceeding 6 months.

SECTION 9. If any section, phrase or provisions of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby. [HomeChapter22](#)

STATE OF WISCONSIN

COUNTY OF MARINETTE

TOWN OF DUNBAR

#### ORDINANCE 22.07

#### NUISANCES PROHIBITED

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

#### 22.07(1) 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.

**Bond \$240.00 Adopting State Statutes 947.01 Disorderly conduct.**

(1) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.

(2) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

[HomeChapter22](#)

## ORDINANCE 22.08

### PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances in the Town of Dunbar 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 this chapter:

#### 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. Unlicensed Sale of Liquor and Beer

All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the Town of Dunbar.

#### C. Continuous Violation of the Town of Dunbar Ordinances

Any place or premises within the Town of Dunbar where town ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated. **Bond \$240.00 Adopting State Statutes 947.01 Disorderly conduct.**

(1) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.



(2) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

[HomeChapter22](#)

## ORDINANCE 22.09

### GRAFFITI PROHIBITED AND RELATED ABATEMENT SCHEDULE

1. Definition. When used in this subsection, the term “graffiti” means any inscription, work, figure or design marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar substances on buildings, fences, structures and similar places without the express permission of the owner or operator of the property.
2. Public Nuisance. The existence of graffiti on any property within the Town of Dunbar is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. Graffiti Prohibited. No owner of any real property within the Town of Dunbar shall allow any graffiti to remain upon any structure located on the owner’s property when the graffiti is visible from the street or from other public or private property.
4. Notification of Violation. Whenever the building inspector’s department determines that graffiti on any property within the Town of Dunbar is visible from the street or from other public or private property, the department shall issue an order to the owner of the property to abate the graffiti in five (5) days. The building inspector has the discretion to grant reasonable extensions upon request.
5. Compliance. A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti.
6. Failure to Comply. If the property owner fails to comply with the order to abate the graffiti, the building inspector’s department may cause the graffiti to be abated either by town employees or by independent contractor. The town and the independent contractor are expressly authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public street, property or right of way. The town or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as practicable to the background color or colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to

W.S.A., § 66.0627, be imposed as a special charge against the real property for the cost of the services provided. The building inspector shall keep an accurate account of the expenses thereof and report the same to the town clerk-treasurer, who shall annually prepare a statement of the expense so incurred deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under W.S.A., ch. 74. **Bond \$500.00 Adopting State Statute 943.017 Graffiti.**

**(1)** Whoever intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into the physical property of another without the other person's consent is guilty of a Class A misdemeanor.

**(2)** Any person violating sub. (1) under any of the following circumstances is guilty of a Class I felony:

**(a)** The property under sub. (1) is a vehicle or a highway, as defined in s. 943.01 (2) (a) 1, and the marking, drawing, writing or etching is of a kind which is likely to cause injury to a person or further property damage.

**(b)** The property under sub. (1) belongs to a public utility or common carrier and the marking, drawing, writing or etching is of a kind which is likely to impair the services of the public utility or common carrier.

**(c)** The property under sub. (1) belongs to a person who is or was a grand or petit juror and the marking, drawing, writing or etching was caused by reason of any verdict or indictment assented to by the owner.

**(d)** If the total property affected in violation of sub. (1) is reduced in value by more than \$2,500. For the purposes of this paragraph, property is reduced in value by the amount which it would cost to repair or replace it or to remove the marking, drawing, writing or etching, whichever is less.

**(e)** The property affected is on state-owned land and is listed on the registry under s. 943.01.

**(2m)**

**(a)** In this subsection:

**1.** "Family member" means a spouse, child, stepchild, foster child, parent, sibling, or grandchild.

**2.** "Witness" has the meaning given in s. 940.41 (3).

**(b)** Whoever does any of the following is guilty of a Class I felony:

**1.** Intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into, or threatens to mark, draw or write on or etch into, any physical property owned by a person who is or was a witness by reason of the owner having attended or testified as a witness and without the owner's consent.

**2.** Intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into, or threatens to mark, draw or write on or etch into, any physical property owned by a family member of a witness or by a person sharing a common domicile with a witness by reason of the witness having attended or testified as a witness and without the owner's consent.

**(3)**

**(a)** In addition to any other penalties that may apply to a crime under this section, the court may require that a convicted defendant perform 100 hours of community service work for an individual, a public agency or a nonprofit charitable organization. The court may order community service work that is designed to show the defendant the impact of his or her wrongdoing. The court shall allow the victim to make suggestions regarding appropriate community service work. If the court orders community service work, the court shall ensure that the defendant receives a written statement of the community service order and that the community service order is monitored.

**(b)** Any individual, organization or agency acting in good faith to whom or to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.

**(c)** This subsection applies whether the court imposes a sentence or places the defendant on probation.

**(d)** If the defendant is not placed on probation and the court orders community service work, the court shall specify in its order under this subsection the method of monitoring the defendant's compliance with this subsection and the deadline for completing the work that is ordered. The court shall inform the defendant of the potential penalties for noncompliance that would apply under s. 973.07.

**(4)** If more than one item of property is marked, drawn or written upon or etched into under a single intent and design, the markings, drawings or writings on or etchings into all of the property may be prosecuted as a single crime.

**(5)** In any case under this section involving more than one act of marking, drawing, writing or etching but prosecuted as a single crime, it is sufficient to allege generally that unlawful marking, drawing or writing on or etching into property was committed between certain dates. At the trial, evidence may be given of any such unlawful marking, drawing, writing or etching that was committed on or between the dates alleged. [HomeChapter22](#)

## ORDINANCE 22.10

### HARASSING OR OBSCENE TELEPHONE CALLS

Whoever of the following, within the Town of Dunbar, shall be subject to the penalty as provided in this Chapter:

- A. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
- B. Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten, or harass any person at the

called number or numbers;

C. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;

D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;

E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;

F. In conspiracy or concerted action with other persons, makes repeated calls simultaneous calls solely to harass any person at the called number of numbers. **Bond \$240.00 Adopting State Statute 947.012**

**Unlawful use of telephone.**

**(1)** Whoever does any of the following is guilty of a Class B misdemeanor:

**(a)** With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

**(b)** With intent to frighten, intimidate, threaten or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

**(c)** Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse or threaten any person at the called number.

**(2)** Whoever does any of the following is subject to a Class B forfeiture:

**(a)** With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

**(b)** Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

**(c)** Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

**(d)** Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

**(e)** Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section. [HomeChapter22](#)

ORDINANCE 22.11

DOGS DOMESTIC ANIMALS AT LARGE

**That, pursuant to Wis. Stat. 174.042 Dogs running at large and untagged dogs subject to impoundment; penalties.**

174.042(1) (1) Dog running at large.

(a) Except as provided in par. (b), a dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(b) A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(2) UNTAGGED DOG. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(3) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT. An officer, town chairman or his designee shall attempt to capture and restrain any dog running at large or any untagged dog and may enforce this ordinance, including full authority of issuing a citation under Wis. Stat. 60.0113.

(4) PENALTIES. If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$150 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses.

**That, pursuant to Wis. Stat. 174.042 Owner's liability for damage caused by dog; penalties; court order to kill a dog.**

(1) LIABILITY FOR INJURY.

(a) *Without notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.

(b) *After notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the dog biting a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement if the owner was notified or knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

(2) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.

(a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than \$2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more than \$5,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(c) *Penalties in addition to liability for damages.* The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.

**(3) COURT ORDER TO KILL A DOG.**

(a) The state, any municipality, or a person who is injured by the dog, whose minor child was injured by the dog, or whose domestic animal is injured by the dog may commence a civil action to obtain a judgment from a court ordering an officer to kill a dog. The court may grant the judgment if the court finds both of the following:

1. The dog caused serious injury to a person or domestic animal on 2 separate occasions off the owner's property, without reasonable cause.

2. The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.

(b) Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.

**(4) LAW ENFORCEMENT DOGS.**

(a) In this subsection, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(b) The owner of a dog that is used by a law enforcement agency is not liable under sub. (1) for damages caused by the dog to a crime suspect while the dog is performing law enforcement functions.

(c) Subsection (2) does not apply to the owner of a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

(d) Subsection (3) does not apply to a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

**That, pursuant to Wis. Stat. 172.01 Animals not to run at large.** No stallion over one year old, nor bull over 6 months old, nor boar, nor ram, nor Billy goat over 4 months old shall run at large. If the owner or keeper of an animal described in this section, for any reason, permit the animal to run at large, the owner or keeper shall forfeit \$5 to the person taking up the animal and shall be liable in addition for all damages done by the animal while at large, regardless of whether the animal's escape was the fault of the owner or keeper. The construction of any fence enumerated in s. 90.02 does not relieve an owner or keeper from liability for any damage committed by an animal described in this section upon the enclosed premises of an adjoining owner.

**(1) PENALTIES.** If the owner of any animal described above negligently or otherwise permits the animal to run at large or be unsecured on property owned or leased by them, the owner shall forfeit not less than \$150 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses.

**"Dog Catcher Clause"**

- A. Dog Catcher. For purposes of the Town of Dunbar, the “officer” responsible to catch dogs is the “person designated by the governing body of the town under state statute 95.21(1)(b).
- B. Restraining action against dogs.
- (1) KILLING A DOG.**
- (a)** A person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and:
1. Other restraining actions were tried and failed; or
  2. Immediate action is necessary.
- (b)** A person may intentionally kill a dog if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the dog and the dog is on property owned or controlled by the person and:
1. Other restraining actions were tried and failed; or
  2. Immediate action is necessary.
- C. Dogs running at large, and untagged dogs are subject to impoundment under state statute 174.042. A dog is untagged if it does not have a valid tag on a collar and the dog is outdoors and not securely confined in a fenced area. Whenever a dog is off the premises of its owner and not under the control of the owner or some other person it is considered to be running at large. A dog is not considered at large when someone is at least monitoring the dog as it is engaged in a legal hunting activity, including training, on land open for hunting or with the permission of a landowner.
- D. A captured dog will be kept in a pound facility. The Town of Dunbar may either operate its own or contract with someone else under state statute 173.15. A dog that is never claimed by an owner after 7 days is considered unclaimed. A dog is also treated as unclaimed when its owner is known yet that owner will not comply with the requirements to get the dog back. The requirements include prepayment of licensure for unlicensed dogs, necessary vaccinations and paying all charges for custody, care, vaccination and treatment. An unclaimed dog has to be kept for at least seven (7) days unless the owner files a petition in circuit court to claim that the dog was wrongfully taken under state statute 173.19. After the seven (7) days a dog can possibly be given to a new owner, given to certain universities for scientific or educational purposes or it can be euthanized. Under state statute 173.23(1m) (c).
- E. The person euthanizing an animal is not liable for any damages resulting from the animal’s death if the person has reasonable grounds to believe that the statutes or a court order authorized the euthanizing under state statute § 173.25.
- F. The Town of Dunbar has no legal obligation to chase cats, rabbits, parakeets, etc., only dogs that are either running at large or untagged. If an animal is believed to be rabid, the town shall call the Marinette County Sheriff’s Department, especially, if the town believes the animal has bit a person and maybe infected with rabies or has been in contact with a rabid animal under state statute 95.21(4). If someone is

bitten by a dog or a cat, and you have reason to believe that the dog or cat is likely to have rabies the animal by law must be quarantine. The animals shall be under strict isolation under the supervision of a veterinarian for at least 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 intervening day. [HomeChapter22](#)

## ORDINANCE 22.12

### CITATION AUTHORITY

The Town of Dunbar herein adopts state statute 66.0113 in its procedure in developing and issuing citations for ordinance violations of Chapter 22, within the jurisdictional boundaries of the Town of Dunbar. It is also herein declared that the Town of Dunbar Chairman, Supervisors or their designee have the authority given to them by state statute 66.0113 to issue citations on behalf of the Town of Dunbar for violations of Chapter 22, within the jurisdictional boundaries of the Town of Dunbar. **Adopting State Statute 66.0113 Citations for certain ordinance violations.**

**(1)** ADOPTION; CONTENT.

**(a)** Except as provided in sub. (5), the governing body of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may by ordinance adopt and authorize the use of a citation under this section to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

**(b)** An ordinance adopted under par. (a) shall prescribe the form of the citation which shall provide for the following:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
  - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
  - b. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
  - c. That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, 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.



**d.** That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under sub. (3) (d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814.

**e.** That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093.

**8.** 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 or she read the statement required under subd.7. and shall send the signed statement with the cash deposit.

**9.** Such other information as may be deemed necessary.

**(c)** An ordinance adopted under par. (a) shall contain a schedule of cash deposits that are to be required for the various ordinance violations, plus costs, fees, and surcharges imposed under ch. 14, for which a citation may be issued. The ordinance shall also specify the court, clerk of court, or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

**(2)** ISSUANCE; FILING.

**(a)** Citations authorized under this section may be issued by law enforcement officers of the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district. In addition, the governing body of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district may designate by ordinance or resolution other county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue citations may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employee shall be revoked in the same manner by which it is conferred.

**(b)** The issuance of a citation by a person authorized to do so under par. (a) shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits, if directed to do so, and for the purposes of sub. (3) (b) and (c). Issuance and filing of a citation does not constitute commencement of an action. Issuance of a citation does not violate s. 946.68.

**(3)** VIOLATOR'S OPTIONS; PROCEDURE ON DEFAULT.

**(a)** The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time, and to the court, clerk of court, or other official specified in

the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, but the cash deposit may be retained for application against any forfeiture or restitution, plus costs, fees, and surcharges imposed under ch. 814 that may be imposed.

**(b)** If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest, or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty, and impose a forfeiture, plus costs, fees, and surcharges imposed under ch. 814. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

**(c)** If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no additional costs, fees, or surcharges may be imposed against the violator under s. 814.78. If the court rejects the plea of no contest, an action for collection of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, may be commenced. A city, village, town sanitary district, or public inland lake protection and rehabilitation district may commence action under s. 66.0114 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814.

**(d)** If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under par. (e) or the county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district may commence an action for collection of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814. A city, village, town sanitary district, or public inland lake protection and rehabilitation district may commence action under s. 66.0114 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814. If the court considers the

nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 days from the date of the judgment to pay any forfeiture, plus costs, fees, and surcharges imposed under ch. 814. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court shall reopen the judgment, accept a not guilty plea and set a trial date.

(e) A judgment may be entered under par. (d) if the summons or citation was served as provided under s. 968.04 (3) (b) 2 or by personal service by a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district employee.

(4) RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a citation under this section does not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section does 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 does not preclude the issuance of a citation under this section.

(5) MUNICIPAL COURT. If the action is to be in municipal court, the citation under s. 800.02 (2) shall be used. [HomeChapter22](#)

#### ORDINANCE 22.13

#### DISPOSAL OF ABANDONED PROPERTY

The town of Dunbar herein adopts state statute 66.0139 in its procedure in disposing of abandoned property within the jurisdictional boundaries of the town of Dunbar.

#### **Adopting State Statute 66.0139 Disposal of abandoned property.**

(1) In this section, "political subdivision" means a city, village, town or county.

(2) A political subdivision may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days, after the taking of possession of the property by an officer of the political subdivision by any means determined to be in the best interest of the political subdivision. If the property is not disposed of in a sale open to the public, the political subdivision shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of disposal of the property. Any means of disposal other than public auction shall be specified by ordinance. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the treasury of the political subdivision.

**(3)** A political subdivision may safely dispose of abandoned or unclaimed flammable, explosive, or incendiary substances, materials, or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession of the substances, materials, or devices without a public auction. The political subdivision, by ordinance or resolution, may establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances, materials, or devices that have a commercial value in normal business usage and do not pose an immediate threat to life or property. If enacted, a disposal procedure shall include a presumption that if the substance, material, or device appears to be or is reported stolen, an attempt will be made to return the substance, material, or device to the rightful owner.

**(4)** Except as provided in s. 968.20 (3), a 1st class city shall dispose of abandoned or unclaimed dangerous weapons or ammunition without a public auction 12 months after taking possession of them if the owner has not requested their return. Disposal procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, a disposal procedure shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the rightful owner. The dangerous weapons or ammunition are subject to sub. (5).

**(5)** A political subdivision may retain or dispose of any abandoned, unclaimed or seized dangerous weapon or ammunition only under s.968.20. [HomeChapter22](#)

#### ORDINANCE 22.14

#### PROVISIONAL OPERATOR'S LICENSE ISSUANCE

1. PURPOSE. This ordinance allows for issuance of a provisional operator's license to those applying for a regular operator's license for the service or sale of alcoholic beverages. A provisional operator's license may only be issued to:

- a. Those persons that have not completed a responsible beverage service course. At the time of application, the applicant for a provisional operator's license must present proof that the applicant is enrolled in a training course under s.125.17(6), Wis. Stat.
- b. Those persons, who, at the time of application and payment for an operator's license, present a certified copy of a valid operator's license issued by another Wisconsin municipality.
- c. Those persons who, at the time of application and payment for an operator's license, meet the requisite training requirement and wish to

commence work as an operator before the board will be able to meet to decide their application.

2. ELIGIBILITY. Each applicant must be at least 18 years of age and have completed an application form supplied by the town clerk. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet.
3. TERM. The provisional operator's license shall be effective for 60 days from the date of issue, or until a regular operator's license is issued, whichever is sooner.
4. ISSUANCE. Upon written application for an operator's license, the clerk shall conduct a record check for past crimes or arrests. If the applicant has *no* past crimes or arrests, the clerk is authorized to issue a provisional operator's license to the applicant. The town board shall review the issuance of any such provisional operator's license at the next regularly scheduled town board meeting, reserving final approval authority. If the applicant *does* have an arrest or conviction record, the town board must determine whether the provisional operator's license will be issued.
5. FEES. The fee for a provisional operator's license is \$15 (not to exceed \$15 pursuant to s.125.17(5)(c), Wis. Stat.).
6. REVOCATION: The clerk may revoke a provisional operator's license if:
  - a. He or she discovers that the holder of the license made a false statement on the application for the license;
  - b. He or she discovers that the operator license issued by the other Wisconsin municipality is not valid;
  - c. The town board denies the person's application for a regular operator's license.

Upon making the decision to revoke, the clerk shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the town board, upon the applicant's request. When a request for a hearing is made, the board shall follow the general procedures as set forth in s.125.12, Wis. Stat., although no complaint is required. The clerk shall notify the licensee of the board time scheduled for hearing the matter, by mail or hand delivery. Any mail notice in this ordinance is sufficient if mailed via first class mail to the last known address of the licensee, in an envelope containing the return address of the town clerk. No request for a license review hearing is valid when received past the final day the provisional operator's license would have been effective.

[HomeChapter22](#)

ORDINANCE 22.15  
RAZING PERMIT REQUIRED

(1) REGULATION AND PERMIT FOR RAZING BUILDINGS-

(a) Demolition Permit required-

All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Town of Dunbar shall apply for and obtain a demolition permit from the Zoning administrator prior to undertaking any steps to demolish the structure.

(b) Demolition-

The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(c) Clearing and leveling the site-

The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade or the neighboring properties. When so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Zoning Administrator so as to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Zoning Administrator, upon notification by permit holder, the owner or his agent, in writing and upon forms provided by the Zoning

Administrator for that purpose, shall within five (5) days inspect each excavation, or part thereof, before filling any excavation. It shall be unlawful to fill any such excavation without inspection and approval of the Zoning Administrator. Voids in filled in excavations may be filled with material conforming to the specifications for the riprap, rock fill, topsoil or sand. In the event of the unavailability of the Zoning Administrator to conduct an inspection within the five (5) days after proper written notice is given, the permit holder or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the town provided that a written copy of the opinion is delivered to the town clerk/treasurer at least forty-eight (48) hours before filling of the excavation combines.

(d) Removal and Disposal Removal-

Transportation and disposal of all toxic waste, hazardous materials, asbestos and harmful substances shall be conducted in compliance with all applicable state federal and local statutes, ordinances and regulations. The permit holder shall give the Zoning Administrator seventy-two (72) hour written notice prior to any removal, transportation or disposal of hazardous waste, harmful materials, toxic substances and asbestos. All said debris shall be hauled away to an approval disposal site or landfill.

(e) Miscellaneous Provisions-

- A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing, operations.
- Razing permits shall lapse and be void unless the work authorized thereby commenced within six (6) months from the date thereof or completed within thrifty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Zoning Administrator.
- All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfilling but shall be hauled away.
- There shall not be any burning of materials on the site of the newbuilding.
- If razing or removal operations under this Section results in, or would likely result in an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

**Penalties Provision-**

Whoever violates any provisions in this ordinance 22.15 whether an individual, company, corporation or their designees shall be subject to a citation of not less than \$250 and not more than \$500 for each and every separate violation. In addition to said citation/s, any individual, company, corporation or their designee shall be responsible for any and all state and federal fines and sanctions imposed on the Town of Dunbar as a result of their failing to abide by the provisions in this ordinance and acting in good faith as to county, state and federal laws, rules and regulations regarding the razing of buildings, the hauling hazardous waste and the disposal of the same.

**Authority-**

The Town of Dunbar Zoning Administrator, The Town Chairman, Town Supervisors or their designees have the authority under this ordinance to issue citations and

commence legal proceeding against any entity in violation of these provisions.  
[HomeChapter22](#)

ORDINANCE 22.16  
BOATING ORDINANCE

1. PURPOSE. This ordinance is enacted to both comply and conform to Wisconsin State Law regarding boating safety and procedures and to provide both the boating enthusiast and adjoining property owners cooperative recreational use of the lakes within the jurisdiction of the Town of Dunbar.

Section 1. Watercraft limitations of Speed

No person, within the Township of Dunbar, Marinette County, Wisconsin shall operate any watercraft, on any lakes less than 50 acres in size, within the Town of Dunbar greater than a speed of Slow-No Wake, so as to not cause a wake. No watercraft, of any kind shall be operated by any motor driven device at more than Slow-No Wake-Speeds.

Section 2. Operation Hours

No person, within the Township of Dunbar, Marinette County, Wisconsin shall operate any watercraft, on any lakes less than 50 acres in size, within the Town of Dunbar between the hours of 11:00 PM and 5:00 AM that is propelled by any combustion engine or motor of any kind having due regard of the towns noise ordinance and the lakes Slow-No Wake-Speed.

Section 3. Penalties

Any person or persons, violating any of the provisions of this chapter, shall, upon conviction forfeit not more than one hundred dollars (\$100.00) plus costs of prosecution, and in default of said payment of the forfeiture and costs be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed thirty days (30).

[HomeChapter22](#)

ORDINANCE 22.17  
CLERK/TREASURER APPOINTED

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, does hereby ordain as follows:

That, pursuant to Wis. Stat. § 60.30(1e) (a), the office of the [Clerk/Treasurer] shall be



filled by appointment of a majority of the members-elect of the town board.

The term of office for the appointed position(s) shall be set by the town board but may not exceed 3 years per § 60.30(1e) (c). The town board may re-appoint the officer(s) for additional terms. However, removal by the town board during a given term of office may only be for “cause” as defined under § 17.001 and required by § 60.30(1e) (f).

This ordinance is subject to approval by the town electors in a referendum, which is hereby called by the Town Board to be held on **NOVEMBER 08, 2016**. (Passed)

The referendum question(s) shall be:

***“Shall the person holding the office of Clerk/Treasurer in the Town of Dunbar be appointed by the town board?”***

The salary of the appointed position(s) shall be set by the town board and may not be reduced during the term of office.

[HomeChapter22](#)

#### ORDINANCE 22.18

#### BUILDING SPECIAL USE PERMITS

#### **22. 18, FAILURE TO OBTAIN BUILDING, SPECIAL USE OR CONDITIONAL PERMIT AS REQUIRED-**

- a. Any person, company, corporation or entity who fails to ascertain a building, special use or conditional use permit as required by the Town of Dunbar Zoning Ordinances, shall upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments and cost for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
  
- b. Any building or structure, within the Town of Dunbar hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of The Town of Dunbar Zoning Ordinances shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly take enforcement action under this ordinance by issuing either a written warning or citation for said violation/s and report all such infractions to the Dunbar Town Board. The Town Board may bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

- c. The Dunbar Town Board retains exclusive authority and ascendency over the issuance of any and all citations issued under Chapter 22 and may dismiss any and all legal actions brought against a person, company, corporation or entity if they find it's in the best interest of all parties involved.

A. Authority- Given under Wis State Statute 66.0113 (2) (a)

The Town Chairperson or his/her designee and the Town Zoning Administrator has full authority to issue citations under this subsection to ensure full compliance of the Town of Dunbar Zoning Ordinances.

B. Forfeiture Schedule-

1<sup>st</sup> Violation- \$250.00 per violation

2<sup>nd</sup> and subsequent Violations- \$500.00 per violation [HomeChapter22](#)

## ORDINANCE 22.19

### CEMETERY RULES

DEFINITIONS

NEW BURIALS

LOT PURCHASE

OWNERSHIP RIGHTS

CARE

RESTRICTIONS

VISITORS

BURIALS

MONUMENTS

TREES SHRUBS FLOWERS

MISCELLANEOUS

PENALTIES

#### SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of Dunbar Town Cemetery Ordinance." The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities in the town.

#### SECTION II - AUTHORITY

The Town Board of the Town of Dunbar has the specific authority under s. 157.50 (2), Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

### SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the town, including cemeteries that are not owned, operated, or controlled directly by the town.

### SECTION IV - DEFINITIONS

In this ordinance:

- A. "Burial" means entombment, inurnment, or interment and "bury" means to entomb, inurn, or inter.
- B. "Cemetery" means any location for burial of human remains in the town.
- C. "Human remains" means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- D. "Lot" means a single grave lot platted in accordance with Section VI, whether or not occupied by a grave.
- E. "Outer burial container" means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.
- F. "Sexton" means a town employee or independent contractor employed or retained by the town board to administer, repair, maintain, manage, and operate a town cemetery or any part of the operations of a town cemetery consistent with this ordinance. In the event no person is specifically designated as "sexton" by the town board, "sexton" means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance.
- G. "Town" means the Town of Dunbar, Marinette, County, Wisconsin.
- H. "Town board" means the board of supervisors for the Town of Dunbar, Marinette County, Wisconsin, and includes designees of the board authorized to act for the board.

I. "Town cemetery" means a municipal cemetery owned, operated, and maintained by the Town of Dunbar, Marinette County, Wisconsin, under s. 157.50, Wis. stats., that is located within the town.

J. "Town chair" means the chairperson of the Town of Dunbar, Marinette County, Wisconsin.

K. "Town clerk" means the clerk of the Town of Dunbar, Marinette County, Wisconsin.

L. "Town treasurer" means the treasurer of the Town of Dunbar, Marinette County, Wisconsin.

M. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

#### SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### SECTION VI - STATEMENT OF POLICY

Every town cemetery is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in a town cemetery. This ordinance adopted pursuant to s. 157.50 (2), Wis. stats., governs the construction, management, administration, platting, maintenance, and operation of any town cemetery and of any new cemetery or expanded cemetery of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries. [ORD2219](#)

#### SECTION VII - NEW BURIALS, CEMETERIES, AND CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

A. Platting. Before any new block of any existing town cemetery or any other new or expanded cemetery in the town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the town board or the sexton

for a town cemetery and any person or agent for any other cemetery in the town that is subject to s. 157.065, Wis. stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Marinette County, Wisconsin, in accordance with s. 157.065, Wis. stats.

B. Single grave section. The town board or the sexton shall designate, for any town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under chapter 157, Wis. stats., for nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.

C. Purchase of new lands. The town board or the sexton shall not purchase any land for cemetery purposes without approval of the electors of the town at a regular or special town meeting.

D. New or expanded cemeteries. 1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the town, after the date of adoption of this ordinance, without written permit approval of the town board or cemetery committee. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under chapter 985, Wis. stats. Any new or expanded cemetery to be approved by the town board shall be, at minimum, properly platted and filed with the town clerk and recorded in the Office of the Register of Deeds for Marinette County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. stats. The minimum cemetery acreage must be at least 5 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance. The town board may require that the following criteria be met for approvals of permits: [list].

Written application to the town board or cemetery committee.

2. After the date of adoption of this ordinance, any place in the town where human remains are buried on private or public land without written permit approval of the town board and not timely removed within 30 days after receipt of written notice from the town board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this ordinance, the town may take action to abate the nuisance and recover its costs of doing so, as provided in the town Public Nuisance Ordinance.\*\* This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats., and this ordinance. [ORD2219](#)

## SECTION VIII - PURCHASE OF LOTS IN TOWN CEMETERY

A. Price of lots. The town board shall from time to time by resolution fix a price on all lots to be sold for burials in any town cemetery.

B. Sales of lots. 1. Persons, or their authorized agents, desiring to purchase a lot in any town cemetery for burial are referred to the town board, town clerk, or sexton. The town board, town clerk, or sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The town board, town clerk, or sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the town clerk. Upon receipt of proper payment to the town treasurer, the town chair and town clerk shall issue a cemetery lot deed to the lot in the form prescribed by the town attorney. The original deed from the town and the records of the cemetery kept by the town clerk or other designee of the town board are the only evidence of title to any lot. The deed shall be signed by the town clerk and town chair or other persons so designated by the town board and sealed and acknowledged to entitle the purchaser to record the deed with the Register of Deeds for Marinette County, Wisconsin.

2. Persons conveying any cemetery lot in any town cemetery shall comply with s. 157.08, Wis. stats., and this ordinance. [ORD2219](#)

#### SECTION IX - OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

A. Ownership conditions. 1. The owner of a town cemetery lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this ordinance or any town cemetery bylaws and regulations.

2. Upon full payment by any person of the purchase price of a town cemetery lot, the town clerk and town chair shall issue a cemetery lot deed, under seal, as provided in Section VIII, subsection B., and a copy of the deed shall be filed in the records of the town as evidence of ownership of the lot. Lots for which lot deeds have been issued by the town may not be subdivided except by consent in writing of the town board.

3. All reposessed vacant lots in any town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

B. Burial. 1. In this subsection, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.

2. Any lot owner at any town cemetery acquires the lot solely for burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is

entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the town clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.

3. Unless otherwise directed in a writing filed with the town clerk by the lot owner under paragraph 2, the town board or the sexton shall permit the burial of persons at any town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:

a. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.

b. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the town clerk.

c. If no agreement under subdivision b. is filed, the town board or the sexton may determine use, giving preference to relatives in the order listed in paragraph 1. \*

C. Ownership rights. All burial rights in the cemetery lots located at any town cemetery and purchased from the town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent's estate must be delivered to the town clerk before the town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the town cemetery lots and devise the lots to one person.

D. Resale. Lot owners may not resell or transfer lots or parts of lots in any town cemetery except as follows:

1. Reconveyance of lots or parts of lots may be made only upon written application filed with and approved by the town clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The application shall state the section, lot and block number. Upon approval by the town clerk, the owner of the lot shall execute a deed in the same form as an original deed from the town under Section VIII, subsection B, to entitle the purchaser to record the deed with the Register of Deeds for Marinette County, Wisconsin.

2. The town clerk shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots. No deed reconveyance may be received and filed by the town clerk until a fee of \$25.00 has been paid therefor.

3. The fee shall be deposited into the general town cemetery fund.

E. Reburial. 1. In this subsection, "reburial" means to disentomb, disinurn, or disinter human remains that are buried in a cemetery and reentomb, reinurn, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.

2. Any reburial of any person buried in a town cemetery, or in any other cemetery in the town, shall comply with the provisions of s. 157.112, Wis. stats. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A county authorization for disinterment and reinterment shall be required prior to any reburial under s. 69.18 (4), Wis. stats.

F. Use of repossessed lots. Whenever possible, lots repossessed under chapter 157, Wis. stats., in any town cemetery will be resold and used for burials before new areas of the cemetery are used or platted. [ORD2219](#)

## SECTION X - CARE OF LOTS AT THE TOWN CEMETERY

A. Perpetual care fund for town cemetery. In order to assure reliable means for permanent care of town cemeteries, a perpetual care fund is created for town cemeteries. Income from this fund shall provide all or partial maintenance costs of the town cemeteries. All lots sold in any town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under subsection B. A record of the perpetual care fund shall be kept in the office of the town clerk. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to s. 157.11 (8) and (9), Wis. stats.

B. Perpetual care. The town assumes to use the net annual income received from the investments of the perpetual care fund under subsection A in furnishing perpetual care of graves in town cemeteries. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the town board or the sexton. The town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund of the town and the proceeds from the fund used by the town as provided in this



subsection. Nothing in this ordinance shall be construed as obligating the town as to any alleged existing contract as to perpetual care. The town board shall operate and maintain the town cemetery to provide proper and decent care of town cemeteries and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.

C. Costs of care fixed. The town board shall annually fix, as required under s. 157.11 (5), Wis. stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any town cemetery to be paid from the following sources as determined by the town board:

1. Payments from Marinette County to the town for veteran's graves under subsection F and s. 45.84, Wis. stats.
2. Income of the perpetual care fund.
3. Assessments made under subsection D.
4. A tax levied by the town board.

D. Assessments against unoccupied lots. The town board may annually assess upon town cemetery lots not occupied by graves amounts not to exceed the amounts reasonably required for actual and necessary costs for care of cemetery lots and care and improvement of the cemetery pursuant to s. 157.11 (7), Wis. stats. Notice of the assessment, along with a copy of s. 157.11, Wis. stats., shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last-known post office address, directing payment to the cemetery authority within 30 days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for 2 consecutive years or more for which assessments are unpaid, after notice as provided in s. 157.11 (2), Wis. stats., the right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for 5 consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the town, as cemetery authority, and may be sold, the payment of principal to be deposited into the perpetual care fund. Before depositing the payment of principal into the perpetual care fund, the cemetery authority may retain an amount necessary to cover the cemetery authority's administrative and other expenses related to the sale, but the amount retained may not exceed 50% of the proceeds.

E. General improvements. The town board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The town board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded, or grass planted and mowed, when determined

necessary by the town board or the sexton. The grade of the cemetery lots shall be determined by the town board or the sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the town board or the sexton. Resodding or planting of grass of existing graves or following disinterment will be done when determined necessary by the town board or the sexton.

F. Veterans graves. 1. Pursuant to s. 45.85, Wis. stats., the town board shall always see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.

2. Pursuant to s. 45.85 (1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided, and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The town board shall report to the Marinette County Clerk, on or before September 1 of each year, the locations of the graves cared for by the town board under s. 45.85, Wis. stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30. [ORD2219](#)

## SECTION XI - PRIVILEGES AND RESTRICTIONS IN TOWN CEMETERIES

A. Bylaws and regulations. The town board may adopt bylaws and regulations for the management and care of any town cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. stats. The town board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. stats., in the county. If the person fails to comply within 20 days thereafter, the town board may cause the action required to be done and recover the expense from the person required to take the action. The town board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under chapter 778, Wis. stats.

B. Mounds prohibited. No person may raise the level of the earth over any grave in a town cemetery above the general level of the cemetery lot.

C. Limitations on structures and urns. 1. In this subsection "urn" means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the town board or sexton, that it cannot be readily moved from its placement on the

lot. "Urn" does not include a vessel containing cremated human remains properly inurned on the lot.

2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the town board or the sexton, and if so placed may be removed by the town board or the sexton without oral or written notice. Urns are not permitted at any town cemetery on lots sold after the passage of this ordinance. Urns existing in town cemeteries prior to the passage of this ordinance shall be removed by the town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the town clerk that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

D. Landscaping. All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the town cemetery shall be performed by the town by its officers, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the town board.

F. Access to lots; opening and closing of burial places. The town reserves the right for its officers, employees, contractors, and agents, including the sexton and the town board, necessary to the performance of normal town cemetery operations to enter upon or cross over any lot in any town cemetery in the performance of any duties or work necessary under this ordinance. The town board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the town cemetery, unless so ordered by a court of record to open or close such places.

G. No assumption of liability for damages. The town, and its officers, employees, contractors, and agents, including the sexton and the town board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any town cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a town cemetery.

H. Altering physical conditions. The town board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any town cemetery.

I. Enforcement of regulations and ordinance. The town board may appoint, with citation issuance and service powers, any employee or agent of the town, including the sexton, cemetery committee chairperson to administer and enforce its town cemetery bylaws and regulations and this ordinance. [ORD2219](#)

## SECTION XII - RULES FOR VISITORS TO TOWN CEMETERIES

A. Visiting hours. Every town cemetery shall be open to visitors always between the hours of 08:00 AM and one-half hour after the official sunset. Permission to enter any town cemetery at any other time must be obtained from the town board or the sexton.

B. Children. Children under 16 years of age shall not enter upon any town cemetery except when accompanied by parents or guardians, unless this requirement is waived in writing by the town board or the sexton.

C. Refreshments. Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited within any town cemetery.

D. Dogs and other animals. Dogs are permitted in any town cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the town cemetery. All other pets or domestic animals are prohibited without written consent of the town board or the sexton, except a service animal other than a dog accompanying a person with sight-impairment or other disability while in the town cemetery.

E. Firearms. Firearms are prohibited in any town cemetery except in conjunction with military funerals or specific memorial events permitted by the town board, the sexton, or other designees of the town board. At all other times, firearms, bows and arrows, slingshots, and other like articles are prohibited.

F. Visitors. 1. Visitors to town cemeteries are required to use existing walkways and roadways whenever possible.

2. Except as provided in Section XVI, no person in any town cemetery may do any of the following:

- a. Pick or cut any flowers, either wild or cultivated.
- b. Injure any shrub, tree, or plant.
- c. Mar or deface any monument, stone, or structure.

3. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the written consent of the town board or the sexton who is engaged in official cemetery management and care duties for the town, may do any of the following in a town cemetery:

- a. Damage any grave or lot.
- b. Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
- c. Remove, damage, or destroy any vases, flowerpots, urns, or other objects that have been placed on any cemetery lot.
- d. Move or remove any cemetery equipment without the written consent of the town board or the sexton.
- e. Remove or damage any town cemetery property not included within subdivisions a. to d.

4. a. In this paragraph, "recreational activity" means any activity undertaken for the purpose of exercise, relaxation, or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature study, dancing, bicycling, horseback riding, horseshoe pitching, birdwatching, motorcycling, operating an all-terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight and fitness training, sightseeing, rock climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and any other sport, game, or educational activity.

b. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity on any town cemetery property without the written consent of the town board or the sexton.

G. Vehicles. 1. Motor vehicles traveling within any town cemetery may not exceed 15 miles per hour. No motor vehicle, except authorized maintenance vehicles for the town, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery.

2. No person may ride, operate, or make use of any of the following vehicles in any cemetery unless the vehicles are present in conjunction with the town cemetery business or are authorized in writing by the town board or the sexton:

- a. Snowmobiles.
- b. Go-carts.
- c. All-terrain vehicles.
- d. Mopeds.
- e. Motor bicycles.
- f. Motorcycles.
- g. Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

3. No person, without the written consent of the town board, or the sexton, may park or abandon any motor vehicle in any town cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on any town cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more than 24 hours, without written consent of the town board or the sexton, shall be declared abandoned by the town board and may be towed or removed, or caused to be towed or removed, by the town board or the sexton.

I. Protection of cemetery property. No person without written consent of the town board or the sexton may do any of the following:

1. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt, kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.
2. Climb any tree.
3. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any town cemetery, except as otherwise provided in this ordinance.

J. Littering, soliciting, and advertising prohibited. No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, in any town cemetery without the written consent of the town board or the sexton.

K. Sound devices. No person may operate or play any amplifying system or sound device in any town cemetery without the written consent of the town board or the sexton.

L. Authorized notices. No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any town cemetery, except with the written consent, or at the direction, of the town board or the sexton. No person shall remove, deface, or damage in any manner any sign or notice posted in any town cemetery by or at the direction of the town board or sexton unless approved by the town board or the sexton.

M. Working in cemetery. All contractors or other persons having work in the town cemetery shall notify the town clerk or the sexton prior to commencement of the work. All contractors or others doing work in the town cemetery are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the town board, pay that sum to the town board. [ORD2219](#)

### SECTION XIII - TOWN CEMETERY BURIALS

A. Daylight burials. Burials at any town cemetery shall be made only during daylight hours, unless with written approval of the town board or the sexton.

B. Outer containers. All burials and reinterments, at any town cemetery, shall be made in a permanent outer burial container not constructed of wood.

C. Grave digging. All graves at a town cemetery and any other cemetery in the town to be used for burials shall be opened and dug at no cost or expense to the town but shall be under the direction of the town board or the sexton. The minimum depth of graves shall be established by the town board from time to time and all graves shall be dug in strict conformity with the town board policy then in effect. The town board or the sexton may charge the full cost for any grave digging and opening service provided by the town at any town cemetery, including the fees for the sexton or other designee of the town board, for staking the plot, if the town board has authorized the town or its officers, employees, contractors, or agents, including the sexton or other designees, to provide grave staking, grave openings, or digging services. The town board or the sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the town, shall be made with the town clerk, the sexton, or other person designated by the town board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled, and all surplus

earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the town clerk or the sexton.

D. Burial permit. No burial in the town cemetery shall be permitted until a legal burial permit has been issued by the town clerk or the sexton.

E. Maintenance of flowers, wreaths, and other personal items at burial sites. There shall be no responsibility on the part of the town, its officers, employees, contractors, or agents, including the sexton or other designees of the town board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed at any town cemetery in conjunction with funerals or burials, including disinterments, or memorial events. The town board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each town cemetery.

F. Number of graves per lot. No lot at any town cemetery may be used for the burial of more than one body except in the following circumstances:

1. Three remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones.
2. One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones.
3. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.

G. Seasonal burial; duty to bury. The town board or the sexton shall provide for cemetery services and burials at any town cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. stats. However, the town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this ordinance, state law, and any bylaws and regulation established by the town board. The town board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services. [ORD2219](#)

#### SECTION XIV - TOWN CEMETERY MONUMENTS AND MARKERS

A. Setting grave markers. 1. Grave markers, monuments, and foundations at any town cemetery may be set only after the person desiring to set the marker, monument, or foundation obtains a permit therefor from the office of the town clerk or the sexton. Grave markers, monuments, and foundations at the town cemetery may be set by



monument company employees or town employees designated by the cemetery committee or town board. They may construct monument or marker bases or erect monuments or markers on bases.

2. All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the town board or the sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.

3. The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials, within any town cemetery is subject to the supervision and control of the town board or the sexton. Unless special arrangements are made in writing with the town board or the sexton, such work shall be conducted between the hours of 08:00 AM and 04:00 PM, Mondays through Fridays, except national holidays. Truck operation is not permitted within any town cemetery when, in the opinion of the town board or the sexton, the truck operation may cause damage to the driveways or other town cemetery property. Except with written permission of the town board or sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

B. Limitations. All of the following apply to monuments and markers in town cemeteries:

1. The town board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a town cemetery. The size of any monument or stonework must be provided to the town board or the sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot in a town cemetery.

2. Only one monument or marker shall be allowed per lot.

3. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the town board or the sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 5 feet in height.

4. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.

5. A preneed marker may be placed on a lot or group of lots before burial.

6. No materials other than granite, marble, or standard bronze may be used for outside and above-ground portions of any marker or monument.

7. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The town board or the sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the town treasurer to insure timely placement of a proper marker or monument. The town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.

C. Removal of monuments. A marker or monument, once placed at a town cemetery on its foundation, may not be removed, except by written permission of the town board or the sexton.

D. Payment. Any lot at a town cemetery must be paid in full to the town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

[ORD2219](#)

#### SECTION XV - TOWN CEMETERY VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums in any town cemetery is prohibited unless approved in writing by the town board.

#### SECTION XVI - TREES, SHRUBS, AND FLOWERS AT TOWN CEMETERY

A. Tree and shrub planting. The planting at any town cemetery of trees and shrubs on newly purchased lots or parts of lots is prohibited except by written consent of the town board or the sexton.

B. Large tree removal. Lot owners may, with the written consent of the town board or the sexton, remove large trees on or adjacent to cemetery lots in any town cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.

C. Fresh flowers and flags. All flower baskets at grave or lot sites at a town cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in any town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. All flags placed on graves for Memorial Day shall be removed by the day following Flag Day of that year.

D. Potted plants. Potted plants at any town cemetery may be set on lots, without disturbing the sod, if removed within 5 days after being set. If a potted plant is not removed within 5 days of being set on the lot, the potted plant may be picked up and destroyed by the town board or the sexton of the town or removed and preserved for planting within the town cemetery.

E. Artificial flower decorations; baskets. Artificial flower decorations are prohibited in any town cemetery unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the town board or the sexton.

F. Flower beds. Individual flower beds or growing plants other than trees or shrubs are permitted at any town cemetery but must be of a reasonable size as determined by the town board or the sexton. In case of doubt, the town board or the sexton of the town should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of a reasonable size as determined by the town board or the sexton will be removed by the town board or the sexton.

G. Plant or flower removal. Plants or flowers planted in a town cemetery may not be taken up or removed by any person, nor cuttings removed therefrom, without written consent from the town board or the sexton, except that plants in flower beds and growing plants authorized under subsection F may be removed or cut by the person who planted the flower bed or growing plant.

H. Vine, wreath, and memorial removals. Vines that interfere with the proper care of lots or graves or injure or damage the grass will be removed from any town cemetery by the town board or the sexton when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the town board or the sexton. [ORD2219](#)

## SECTION XVII - MISCELLANEOUS

A. Neglected lots. It is urged that lot owners' interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire town cemetery. The town board or the sexton may notify, or attempt to notify, in writing a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under s. 157.11 (2), Wis. stats.

B. Schedule of payments. A schedule of the fees and charges for any town cemetery, as established by the town board by resolution shall be on file in the office of the town

clerk. The town board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.

C. Fee payment location. All fees and charges for any town cemetery in the current schedule of fees and charges adopted under subsection B are payable to the town treasurer at the office of the town clerk, where receipts will be issued for the amounts paid.

D. Sexton. The town board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance. The sexton may be a town employee or may, with proper insurance and indemnification protection for the town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The town board, consistent with this ordinance, shall designate the authority, responsibility, and duties to the sexton by written resolution. The town board shall be responsible for proper supervision of the sexton.

E. Amendment of ordinance. The town board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the town board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing. [ORD2219](#)

## SECTION XVIII - PENALTIES

A. Citation. The town board hereby establishes a citation procedure under this ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.

B. Penalties. Any person who violates any provision of this ordinance or any bylaws or regulations shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation under this ordinance and s. 157.11 (2), Wis. stats., not more than \$250.00 for the first violation and not more than \$500 for each subsequent offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The town board may withhold the issuance of any town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

C. Abatement. 1. In lieu of or in addition to any other penalty for a violation of this ordinance, if the violation consists of a physical condition, the town board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to [abate or remove] the violation within 30 days of receipt of the notice. Service of notice shall be by personal service or registered mail with return receipt requested.

D. Authority. Given under Wis State Statute 66.0113 (2) (a)  
The Town Chairperson or his/her designee, the Cemetery Committee Chairperson or Sexton has full authority to issue citations under this subsection to ensure full compliance of the Town of Dunbar Cemetery rules, regulations and cemetery ordinances.

2. If the person responsible for the violation of this ordinance is unknown or the person responsible has not [abated or removed] the violation within 30 days of receipt of the notice described in paragraph 1., the sexton, or some other person designated by the town board, may immediately abate or remove the violation in a manner approved by the town board. The cost of the abatement or removal may be recovered from the person responsible for the violation.

D. Injunctive relief. In lieu of or in addition to any other penalty for a violation of this ordinance the town board may seek to enjoin any continuing violation of this ordinance as provided in Ch. 813, Wis. stats. [ORD2219](#)

[ORDINANCE 22.20](#)  
BROADBAND FORWARD

**Chapter 1**

Broadband Network Project Applications

**SECTION 1. GENERAL PROVISIONS.**

Purpose and policy-

The purpose of this chapter is to encourage the development of broadband access in the Town of Dunbar by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforestated purpose.

Definitions- In this chapter:

- (1) "Applicant" means a person applying for a permit for a broadband network project.
- (2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Dunbar.
- (3) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (4) "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

Point of contact-

The Town of Dunbar shall appoint a single point of contact for all matters related to a broadband network project. The Town of Dunbar shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project applications.

**SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.**

An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

**SECTION 3. REVIEW OF APPLICATIONS.**

Notwithstanding any other provision in the Town of Dunbar ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

Completeness review.

Upon receiving a broadband network project application, the Town of Dunbar shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by the Town of Dunbar in writing within 10 calendar days of receiving an application. If the Town of Dunbar does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.
- (2) If the Town of Dunbar determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not

complete. The applicant may resubmit an application as often as necessary until the application is complete.

#### Approval or denial of complete applications-

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the Town of Dunbar shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Dunbar does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If the Town of Dunbar denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

#### **SECTION 4. FEES.**

Any fee imposed by the Town of Dunbar to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable. [HomeChapter22](#)

### **ORDINANCE (22.21)** **CAMPING UNIT PERMITS**

#### Purpose

The purpose of this ordinance is to regulate the placement of camping units, including camping trailers, motor homes or recreational mobile homes located within the Town of Dunbar except that a camping unit may be placed on a private lot for not more than 15 days in any one calendar year without a land use permit for a private camping unit or a conditional permit thereafter.

#### Definitions

1. Camping trailer- A vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
2. Motor home- A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
3. Recreational mobile home- A vehicle that is or was engineered, designed and constructed originally to be used as a temporary housing when traveling and or for recreational purposes and not intended for year around living quarters. Such vehicles may commonly be termed, but not limited to truck campers, travel trailers or 5th wheel mobile homes.

1. Provisions required to be met before issuing a land use permit for a camping unit on a private lot.
  - a. One unit per lot (parcel). 1 additional unit may be used on lot (parcel) for use, not to exceed 9 days per calendar year.
  - b. Must have onsite sanitary facilities meeting the Marinette County Sanitary Ordinance and requirements of the Wisconsin Administration Code.
  - c. No camping unit shall be less than 75 feet from the ordinary high.
  - e. Camping unit/recreational vehicle shall be registered and licensed annually by the Wisconsin Department of Motor Vehicles.
  - f. Camping unit/recreational vehicle shall not be permanently attached to the ground in any manner preventing ready removal and shall not have the wheels (tires) removed except for repair, preventing ready removal.
  - g. Camping unit/recreational vehicle shall have no permanent addition attached to said unit or vehicle.
2.
  - a. Only one (1) camping unit may be stored on private lots and then only in conjunction with a permanent dwelling. (A Mobile home is allowed under this subsection to store one (1) camping unit.
3. Fees

Fees are to be determined by the Dunbar Town Board. A Bill will be sent out to previous land use purchasers and the amount due on the date stated on bill.
4. Penalties and Violations
  - a. Any camping unit placed on a lot in the Town hereafter without a permit shall be deemed unlawful and in violation of these provisions of this ordinance. The Town Permit Administrator shall act accordingly.
  - b. Any person who violates, disobeys, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$250.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate and additional offense.



## CONTENTS

### (Addendum to 22.21 Camping Units)

#### 1.1 AUTHORITY

#### 1.2 PURPOSE

#### 1.3 SCOPE

#### 1.4 ADOPTION OF WISCONSIN ADMINISTRATIVE CODE SPS 327

#### 1.5 BUILDING INSPECTOR

#### 1.6 BUILDING PERMITS REQUIRED

#### 1.7 BUILDING PERMIT FEES

#### 1.8 PENALTIES

1.9 EFFECTIVE DATE 1.1 Authority. These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

1.2 Purpose. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

1.3 Scope. The scope of this ordinance includes the construction and inspection of a camping unit, 400 square feet or less in area, which is used for overnight camping in a (Department of Health Services) licensed campground.

1.4 Wisconsin Administration Code SPS 327 Adopted. Code SPS 327, Camping Units, and all amendments thereto, is adopted and incorporated by reference and shall apply to all camping units within the scope of this ordinance.

1.5 Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling

Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC, HVAC, UDC Electrical and UDC Plumbing.

1.6 Building Permit Required. If a person constructs a camping unit within the scope of this ordinance, they first shall obtain a building permit for such work

from the Building Inspector. If a town permit is necessary, they shall obtain that permit from the Town's issuing agent also.

1.7 Building Permit Fee. The building permit fee shall be determined by resolution. A UDC state seal is not required for camping units.

1.8 Penalties. The enforcement of this section and all other laws and ordinances relating to camping units shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action.

1.9 Effective Date. This ordinance shall be effective September 08<sup>th</sup>, 2017, upon passage and publication by law.

1.10 The building inspector shall keep a log of all inspections completed.

OR

***SPS 327.06(1)(b) provides an exception to the requirements of this code and allows a municipality to "opt out" from enforcing SPS 327. Understanding that municipalities exercising this exception under sub. (1), the department will oversee (contract) enforcement and inspection services for new camping units.***

Memo- New Code  
SPS 327 Camping Units

2015 Wisconsin Act 49 directed the Division of Industry Services (DIS) at the Wisconsin Department of Safety and Professional Services (DSPS) to adopt rules outside of the Uniform Dwelling Code (UDC) for one- and two-family dwellings, which establish standards for the construction and inspection of camping units set in a fixed location in a campground licensed by the Department of Health Services (DHS) under Wis. Stat. §. 254-47 [so 97.67], that contain a sleeping place, and are used for seasonal overnight camping. This memo intends to clarify questions relating to the administration and enforcement of Wisconsin Administrative Code SPS 327 as it pertains to camping units. SPS 327.08(9) defines a Camping Unit as a framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in area, which is used for seasonal overnight camping in a campground. SPS 327 applies only to the construction of new Camping Units built on or after the effective date of this chapter. The code does not apply to repairs, alterations, or additions. Like the UDC, SPS 327 is a uniform statewide code, thus a local municipality may not adopt an ordinance on any subject falling within the scope of the code.

SPS 327 requires that all municipalities exercising jurisdiction over the UDC for one- and two- family dwellings shall, by ordinance, adopt SPS 327 in its entirety. Per SPS 327.06(1)(a) and 320.06, inspections of camping units will be performed by the certified

UDC inspector employed or contracted with the municipality in which the camping unit is located. SPS 327.06(1)(b) provides an exception to this requirement for municipalities that notify the department, in writing, within 90 days of the effective date

of this code that they are choosing to "opt out" from enforcing SPS 327. In municipalities that exercise this exception under sub. (1), the department will oversee (contract) enforcement and inspection services for new camping units.

Note: Notification of intent to not exercise jurisdiction and certified copies of rescission of ordinances should be sent to Department of Safety and Professional Services, Industry Services Division, PO Box 7302, Madison, WI 53707-7302. This notification must be made by Sunday, May 7, 2017.

Wisconsin camping unit building permits are obtained from and submitted to the municipality administering and enforcing this code or from a registered UDC inspection agency administering and enforcing this code in a municipality where the department has jurisdiction pursuant to s. 101.651 (3) (b), Stats., before any construction of a camping unit may begin. Permits will expire 24 months after issuance if construction of the camping unit has not been completed.

If you have any questions regarding the implementation of SPS 327 for Camping Units, DSPS encourages you to take a look at our website, email us, or call 608-266-2112.

[HomeChapter22](#)

## ORDINANCE (22.22)

### WITHDRAWAL FROM MUTI-JURISDICTIONAL COURT

#### 1. Purpose

The purpose of this ordinance is to terminate the Multi-Jurisdictional Co-op Agreement with the towns of Athelstane, Beecher, Pembine and Niagara and to suspend its ties with the Marinette County Northern Joint Municipal Court System effective August 31st, 2017 AND

Establish its own court system in the Town of Dunbar which is more cost effective, has greater accessibility, accountability and that better serves its community and constituents.

2. Section 755.01(1) Wis. Stats. provides that any municipality may establish a municipal court to be maintained at the expense of the municipality; and
3. Wis. Stats. §755.01(2) states the governing body may abolish a municipal court at the end of any term for which the judge is elected but it may not abolish the court when a joint court agreement is in effect;
4. The Town of Dunbar hereby terminates the multi-jurisdictional cooperative agreement with the townships of Athelstane, Beecher, Pembine and Niagara and suspends its ties with the Marinette County Northern Joint Municipal Court System as required by the

“AGREEMENT FOR THE OPERATION OF THE NORTHERN JOINT MUNICIPAL COURT” Dated May 01, 2010, as well as, any revisions thereafter, state statutes 66.0229, 66.0301 and 755.01(1) & (2).

5. Effective August 31<sup>st</sup>, 2017 and termination on December 31<sup>st</sup>, 2017, as stipulated in the current Co-op agreement bylaws of incorporation dated May 01, 2010. This ordinance supersedes and nullifies any other termination ordinance and or agreement currently in place. [HomeChapter22](#)

## ORDINANCE 22.23

### THEFT

1. Whoever does any of the following may be penalized as provided in (3):

**(a)** Intentionally takes and carries away, uses, transfers, moves, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

**(b)** By virtue of his or her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this paragraph.

**(c)** Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

**(d)** Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

**(e)** Intentionally fails to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement after the lease or rental agreement has expired. This paragraph does not apply to a person who returns personal property, except a motor vehicle, which is in his

or her possession or under his or her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement expires.

**(2) DEFINITIONS.**

**(a)** "Movable property" is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land, including but not limited to, **town signs or town property**.

**(b)** "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

**(c)** "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

**(d)** Except as otherwise provided in this paragraph, value means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less. If the property stolen is a document evidencing a chose in action or other intangible right, "value" means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the property stolen is scrap metal, or "plastic bulk merchandise container" value also includes any costs that would be incurred in repairing or replacing any property damaged in the theft or removal of the scrap metal or plastic bulk merchandise container. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

**(3) PENALTIES.** Whoever violates sub. (1)

**(a)** If the value of the property does not exceed \$2,500, forfeiture is \$250.00.

**(b)** If the value of the property exceeds \$2,500 but does not exceed \$5,000, forfeiture is \$500.00

**(c)** If the value of the property exceeds \$5,000 but does not exceed \$10,000, forfeiture is \$1000.00

**(d)** If the value of the property exceeds \$10,000, forfeiture is \$1,500.00

[HomeChapter22](#)

**ORDINANCE 22.24**

**PARK RULES**

**Applicability and definitions.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates

a different meaning: Park includes any river or lake access site, or any other area owned or supervised by the Town of Dunbar (hereafter referred to as town) and intended for public recreation and public education in conservation and nature study.

(b) This chapter shall apply to all town parks, boat landings and town property.

**General park provisions.**

(1) Except as may be otherwise permitted in this chapter, no domestic animals shall be allowed on town property unless properly licensed and leashed, except:

- a. Horses upon established equestrian trails.
- b. Animal exhibition shows with specific permit issued by the parks supervisor.
- c. Animals that are being displayed as part of a sanctioned event.

(2) No person shall place or leave any rubbish of any nature within any park or property of the Town of Dunbar, except in designated receptacles but in no way is dropping off garbage permissible.

(3) No fires shall be permitted, except in established fireplaces, in portable units set up for purposes of fireplaces or broilers or in areas designated by park officials. Fires shall be doused with water and completely put out after use.

(4) No person shall throw or deposit any type of debris or waste material on or along any town park roadway, park area, boat landing or town property. No person shall throw any missal, circular or pamphlet at occupants of any vehicle or throw or place any missal, circular or pamphlet in or on any vehicle, whether the vehicle is occupied or not.

(5) Reservations may be had by individuals, organizations and groups for a designated area upon previous application to the office of town clerk and fireplaces, tables and benches shall be shared as indicated by the park officials.

(6) No amplification system shall be operated in town parks, boat landing or town property except as may be employed by park personnel or by permit.

(7) No person shall be allowed on park lands, boat landings or town property nor utilize park facilities between the hours of 11:00 p.m. and 7:00 a.m., except by specific permit of the town clerk and town parks department.

(8) Operation of motorized model planes, cars and boats or any rockets are prohibited, unless authorized by the parks director.

(9) No tents without prior authorization from the parks director. Canopies must be limited to 12 feet by 12 feet.

### **Damage to park property prohibited**

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

Damage to any physical property includes injury, destruction or removal of any fruit, shade or ornamental tree or shrub standing or growing within a park, boat landing or town property; serious injury to landscape, tire tracks and ruts; and defacement, breakage, destruction or removal of any town facility, including any building, table, bench, grill, waste disposal barrel, dock, fence, barricade or sign.

(b) Physical property of the town

No person shall intentionally cause damage to any physical property of the town located within any town park, boat landing or town property without the express consent of town officials. In addition, no person shall move or alter any physical property of the town located within any town park, boat landing or town property without the written consent of town officials.

### **Intoxicating liquor restricted**

Under this section, the use of intoxicating liquor and fermented malt beverages shall be restricted as follows:

(1) No person shall possess or sell any intoxicating liquor or any fermented malt beverage in the town park, boat landing or town property without a permit issued by the town clerk. No person shall possess any intoxicating liquor or any fermented malt beverage in any other town venue without a valid permit or license.

(2) No person shall procure for, sell or give away to any person under the legal drinking age any intoxicating liquors in any manner whatsoever within any town park, boat landing or town property.

(3) No person shall procure for, sell, dispense, give away or furnish fermented malt beverages to any person under the legal drinking age not accompanied by a parent, guardian or adult spouse within any town park, boat landing or town property.

(4) No person under the legal drinking age shall possess with intent to consume any intoxicating liquor within any town park, boat landing or town property.

(5) No person under the legal drinking age not accompanied by a parent, guardian or adult spouse shall possess with intent to consume any fermented malt beverage within any town park, boat landing or town property.

(6) No person under the legal drinking age shall falsely represent that he is at least 21 years of age for asking for or receiving or explaining his possession of any intoxicating liquors or fermented malt beverages.

(7) Any intoxicating liquors and all fermented malt beverages possessed by persons under the legal drinking age in violation of subsection (4) or (5) of this section are contraband and shall be subject to seizure by anyone authorized to enforce this chapter.

#### **Possession of controlled substances prohibited.**

(1) No person shall possess any controlled substance as defined in Wis. Stats. ch. 961, including marijuana or hashish, in any town park, boat landing or town property.

#### **Possession and use of weapons restricted**

(1) No person other than a sheriff, constable, police officer or deputy shall fire or discharge any firearm, rifle, spring or air gun of any description or shoot any bow and arrows in any town park, boat landing or town property.

(2) No person other than a person authorized to fire a weapon in subsection (a) of this section shall carry any loaded and/or uncased firearm, rifle, spring or air gun in any town park, boat landing or town property.

(3) No person other than a person authorized to fire a weapon in subsection (a) of this section shall possess any kind of firearm in any town park, boat landing or town property, except as given in the following subsections:

(a) A firearm properly cased in a locked motor vehicle.

(b) A person with a valid hunting license in their possession may have a properly cased weapon for hunting purposes.

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

Camping means any singular or group activity in any town park, boat landing or town property

that would cause a reasonable person to construe such activity as being conducted to establish temporary quarters or lodging in portable shelters, including automobiles, sleeping bags, trailers or tents, in any town park, boat landing or town property.



**Camping allowed only in specified areas.**

No person shall camp in any area other than those specified for such purpose.

The following rules and regulations shall apply to motor vehicles, including snowmobiles, within any town park, boat landing or town property.

(1) No person shall operate any motor vehicle or motor driven cycle faster than 15 mph.

(2) No person shall operate any motor vehicle or motor driven cycle, except upon the established park roadways. Snowmobiles shall be operated on established trails and in designated areas only.

(3) No person shall operate any motor vehicle, snowmobile or motor driven cycle upon any town park, boat landing or town property in a manner that would endanger his person or property or the safety of another's person or property.

(4) No person shall operate a motor vehicle, ATV, snowmobile or motor driven cycle on town park, boat landing or town property while under the influence of an intoxicant or controlled substance or in violation of the provisions of Wis. Stats. chs. 346 and 350.

(5) No person shall park on the grass.

**Fishing, boating and swimming restrictions.**

(1) No person shall utilize or cause to be utilized any town park, boat landing or town property lands or appurtenances for fishing, boating or swimming, except in those areas specifying such use. Trout fishing in the town trout pond is limited to children under the age of 16 and disabled individuals. Definition- An individual with a **disability** is **defined** by the **ADA** as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment statue

(2) Daily limits are set at (2) fish per individual who is legally fishing under this ordinance. Possession of more than (2) fish per day, per individual legally fishing is subject to a fine under this ordinance.

(3) No swimming is allowed at the Dunbar Trout Fishing pond.

**Dog license and identification tags required.**

(1) Dogs brought into any town park, boat landing or town property must be licensed, and have a current rabies vaccination per state law. Such dogs must wear owner identification tags at all times.

(2) Anyone bringing a dog into any town park, boat landing or town property must immediately clean up feces deposited by the dog and must carry a leash and clean up bags with them at all times.

(3) All dogs brought into any town park, boat landing or town property must be on a leash. Aggressive dogs must be removed from any town park, boat landing or town property.

The person bringing a dog into any town park, boat landing or town property is responsible for the actions and behavior of the dog. The person bringing a dog into any town park, boat landing or town property may never leave the dog at the park unattended. The person bringing a dog into any town park, boat landing or town property is responsible for the behavior and control of the dog while at any town park, boat landing or town property. The person bringing a dog into any town park, boat landing or town property must stop the dog from digging holes and must fill any holes created by the dog.

#### **General Provisions-**

(1) No group other than nonprofit groups may use any town park, boat landing or town property for monetary gain. The town clerk or parks supervisor may require proof of the groups nonprofit status and has final approval of the event.

(2) Blow up castles, fun houses, etc., are allowed with a shelter rental but their location must be approved by the parks supervisor prior to their reservation/event. Generators may be required in some cases.

(3) The town board has final approval on whether events that involve large numbers of individuals that require crowd control to prevent them from imposing on the rights of other town park, boat landing or town property users or creating dangerous situations. In some cases, additional security, police, trash removal, additional sanitary facilities and maintenance fee may be required.

(4) Picnic groups of over 30 individuals that don't have a shelter reserved must use the area designated as an overflow area by the park town supervisor. This is to avoid overcrowding and imposing on individuals who have reserved and paid for a shelter.

**Penalty Section.** (1) Whoever violates any provisions in ordinance 22.24 whether an individual, company, corporation or their designees shall be subject to a citation of not less than \$250 for the 1<sup>st</sup> violation and not more than \$500 for each and every subsequent violation. In addition to said citation/s, any individual, company, corporation

or their designee shall be responsible for any and all court and legal fees incurred by the town for prosecution under this section.

**Authority-**

The Town Board of Supervisor, The Town Zoning Administer, the Town Chairman, or the town boards designees have the authority under this ordinance to issue citations and commence legal proceeding against any entity in violation of these provisions.

[HomeChapter22](#)

ORDINANCE 22.25

TOWN OF DLINBAR

RECYCLING ORDINANCE

1.01 TITLE.

Recycling Ordinance for the Town of Dunbar

1.02 PURPOSE

The purpose of this ordinance is to promote recycling through the administration of an effective program, as provided in S I 59. I 1, Wis. Stats, and Chapter NR544, Wisconsin Administrative Code'

1.03 STATUTORY AUTHORITY.

This ordinance is adopted as authorized under s159.09 (03) (b), 60.10 (2) (c); and 61.34 Wis. Stats.

1.04 ABROGATION AND GREATER RESTRICTIONS.

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

#### 1.05 INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply, Where a provision of this in Chapter NR544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the bhupt., NR544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

#### 1.06 SEVERABILITY.

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

#### 1.07 APPLICABILITY.

The requirements of this ordinance apply to all persons within the Town of Dunbar.

#### 1.08 ADMINISTRATION.

The provisions of this ordinance shall be administered by the Town of Dunbar.

#### 1.09 EFFECTIVE DATE.

The provisions of this ordinance shall take effect on January 1, 1995.

#### 1.10 DEFINITIONS.

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

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

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

(a) Is designed for serving food or beverages'

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

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

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

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

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

(7) "Major appliance" means a residential or commercial air-conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, stove, boilers, dehumidifiers, water heaters, commercial and residential furnaces.

Microwaves may now be disposed of in a landfill, after the capacitor has been removed.

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

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

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

(11) "Office-paper" means high grade printing and writing papers from offices.in

non-residential facilities and-properties. printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial waste.

(12) "Other resins or multiple resins" means resins labeled by the SPI Code #7'

(13) "Person" includes any individual, corporation, partnership, association' local government unit, as defined i1566.299 (i) (u), Wis Stats', state agency or authority or federal agency'

(14) "Pete" means polyethylene terephthalate, labeled by the SPI Code #1'

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

(16) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S144'61 (5), Wis' Stats, waste from construction and demolition of structures, scrap automobiles, or high-volume

industrial waste, as defined in 5144.44 (Z) (a) 1, Wis' Stats'

(17) 'PP" means polypropylene, labeled by the SPI Code #

(18) "PS:" means polystyrene, labeled by the Code #6

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

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

(21) 'Solid waste" has the meaning specified in S144.01 (5), Wis' Stats'

(22) "solid waste facility" has the meaning specified ins144.43 (5), Wis. stats'

(23) "Solid waste treatment" means any method, technique of process which is

designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration'

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

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

(26) "Medical waste" means infectious waste, as defined in S159.07 (7) (c) I, c, and other waste that contains or may be mixed with infectious waste'

#### 1.11 SEPARATION OF RECYCLABLE MATERIALS'

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

(1) Lead acid batteries

(2) Major appliances

(3) Waste oil

(4) Yard waste

(5) Aluminum containers

(6) Bi-metal containers

(7) Corrugated paper or other container board

(8) Foam polystyrene Packaging

(9) Glass containers

(10) Magazines

(11) Newspaper

(12) Office Paper

(13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and

other resins or multiple resins.

(14) Steel containers

(15) Waste tires.

#### 1.12 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of S I. 1 1 do not apply to the following;

(1) Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and property that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in S1.11 from solid waste in as pure a form as is technically feasible'

(2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived &om the solid waste burned as supplemental fuel.

(3) A recyclable material in S1.11 (5) through (15) for which a variance has been granted by the Department of Natural Resources under S159.11 (2m), Wis. Stats. or SNR544.14, Wisconsin Administrative Code.

#### 1.13 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with S1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

#### 1.14 MANAGEMENT OF LEAD ACID BATTERIES, MAIOR APPLIANCES,



#### WASTE OIL AND YARD WASTE.

Occupants of single family and 2 to 4-unit residences multiple-family dwellings and non-residential facilities and properties shall manage acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be taken to a retail business that sells batteries.
- (2) Major appliances shall be disposed of by owner by means of private hauler'
- (3) Waste oil shall be stored in a dirt free container with a leak proof lid, not contaminated with solvents or any other materials, and taken recycling drop site'
- (4) Yard waste shall be composted by property owner or occupant.

#### 1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by The Town Board of Dunbar occupants of Single family 2 to 4-unit residences shall do the following for the preparation And collection of the separated materials specified in S1.11 (5) through (15).

- (1) Aluminum containers shall be separated from any garbage, taken to drop site, recycling bins and materials shall be commingled'
- (2) Bi-metal containers shall be separated from any garbage, rinsed and crushed And taken to drop site recycling bins and materials shall be commingled'
- (3) Corrugated paper or other container board shall be taken to drop site. May Not to be mixed with newsprint. Liners removed from cereal boxes.
- (4) Foam polystyrene packaging shall be collected for recycling according to market ability.
- (5) Glass containers shall be separated from garbage, and taken to drop site' Bins, rinsed with the caps removed. Do not smash materials shall be commingled.
- (6) Magazines shall be separated from any garbage and taken to drop site.
- (7) Newspaper shall be separated tom any garbage and taken to drop site.
- (8) Office paper shall be separated by businesses from any garbage for recycling.

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

(a) Plastic containers made of PETE-taken to drop site bins.

(b) Plastic containers made of FDPE- taken to drop site bins.

(c) Plastic containers made of PVC, collected for recycling according to market ability.

(d) Plastic containers made of LDPE, collected for cycling according to market ability.

(e) Plastic containers made of PP, collected for recycling according to market ability.

(f) Plastic containers made of PS, collected for recycling according to market ability.

(g) plastic containers made of other resins or multiple resins, collected for recycling according to market ability'

(10) Steel containers shall be rinsed and taken to drop site bins, no larger than one gallon in size. Paper labels may be left intact'

(11) Waste tires shall be taken to commercial drop site. K-mart etc. All tire retailers must offer to accept one waste tire for every tire purchased, but they may charge a fee.

#### 1.16 RTGHT TO REJECT MATERIALS

The Town or its contractor has the right to reject any materials not in accordance with this ordinance.

#### I.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MI'LTIPLF-FAMILY DWELLINGS.

(l) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in S1.11 (5) through (15):

- (a) Provide adequate separate containers for the recyclable materials'
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (d) Notify tenants of reasons to reduce and recycle solid waste which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name address and telephone number.
  - (e) Notify the Dunbar Town Board, in writing, at least every (3) months'
- The weight slips of each recycled material in this ordinance, sent to market'  
Also in writing receipts from whom these materials were accepted.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities if the post-consumer waste generated within the facility property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials Specified in S1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

#### I.18 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in 51-11 (5) through (15).
- (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program'

(c) Provide for the collection of the materials separated from the solid waste By the users, tenants and occupants and the delivery of the materials to a recycling facility.

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

#### 1.19 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in SI.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility

#### 1.20 ENFORCEMENT

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of The Town of Dunbar or Contract Hauler may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Dunbar or Contract Hauler who requests access for purpose of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by local law enforcement officers and or other responsible unit officers 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 the citation under this paragraph.

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

(a) Any person who violates S1.18 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance except S1.18 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

#### 1.21 NO BURNING OR BURYING.

No person, unless with written approval of the DNR or unless provided written permission by The Town Board, may burn or otherwise treat or bury for disposal or treatment any separated recyclable material on any public or private land in the Town except that open burning occupants of the Town clean wood and paper products generated by those occupants of the Town and not separated from recycling by those shall be permitted.

#### 1.22 NON-COLLECTABLE MATERIALS.

No person, unless provided written permission by the Town Board, may deposit or place any recyclable material collection by the Town or by its contractor, at any location in the Town any off the following recyclable materials, waste, residuals, and other materials:

- (1) Hazardous waste
- (2) Toxic waste
- (3) Free liquid in any containers, including paints and solvents.
- (4) pesticides, excluding non-agricultural, pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.
- (5) Medical wastes
- (6) Asbestos
- (7) Sludge wastes
- (8) Industrial or commercial wastes from any industrial or commercial facility or operation.
- (9) Waste from pollution control equipment
- (10) Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.
- (11) Ash waste.
- (12) Hazardous and toxic demolition and construction waste.
- (13) Bio-medical wastes
- (1a) Septage (human or otherwise) wastes
- (15) Animal fecal wastes
- (16) Dead animals
- (17) Brush or trees
- (18) Wood treated with chemical preservatives
- (19) Explosive material
- (20) Contaminated recyclable material as determined by the Town Board or its contractor.

## **SEVERABILITY**

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

### **ORDINANCE 22.26** **JOINT MUNICIPAL COURT**

AN ORDINANCE TO CREATE SECTION 22.26 OF THE MUNICIPAL CODE OF THE TOWN OF BEECHER AND THE TOWN OF DUNBAR AND THE TOWN OF PEMBINE IN MARIETTE COUNTY, STATE OF WISCONSIN PER §66.0301 OF THE WISCONSIN STATUTES

THE (TOWN BOARDS) OF THE TOWN OF BEECHER, TOWN OF DUNBAR, TOWN OF PEMBINE ORDAIN AS FOLLOWS:

#### **SECTION 1**

##### **1. COURT ESTABLISHED**

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated “Northern Marinette County- Joint Municipal Court” for THE TOWN OF BEECHER AND THE TOWN OF DUNBAR AND THE TOWN OF PEMBINE IN MARIETTE COUNTY, STATE OF WISCONSIN. Said court to become operative and functional on April 10, 2019, under the authority of §938.17(2)(cm), Wis. Stats.

##### **2. MUNICIPAL JUDGE**

a. Qualifications. There is hereby created the office of municipal judge of the Northwest Marinette County Joint Municipal Court for the TOWN OF BEECHER, **AND** the TOWN OF DUNBAR **AND** the TOWN OF PEMBINE. The municipal judge shall be a resident of one of these municipalities and be appointed by the Administrative Court Committee in an interim election year or elected by a majority of the voters in these jurisdictions.

b. Oath and Bond. The judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.03, Wis. Stats., and file such oath with the Administrative Court Committee. At the same time, the judge shall execute and file an indemnity bond with the Administrative Court Committee in an amount of \$500.00. The judge shall not act until the oath and bond have been filed as required §755.03 Wis. Stats.

c. Salary. The municipal judge shall receive a salary as determined by the Administrative Court Committee which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath. The salary may be increased by the Administrative Court Committee before the start of the second or subsequent year of service of the term of the judge but shall not be decreased during a term.

d. Election. Term. The municipal judge shall be elected at large for a term of four years at the spring election held in odd-numbered years and shall take office on May 1 following the election. (Mid-term vacancies in the office of municipal judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the town boards therefore.) (Any vacancy occurring in the office of municipal judge shall be filled pursuant to state law.)

### **3. ELECTION AND TERM**

Term: The municipal judge shall be elected at large in the spring election in odd-numbered years for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The county clerk shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

### **4. JURISDICTION**

The municipal court shall have jurisdiction over incidents occurring on or after (date of establishment) as provided in Article VII, §14 of the Wisconsin Constitution, §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in which the municipality seeks to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2), §66.0119 and §66.0119(3), Wis. Stats.

The municipal court has jurisdiction over juvenile offenders when it enacts an ordinance

### **5. MUNICIPAL COURT**



Hours: The municipal court shall be open at such location and at such times as determined by the Administrative Court Committee of the municipalities that are parties to the agreement.

Employees: The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Administrative Court Committee of the municipalities that are parties to the agreement. The Clerk of the Court is subject to the approval and ongoing review of the Administrative Court Committee.

**6. COLLECTION OF FORFEITURES AND COSTS**

The municipal judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the municipality within which the case arose within thirty (30) days after receipt of the money by the municipal court. At the time of the payment, the municipal court shall report to the treasurer the title of the action, the nature of the offenses, the final disposition of the case and total amount of judgments imposed in actions and proceedings in which such monies were collected.

**7. CONTEMPT OF COURT**

The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats

**8. ABOLISHMENT/TERMINATION OF AGREEMENT**

The municipal court hereby established shall not be abolished while the §755.01(4) agreement is in effect. A municipality may terminate this agreement as per the incorporation bylaws and upon submitting a letter of resignation to the Administrative Court Committee by August 31 of any year. That municipality's agreement obligation would then terminate on December 31st of that same year regardless of the end of the judges' term.

**SECTION 2**

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

**SECTION 3**

This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law. [HomeChapter22](#)

ORDINANCE 22.27  
TRESPASS TO LAND

- (1) Whoever does any of the following in the Town of Dunbar is guilty of Trespass to land and subject to a forfeiture:
- (a) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
  - (b) Enters any land of another without the express or implied consent of the owner or occupant.
  - (c) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
  - (d) A domestic animal and/or livestock running at large on the property of another, without the owner or occupant's permission shall constitute a violation of this section.

**Adopting State Statute 943.13, Trespass to Land in its Entirety but not inclusive here**

- (1m)** Whoever does any of the following is subject to a Class B forfeiture:
- (a)** Enters any enclosed, cultivated or undeveloped land of another, other than open land specified in par. (e) or (f), without the express or implied consent of the owner or occupant.
  - (am)** Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
  - (b)** Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to a licensee or out-of-state licensee if the owner's or occupant's intent is to prevent the licensee or out-of-state license from carrying a firearm on the owner's or occupant's land.
  - (c)** While carrying a firearm, enters or remains at a residence that the actor does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while carrying a firearm or with that type of firearm. In this subdivision, "residence," with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located, and "residence," with respect to a residence that is not a single-family residence, does not include any communal area of the building in which the residence is located or any common areas of the rest of the parcel of land upon which the residence building is located.

**(d)** While carrying a firearm, enters or remains in a common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence, if the owner of the residence has notified the actor not to enter or remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of the grounds of the building if that part is used for parking and the firearm is in a vehicle driven or parked in that part.

**(e)** While carrying a firearm, enters or remains in any part of a nonresidential building, grounds of a nonresidential building, or land that the actor does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the actor not to enter or remain in that part of the building, grounds, or land while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of a building, grounds, or land occupied by the state or by a local governmental unit, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college, or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of a building, grounds, or land used as a parking facility.

**(f)** While carrying a firearm, enters or remains at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a firearm or with that type of firearm. This subdivision does not apply, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building used as a parking facility.

**(g)** While carrying a firearm, enters or remains in any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, excluding any building or portion of a building under s. 175.60 (16) (a) of the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

**(h)** While carrying a firearm, enters or remains in any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or

business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

**(i)** Enters or remains on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.

**(j)** Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

**2.** Notice of no trespassing is hereby given if a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must provide 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 provided in this subdivision were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this subdivision.

**3.** If markings at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected. **Lack of sign postings by the landowner does not constitute an inferred permission to violate this section.**

**Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect January 09, 2018, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

**Authority-**

The Town of Dunbar Zoning Administrator, The Town Chairman, Town Supervisors or their designees have the authority under this ordinance to issue citations and commence legal proceeding against any entity in violation of these provisions.

**Bond Amount-**

Whoever violates this ordinance is subject to a forfeiture of not less than \$250.00 for the 1<sup>st</sup> violation and \$500.00 for the second and subsequent offense in one year, plus attorney fees and court costs.

[HomeChapter22](#)

**ORDINANCE 22.30**  
**SNOWPLOWING ONTO ROADWAY**

### **22.30 Prohibiting Plowing Snow onto or across a Town Road or Right-of-Way**

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, has the specific authority under s. 349.185, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of certain events and productions on town highways in the town as follows:

- A. Effective April 10, 2018, the following regulations and limitations are placed on the following community events, processions, or assemblages on the following Town of Dunbar highways:
- B. No person may plow snow onto or across the town right-of-way or roadway pursuant to Section 346.94(5), Wis. Stat.
- C. No Person or persons may park a vehicle on any Dunbar town roadway between November 01<sup>st</sup> through April 15<sup>th</sup> during a snowfall of more than 1" of snow and then 48 hours thereafter due to snow clearing activities .

#### **Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect April 10, 2018, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

#### **Authority-**

Pursuant to Section 346.94(5), 66.0113 Wis. Stats., The Town of Dunbar Town Chairman, Town Supervisors or their designees have the authority under this ordinance to issue citations and commence legal proceeding against any entity in violation of these provisions.

#### **Bond Amount-**

Whoever violates this ordinance is subject to a forfeiture of not less than \$50.00 for the 1<sup>st</sup> violation and \$150.00 for the second and subsequent offense in one year, plus attorney fees and court costs. [HomeChapter22](#)

### **ORDINANCE 22.31 SNOW EMERGENCY DECLARATION**

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, has the specific authority under s. 349.185, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of certain events and productions on town highways in the town as follows:

- A. Effective April 10, 2018, the following regulations and limitations are placed on the following community events, processions, or assemblages on the following Town of Dunbar highways:
  
- B. Any town board member has the authority to call a snow emergency within the Town of Dunbar .

**Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect April 10, 2018, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

**Authority-**

Pursuant to Section 346.94(5), 66.0113 Wis. Stats., The Town of Dunbar Town Chairman, Town Supervisors or their designees have the authority under this ordinance to proclaim a snow emergency in the Town of Dunbar

**CHAPTER 22 PENALTIES:**

**A. Authority**

The Town Chairperson or his/her designee has full authority to issue citations under this chapter and to ensure full compliance of these ordinances.

**B. Forfeiture Schedule**

A schedule of cash deposits is established for violation of any provisions of Chapter 22 by the adopting the Wisconsin Uniform Traffic, Misdemeanor, Trespass, Alcohol, Safety and Harassment Deposit Schedules pursuant to 778.25 (3), 969.065, 345.26, 66.119 and 800.02(2), Wis. Stats. However, anyone in violation of any said town ordinances of "Chapter 22, Code of Ordinances" can be fined between \$20.00 to \$1000.00 in lieu of following the Wisconsin Traffic, Misdemeanor, Trespass, Alcohol, Safety and Harassment Deposit Schedule. [HomeChapter22](#)

ORDINANCE 22.32

**Ordinance 22.32 Limited Liability in Removing Snow from Private Roads and Driveways.**

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, by Ordinance 22.32 adopted by a majority of the town board on a roll call vote with a quorum present and voting with proper notice having been given, resolves and declares as follows:

SECTION I

**Purpose-**

**WHEREAS:** Per State Statute 86.105, **Snow removal in private driveways.** The governing body of any county, town, city or village may enter into contracts to remove snow from private roads and driveways. This ordinance is not defeated any time the Town of Dunbar engages in services that a private entity could alternatively provide due to the general public good and benefit, provided taxpayer monies are not used and a fee is charged for services.

SECTION 2

**Limited Liability Clause-**

- A. Town of Dunbar's Limited Liability for engaging in private contract work is (specifically, while removing snow from private driveways and roads per the owner's request) that in no event will the Town of Dunbar be liable for any consequential, indirect, special, or incidental damages while conducting said removal.
- B. It is incumbent upon, and the sole responsibility of the property owner requesting the town to engage in snow removal, to clearly have marked any Septic systems, their above ground access covers and vent piping, all utility junction boxes, culverts, overhead cable and electric lines and any and all personal property not visible due to snow cover.
- C. In the event a court finds the Town of Dunbar negligent for any said damages while acting in good faith those damages shall be limited to the replacement value cost of the damaged item only.

## Ordinance 22.33

### Appointment of Clerk/Treasurer to the Board of Review

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, by Ordinance 22.33 adopted by a majority of the town board on a roll call vote with a quorum present and voting with proper notice having been given, resolves and declares as follows:

#### SECTION I

##### Purpose-

**WHEREAS:** *Per State Statute 70.46 (1m) (b),*

*If a town board of review under sub. (1) had as a member a person who held the elective office of town clerk, town treasurer or the combined office of town clerk and town treasurer, and the town appoints a person to hold one or more of these offices under s. 60.30 (1e), the town board shall fill the seat on the board of review formerly held by an elective office holder by an elector of the town.*

*WHEREAS, pursuant to s. 70.46(1), Wis. Stats., the Board of Review is made up of the Town Board Supervisors and the Town Clerk; and*

*WHEREAS, s. 70.46(1m), Wis. Stats., prohibits appointed clerks, appointed treasurers, or appointed combined clerk/treasurers from serving on the Board of Review; and*

*WHEREAS, s. 70.46(1m) (b), Wis. Stats., requires the town board to fill the vacancy created by the appointed position with an elector of the town; and*

*WHEREAS, the Town Board desires to have the person holding the office of appointed clerk or clerk/treasurer serve on the Board of Review as a voting member, provided the person is an elector of the town.*

**NOW THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Dunbar, Marinette County, State of Wisconsin, that the person holding the office of appointed clerk/treasurer or deputy clerk/treasurer be hereby appointed to serve on the Board of Review as a voting member, provided the person is an elector of the town; and

**BE IT FURTHER ORDAINED** that such appointment remain in effect until the person holding the office of appointed clerk/treasurer or deputy clerk/treasurer is no longer an elector of the town.



**Ordinance 22.34**

**Town of Dunbar Motor Vehicle and Traffic Not yet Enacted**

**ORDINANCE 22.34**

The Town Dunbar Town Board, Marinette County, Wisconsin does hereby ordain as follows:

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the installation of stop signs and traffic law enforcement on town highways as follows:

**SECTION 1 – STATE TRAFFIC LAWS ADOPTED**

(1) Statutes Adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194 and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Ordinance in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alley of the State of Wisconsin. Any person who shall, within the Town of Dunbar, Marinette County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of any offense under this Section. (b) Statutes Specifically Incorporated by Reference. Whenever this Ordinance incorporates by reference specific sections of the Wisconsin Statutes, such reference shall mean the Wisconsin Statutes of 2005-2006 as from time to time amended, repealed or modified by the Wisconsin Legislature. (c) General References. General references in this Ordinance to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities

**SECTION 2 – STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED**

(1) Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein

relating to the penalties to be imposed, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein.

(2) Non-Compliance Prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Dunbar.

(3) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 14.

### **SECTION 3 – ORIGINAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS**

(1) Duty to Erect and Install Uniform Traffic Control Devices. Whenever traffic regulations created by this Ordinance, including a State of Wisconsin traffic regulation adopted by reference in Section 1, require the erection of traffic control devices for enforcement, the Town Board shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Board, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highway of the Town of Dunbar.

(2) Prohibited Signs and Markers in Highways. No person other than the Town Board or an official authorized by this Ordinance to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (c).

(3) Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices. The Town Board, or its designee, may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Ordinance or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 1 shall be placed upon the tax roll for collection as other special municipal taxes.

### **SECTION 4 – COST OF ENFORCEMENT TOWING**

Whenever a vehicle is found to be in violation of any provision of this Ordinance and/or State Law and must be towed, the cost thereof shall be the responsibility of the vehicles' owner.

#### **SECTION 5 – SPEED LIMITS**

(1) Speed Limits Established. Traffic and engineering investigations have been made on the following described Town of Dunbar highways, roads and streets on the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Sec 349.11, Wis Stats, and shall be as set forth below, subject to approval by the State Highway Commission, and upon erection of standard signs giving notice thereof:

(a). Thirty-Five (35) Miles Per Hour. Thirty-five (35) miles per hour for all vehicles on the following specified highway, roads and streets:

(b). Twenty-Five (25) Miles Per Hour. Twenty-five (25) miles per hour for all vehicles on the following specified highway, roads and streets:

(2) Signage Authorization. Proper Town officers and their designees are authorized and directed to install official signs on the above listed Town highways, roads and streets indicating such speed restriction requirements.

#### **SECTION 6 – STOP SIGN LOCATIONS**

(1) Official Stop Sign Compliance. Every operator of a vehicle approaching an official stop sign shall stop in the manner prescribed in Sec 346.46, Wis Stats Proper Town officers/employees and their designees are authorized and directed to install official stop signs on the below designated Town highways, roads and streets indicating such requirements.

(a) Stop signs shall be placed on-

#### **LIST LOCATIONS OF ALL OFFICIAL STOP SIGNS**

#### **SECTION 7 – RESTRICTIONS ON PARKING; POSTED LIMITATIONS**

(1) Posted Limitations.

(a) The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec 349.13, Wis Stats.

(2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of an enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.

(3) The Town Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement of special weight limitations.

(4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

#### **SECTION 8 – STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES**

(1) Vehicles Not to Block Private Drive, Alley or Fire Lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

#### **SECTION 9 – PARKING RESERVED FOR VEHICLES OF DISABLED**

When official traffic signs indicating such restriction have been erected in accordance with Section 3 of this Ordinance, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

#### **SECTION 10 – PARKING REGULATIONS**

(1) Prohibition of Parking. Parking is prohibited on the following streets:

(2) Town officers and their designees in charge of the maintenance of Town highways, streets and roads may exempt vehicles if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

#### **SECTION 11 – REMOVAL OF ILLEGALLY PARKED VEHICLES**

(1) Any vehicle parked or left standing upon a street, highway or alley or other public grounds in violation of any of the provisions of this Ordinance is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any town administrator or their designee, to a position where parking, stopping or standing is not prohibited. Any town administrator or their designee, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Ordinance, is authorized to remove such vehicle to a position where parking is not prohibited. The town administrator or their designee may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who provides garage or rental parking grounds, or any facility of the person providing towing services to remove the illegally parked vehicle. In addition to other penalties provided by this Ordinance, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

#### **SECTION 12 – REGISTRATION RECORD OF VEHICLE AS EVIDENCE**

(1) When any vehicle is found upon a street or highway in violation of any provision of this Ordinance regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be subject to the appropriate penalty.

#### **SECTION 13 – UNLAWFUL REMOVAL OF CITATIONS; STATUTORY AUTHORITY**

(1) Unlawful Removal of Parking Citations. No person other than the owner or operator thereof shall remove from any motor vehicle, a parking violation citation issued by a town administrator or their designee, for a Town of Dunbar parking violation.

(2) Statutory Authority. The parking regulations in this Section are enacted and enforced pursuant to Chapter 340, Wis Stats and, in particular, Sections 349.13 and 346.50 to 346.55, Wis Stats, which are adopted herein by reference, as may be amended from time to time.

#### **SECTION 14 – PENALTIES**

(1) Forfeiture Penalty. The penalty for violation of any provision of this Ordinance shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Section 814.63(1) and (2) or 814.65(1), Wis Stats, the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 165.87 and 346.655, Wis Stats, where applicable. Upon a conviction for violation of Section 1

adopting Section 346.63(1)(a) or (2), Wis Stats, a court shall impose all actual costs chargeable to the Town as a disbursement, including, but not limited to, costs for the withdrawal or analysis of blood, breath, urine and, in all cases, actual costs of service of process. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Ordinance may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(3) Forfeiture for Parking Violations. The penalty for violation of any parking regulation of this Ordinance shall be a forfeiture as hereinafter provided, together with the costs of prosecution imposed as provided in Section 345.20 to 345.53, Wis Stats, which are hereby adopted by reference:

(4) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses. The minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 1 as described in Chapter 341 to 350, Wis Stats, shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(4) Penalty for Other Parking Violations. The forfeiture for violation of parking regulations in Section 8 through Section 13 shall be not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, plus those costs of prosecution permitted by Wisconsin statutes. Each day that an individual is in violation of this ordinance shall be considered a separate violation for which a separate penalty may be applied.

(5) Other Violations. Any person who shall violate any provision of this Ordinance for which a penalty is not otherwise established by this Ordinance shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, plus those costs of prosecution permitted by Wisconsin statutes. Each day that an individual is in violation of this ordinance shall be considered a separate violation for which a separate penalty may be applied.

#### **SEVERABILITY**

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

**ORDINANCE 22.35**  
**22.35 Lily Lake Road Speed Limit Reduction**

The Town Board of the Town of Dunbar, County of Marinette, Wisconsin, has the specific authority under s. [349.11](#), Wis. stats., to adopt this ordinance.

Section 1- Traffic Study

- A. After receiving complaints about speed too fast for the prevailing conditions; conducting a traffic engineering study; requesting (2) years of accident crash data and studying the recent residential zoning increase in housing in a semi-urban district outside the corporate limits of the town, where on either side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon does not average less than 150 feet; the Town of Dunbar moves to reduce the speed limit on Lily Lake Road 10 MPH to ensure the health, safety and welfare of motorist and pedestrians alike.

Section 2- Action

- A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the reduction of the speed limits on certain town highways in the Town of Dunbar as follows:
- B. Pursuant to s. [349.11](#), Wis. stats., effective October 10, 2019, speed limits on certain Town of Dunbar town highways are reduced or modified as follows:  
**[Official 45 MPH enforcement zone on Lily Lake Road from Trout Haven Road to USH 8.**
- C. Pursuant to s. [349.11 \(5\)](#), Wis. stats., the town chairperson, or his or her designee, shall place appropriate traffic signs at the above-described locations on or before the effective date of this ordinance.
- D. No person may operate any vehicle on the above-noted town highways in violation of the above-noted speed limits. Any violation shall be subject to penalties under s. [346.60](#), Wis. stats.

**Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect October 10, 2019, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

## Authority-

Pursuant to Section 66.0113 Wis. Stats., Marinette County Sheriff, The Town of Dunbar Town Chairman, Town Supervisors or their designees have the authority under this ordinance to enforce Chapter 346.57 and issue citations for any and all said violations thereof.

### **ORDINANCE 22.36**

#### **22.36 One Mile Road Speed Limit Reduction**

The Town Board of the Town of Dunbar, County of Marinette, Wisconsin, has the specific authority under s. [349.11](#), Wis. stats., to adopt this ordinance.

#### Section 1- Traffic Study

- B. After receiving complaints about speed too fast for the prevailing conditions; conducting a traffic engineering study; requesting (2) years of accident crash data and studying the recent residential zoning increase in housing in a semi-urban district outside the corporate limits of the town, where on either side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon does not average less than 150 feet; the Town of Dunbar moves to reduce the speed limit on One Mile Road 10 MPH to ensure the health, safety and welfare of motorist and pedestrians alike.

#### Section 2- Action

- E. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the reduction of the speed limits on certain town highways in the Town of Dunbar as follows:
- F. Pursuant to s. [349.11](#), Wis. stats., effective November 12, 2019, speed limits on certain Town of Dunbar town highways are reduced or modified as follows:  
**[Official 45 MPH enforcement zone on One Mile Road from USH 8 to the Pembine Town Line.**
- G. Pursuant to s. [349.11 \(5\)](#), Wis. stats., the town chairperson, or his or her designee, shall place appropriate traffic signs at the above-described locations on or before the effective date of this ordinance.



H. No person may operate any vehicle on the above-noted town highways in violation of the above-noted speed limits. Any violation shall be subject to penalties under s. [346.60](#), Wis. stats.

**Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect November 12, 2019, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

**Authority-**

Pursuant to Section 66.0113 Wis. Stats., Marinette County Sheriff, The Town of Dunbar Town Chairman, Town Supervisors or their designees have the authority under this ordinance to enforce Chapter 346.57 and issue citations for any and all said violations thereof.

**ORDINANCE 22.37**

**22.37 Disorderly Conduct with a Motor Vehicle or an ATV**

**SECTION I- TITLE**

22.37 Disorderly Conduct with a Motor Vehicle and or an ATV

**SECTION II- PURPOSE**

The purpose of this ordinance is to regulate conduct that may be contrary to protecting the health, safety and welfare of the community of the Town of Dunbar through the unsafe use of a motor vehicle or an ATV.

**SECTION III- AUTHORITY**

The Town Board of the Town of Dunbar, County of Marinette, Wisconsin, has the specific authority under s. 60.0113, 23.33 Wis. stats., to adopt this ordinance.

**SECTION IV- ADOPTION**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of Dunbar ordinances, including ordinances with statutory counterparts and designate all-terrain vehicle [utility terrain

vehicle] routes in the town and provides for the regulation of the use of those routes and vehicles.

#### **SECTION V- COVERAGE**

##### Conduct Prohibited-

1. No person shall, within the Town of Dunbar, by or through the use of any motor vehicle including, but not limited to, an automobile, truck, motorcycle, minibike, moped, snowmobile, ATV, or UTV cause or provoke disorderly conduct with such a vehicle.
2. No person may operate an all-terrain vehicle [utility terrain vehicle] on the roadway portion of any highway except on roadways that are designated as all-terrain vehicle [utility terrain vehicle] routes by the town board. Operation is authorized only from the extreme right side of the roadway and in a safe manner having due regard for the then existing and prevailing conditions. Operators of said vehicles shall drive at a reduced speed having control of the vehicle at all times regardless of the then existing conditions.
3. No person may drive any motor vehicle including, but not limited to, an automobile, truck, motorcycle, minibike, moped, snowmobile, ATV, or UTV too fast for conditions or at an unreasonable and imprudent speed.

Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, minibike, moped, snowmobile, ATV, or UTV, engages in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, traveling too fast for conditions, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one or more wheels off the ground. Specifically excluded from this definition are legitimate, scheduled racing events.

#### **SECTION VI- PENALTY**

Any person found guilty of violating this section, or any part thereof, may be required to forfeit \$250.00, for the first offense, and not less than \$500.00, for the second or subsequent violation within two years, and upon failure to pay said forfeiture, and the costs, may be confined in the County Jail.

#### **SECTION VII- EFFECTIVE DATE**

Following passage by the Dunbar Town Board, this ordinance shall take effect November 12, 2019, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

## **SECTION VIII- ENFORCEMENT**

Pursuant to Section 66.0113 Wis. Stats., The Town of Dunbar Town Chairman, Town Supervisors or their designees have the authority to enforce this ordinance and issue citations for any and all said violations thereto.[HomeChapter22](#)

### ORDINANCE 22.38

#### **Animal Neglect or Cruelty**

##### **SECTION 1**

###### **Purpose**

The purpose of this Ordinance is to set forth prohibited behaviors as it relates to the infliction by omission (neglect) or by commission by humans of suffering or harm upon any non-human and to insure that all animals have basic rights.

##### **SECTION 2**

###### **General Provision**

The following laws shall apply and address prohibited activity or conduct within the Town of Dunbar:

- A. The Town of Dunbar hereby adopts Wisconsin State Law Chapter 951 "Crimes against Animals" and all its provisions and penalties therein.
- B. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.  
"Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- C. No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this state or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane officers engaged in the exercise of their official duties.
- D. No person shall lead any animal upon a highway from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.
- E. No person may transport any animal in or upon any vehicle in a cruel manner.
- F. No person may expose any domestic animal owned by another to any known poisonous substance.
- G. No person may directly or indirectly aid or abet anyone to violate any provisions of this section. All said persons are considered to be a party to a violation of this ordinance and may be charged as if they were the principal agent

of abuse.

H. No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

I. No person may shoot, kill, or wound with a firearm, or with any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in an artificial enclosure, regardless of size.

J. No person may frighten, intimidate, threaten, abuse, harass, strike, shove, or kick an animal causing it harm. No person shall strike the animal using a dangerous weapon.

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

L. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter.

M. No person shall lead any animal upon a highway from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle. No person may transport any animal in or upon any vehicle in a cruel manner.

N. No person may shoot, kill, or wound with a firearm, or with any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in an artificial enclosure, regardless of size.

O. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, including inclement weather. The ambient temperature shall be compatible with the health of the animal. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times. 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.

### **SECTION 3**

#### **Severability Clause**

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part hereof, other than the parts so declared invalid.

### **SECTION 4**

#### **Penalties**

Whoever intentionally violates any provisions in this ordinance not resulting in the

mutilation, disfigurement or death of an animal, is guilty of a \$250.00 forfeiture plus court costs on the first said violation. Whoever intentionally violates any provisions in this ordinance not resulting in the mutilation, disfigurement or death of an animal, for a second and subsequent violation is guilty of a \$500.00 forfeiture plus court costs. Whoever intentionally violates any provisions in this ordinance resulting in the mutilation, disfigurement or death of an animal is guilty of a Class I Felony.

**Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect August 28th, 2020, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

**Authority-**

Pursuant to Chapter 951, and 66.0113 Wis. Stats., The Town of Dunbar Town Chairman, Dunbar Town Supervisors, Zoning Administers or their designees have the authority under this ordinance to issue citations and commence legal proceeding against any entity in violation of these provisions. [HomeChapter22](#)

ORDINANCE 22.39

**Regulation of ATV/UTV Routes in the Town of Dunbar**

The Town Board of the Town of Dunbar, County of Marinette, Wisconsin, has the specific authority under s. 60.0113 Wis. stats., to adopt this ordinance, AND,

**WHEREAS**, the purpose of this ordinance is to designate, control and regulate ATV and UTV travel on any and all Town of Dunbar Highways.

**Section I- Intent**

The Town of Dunbar, Marinette County, State of Wisconsin adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities, promote tourism and economic growth weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

**Section II- Statutory Authority**

This route is created pursuant to town authority under section 11.a as authorized by 23.33 (8) (b), Wis, Stats.

The applicable provisions of the 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

**Section III- Routes**

All Town of Dunbar roads are designated routes except any road signed by the Town of Dunbar to be exempt based on possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic.

**Section IV- Conditions**

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers):

- A. All ATV/UTV operators shall observe posted roadway speed limits.
- B. All ATV/UTV operators shall ride single file
- C. All ATV/UTV operators shall slow the vehicle to 15 MPH or less when operating within 150 feet of a dwelling.
- D. Routes must be signed in accordance with NR 64.12, and NR 64.12(7) c.
- E. All ATV/UTV operators shall be a minimum of 16 years of age.
- F. All ATV/UTV operators shall make complete stop before crossing roads.
- G. All ATV/UTV operators shall yield the right-of-way to other vehicular traffic.

**Section V- Enforcement**

This ordinance shall be enforced by the town chairman, his designee or any law enforcement officer authorized to enforce the laws of the state of Wisconsin, Marinette County.

**Section VI- Penalties**

Wisconsin state ATV/UTV penalties as found in 23.33 (13) (a) Wis. Stats., are adopted by reference.

**Section VII- Authority and Severability**

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

This ordinance supersedes all previous ATV/UTV ordinances upon adoption.

**Section VIII- Effective Date**

Following passage by the Dunbar Town Board, this ordinance shall take effect September 10, 2021, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats. AND its adoption by the Town of Dunbar Board of Supervisors.

**CHAPTER 23**

STATE OF WISCONSIN

COUNTY OF MARINETTE

TOWN OF DUNBAR

**ORDINANCE 23.01**

**PROCEDURES FOR SWORN (BOR) TESTIMONY**

Whereas, sec. 70.47(8), Wis. Stat. authorizes the board of review to consider requests from a property owner or the property owner's representative to appear

before the board under oath by telephone or to submit written statements under oath to the board of review;

Now Therefore the Town of Dunbar, in Marinette County, does ordain as follows:

1. PROCEDURE:

In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied; b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

2. CRITERIA TO BE CONSIDERED

The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- a. The requester's stated reason(s) for the request as indicated on the PA-814
- b. Fairness to the parties
- c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
- d. Ability to cross examine the person providing the testimony
- e. The BOR's technical capacity to honor the request
- f. Any other factors that the board deems pertinent to deciding the request

[HomeChapter23](#)

ORDINANCE 23.02

CONFIDENTIALITY OF INCOME (BOR)

SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of Dunbar Ordinance Relating to Confidentiality of Income and Expense Records. The purpose of this ordinance is to provide confidentiality of the records of taxpayers who provide income and expense record information to the town assessor under s. 70.47 (7) (a-f), Wis. stats., and to exempt that information from being subject to the right of inspection or copying as a public record under s. 19.35 (1), Wis. stats.

SECTION II – AUTHORITY

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, has the specific authority under s. 70.47 (7) (a-f), Wis. stats., to provide confidentiality to taxpayers of certain income and expense records provided to the town assessor by those taxpayers

for purposes of valuation of real property in the Town of Dunbar, owned by those taxpayers.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts by reference s. 70.47 (7) (a-f), Wis. stats., providing for the confidentiality of information regarding income and expenses.

### SECTION IV – ADOPTION BY REFERENCE AND CONFIDENTIALITY REQUIREMENT

Section 70.47 (7) (a-f), Wis. stats., is adopted by reference. Income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under s. 19.35 (1), Wis. stats. Unless a court determines that the information is inaccurate, the information provided to the assessor is not subject to the right of inspection or copying as a public record under s. 19.35 (1), Wis. stats.

### SECTION V – EXCEPTIONS TO CONFIDENTIALITY

A town officer in the Town of Dunbar may make public disclosure or allow access to income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation in his or her possession as provided below:

- A. The town assessor shall have access to the provided income and expense information in the performance of his or her duties.
- B. The board of review may review the provided income and expense information when needed, in its opinion, to decide upon a contested assessment.
- C. Any person or body who has the right or whose duty in his or her office is to review the provided income and expense information shall have access to the information.
- D. A town officer who is complying with a court order may release the provided income and expense information in accordance with the court's order.
- E. If the provided income and expense information has been determined by a court to be inaccurate, the information is open and public.
- F. If the property owner has provided written approval for public disclosure or limited disclosure to that person, and the Town Board of the Town of Dunbar has approved the disclosure, the provided income and expense information is open and public to the extent approved.

### SECTION VI – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$100, plus the applicable surcharges, assessments, and costs for each



violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### SECTION VII – 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. [HomeChapter23](#)

### **ORDINANCE 23.03**

#### **Adopting Wisconsin Municipal Records Schedule**

#### SECTION 1- TITLE AND PURPOSE

This ordinance is entitled the Town of Dunbar Ordinance to Adopt the Wisconsin Municipal Records Schedule. The purpose of this ordinance is to provide the legal custodian(s) of public records in the possession of the Town of Dunbar with the authority to retain and destroy those records.

#### SECTION II: AUTHORITY

The Town Board of the Town of Dunbar, Marinette County, Wisconsin, has the specific authority under ss. 60.83 and ss. 19.21(4), Wis. Stats., to adopt an ordinance to address the management and destruction of public records.

#### SECTION III: ADOPTION OF WISCONSIN MUNICIPAL RECORDS SCHEDULE

The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein by reference, is hereby adopted by the Town Board Dunbar as the Town's official record retention schedule.

#### SECTION IV: NOTIFICATION TO WISCONSIN STATE HISTORICAL SOCIETY

When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the

notification requirement set forth in s. 19.21(4), Wis. Stats., to the Wisconsin State Historical Society.

SECTION V: CONFLICT

**In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.**

SECTION VII: REVOCATION OF PRECEDING ORDINANCE

This ordinance hereby revokes and supersedes any prior resolutions or ordinances adopted by the town board relating to the retention and/or destruction of public records of the Town of Dunbar, Marinette County, State of Wisconsin.

SECTION VIII: EFFECTIVE DATE

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

**CHAPTER 24**

STATE OF WISCONSIN

COUNTY OF MARINETTE

TOWN OF DUNBAR

ORDINANCE 24.01

**ZONING ORDINANCE**

## TABLE OF CONTENTS

DEFINITIONS  
GENERAL PROVISIONS  
ESTABLISHED ZONES  
RESIDENTIAL DISTRICT 1  
RESIDENTIAL DISTRICT 2  
BUSINESS DISTRICT  
FOREST DISTRICT  
AGRICULTURE DISTRICT  
CAMP AND COLLEGE DISTRICT  
MOBILE HOME DISTRICT  
CAMPING DISTRICT  
NON-CONFORMING DISTRICT  
ENFORCEMENT  
ADMINISTRATION FEES

### SECTION I TITLE AND AUTHORITY

#### TITLE

This Ordinance shall be known, cited and referred to as: THE TOWN OF DUNBAR ZONING ORDINANCE, MARINETTE COUNTY, WISCONSIN.

#### AUTHORITY

The Town of Dunbar pursuant to Section 60.82, 60.10(2C), 60.62, 61.35, 62.23, and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

### SECTION II - PURPOSE, INTENT AND SEPARABILITY

#### A. PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

#### B. INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water; regulate and restrict lot coverage, population

distribution and density, and the size and location of all structures so as to lessen congestion in the streets; to secure safety from fire panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate light, air, including access to sunlight for solar collectors and to wind for wind energy systems, and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the over-crowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement; and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

C. SEPARABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, and or water not specifically included in said judgment.

SECTION III - DEFINITIONS

A. GENERAL

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

The word “shall” is mandatory and not discretionary.

The word “may” is permissive.

The word “lot” shall include the words “piece”, “parcel”, and “plats”, the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

Any words not herein defined shall be construed as defined in other respective state, county and town codes.

## B. WORDS DEFINED

Certain words and terms in this Ordinance are to be interpreted as defined herein:

1. ACCESSORY USE OR BUILDING - a use or detached structure subordinate to the principal use of the structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.
2. AGRICULTURE - is the use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for parking, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agriculture activities occurring thereon.
3. AIRPORT - any area of land or water which is used or intended for use for landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
4. ALLEY - a public or private right-of-way primarily designed to serve as a secondary access to abutting properties.
5. BASEMENT - a structure not having at least one wall completely exposed above ground level.

6. BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways or municipal boundary lines.
7. BOAT LIVERIES - establishments offering the rental of boats and fishing equipment.
8. BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by un-pierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
9. BUILDING HEIGHT - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof; to the decline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.
10. CAMPING TRAILER - a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle. This would include pop-up camping trailers.
11. CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentist, or both, who have their offices in a common building. A clinic shall not include in-patient care.
12. CLUB - an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
13. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughterhouse.
14. CONDITIONAL USE - uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
15. CORNER SIDE - a yard extending along a side lot line from front yard to rear yard when said side lot line is adjacent with a street right-of-way line.

16. DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
17. DWELLING UNIT - one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".
18. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one family.
19. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two families.
20. DWELLING, MULTIPLE-FAMILY - a building used and designed as a residence for three or more families including tenement houses, row houses, apartment houses and apartment hotels.
21. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
22. FAMILY - any member or individual related by blood, adoption, marriage, or not to exceed two persons not so related living together on the premises as a single housekeeping unit, including any domestic servant.
23. FARM - any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
24. FENCE - a free standing structure designed to restrict or prevent movement across a boundary.
25. FISH HATCHERIES - establishments devoted to hatching, raising or rearing fish.
26. FOREST INDUSTRIES - the cutting and storing of forest products, the operation of portable sawmills and planers, the production of maple syrup and sugar.
27. FOUNDATION - a permanent base for a dwelling consisting of a concrete slab, a concrete foundation wall, a masonry foundation wall, or wood foundation designed and constructed in accordance with the National

Forest Products Association Standards "All-weather Wood Foundation System, Design, Fabrication, Installation Manual".

28. FOREST PRODUCTS - products obtained from stands of forest trees which have been either naturally or artificially established.
29. FRONTAGE, ZONING LOT the length of all the property of such zoning lot fronting on a street, measured between side lot lines.
30. FRONTAGE - the length of all property fronting on one side of a street between two nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one side between an intersecting street and the dead end of the street.
31. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
32. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
33. GARAGE, PRIVATE - an accessory to the main building which provides for the storage of motor vehicles and accessories.
34. GARAGE, PUBLIC AND PRIVATE - any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.
35. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
36. HOUSEHOLD OCCUPATION - a gainful occupation conducted by a member of the family within his or her place of residence, where the space used is incidental to residential use, where the floor area does not exceed twenty percent of the total floor area, and where no article is sold or offered for sale except as is produced by such home occupation. A household occupation includes such things as babysitting, millinery, dressmaking, canning, laundering and crafts.
37. HOTEL - a building in which lodging, with or without meals, is offered transient guest for compensation and in which there are more than five sleeping rooms with or without cooking facilities in any individual room or apartment.



38. HUNTING AND FISHING CABINS - buildings used only during hunting and fishing seasons as a base for hunting, fishing and outdoor recreation.
39. INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
40. LODGING HOUSE - a residential building or portion thereof other than a motel, apartment hotel, or hotel containing lodging rooms which accommodate persons who are not members of the keeper's family.
41. LOT - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public or private street.
42. LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Marinette County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Marinette County.
43. LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
44. LOT, CORNER - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
45. LOT, DEPTH OF - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
46. LOT, INTERIOR - a lot other than a corner lot.
47. LOT LINES AND AREA - the boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

48. LOT, THROUGH - interior lot having frontage on two (2) non-intersecting streets.
49. LOT, WIDTH OF - the horizontal distance between the side lot lines of a lot at the rear line of the required front yard.
50. MOBILE HOME (SINGLE OR DOUBLE WIDE) – A structure that is, or was engineered, designed and constructed with facilities and amenities to commonly be used for human habitat as permanent living quarters for a year-round residence that is constructed offsite and delivered to installation site by motor vehicle via public highways.
51. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspections or sale.
52. MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.
53. MOTOR HOME - a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home. This would include buses or vans equipped as living units.
54. MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
55. NON-CONFORMING USE - any use of land, building, or structure, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment thereto governing use for the zoning district in which such use is located.
56. PARKING SPACE - a graded and surfaced area of not less than two hundred square feet in area either enclosed or open for the parking of motor vehicles, having adequate ingress and egress to a public street or alley.

57. PRINCIPAL STRUCTURE – The main structure on a lot intended for the primary use as permitted by the regulations of the district in which it is located.
58. PRIVATE SUMMER COTTAGES AND SERVICE BUILDINGS - buildings designed for summer seasonal occupancy only and normally used by the owners together with additional structures to house materials and services.
59. PRIVATE SEWAGE SYSTEM - in this Ordinance, “private sewage system” means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located in the same parcel as the structure. This term also means an alternate sewage system approved by the Wisconsin Department of Industry and Human Relations including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.
60. PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; the office shall not exceed one-half (½) the area of only one (1) floor of the residence and only one (1) resident person is employed.
61. RECREATIONAL CAMPS AND RESORTS - areas of land improved with buildings or tents and sanitary facilities used for occupancy during a part of the year only.
62. RECREATIONAL VEHICLE –
63. RECREATIONAL MOBILE HOME - a mobile home is mobile as defined in Section III 49 that is not greater than 35 feet in length, no greater than 8 feet in width, and primarily used by the owner as a recreational, not residential vehicle.
64. RENTAL CABINS OR COTTAGES - buildings designed for seasonal use and occupancy by persons other than the owners upon periodical payment.
65. 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 produced on the

premises. No such roadside stand shall be more than 300 square feet in ground area and limited to the 10 feet maximum height.

66. SETBACK - a minimum horizontal distance between the front line of a building or structure and the front property line.
67. STOCK FARM - an agricultural operation, usually non-dairying nature where livestock are raised to the required age or weight for slaughterhouse purpose or for sale to commercial feedlots.
68. STORY - that part of a building between any floor and the floor above, and if there be no floor above, then the ceiling above.
69. STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway or however otherwise designated, but does not include driveways to buildings.
70. STRUCTURE - anything constructed or erected, the use of which requires a  
  
permanent location on the ground or attached to something having permanent location on the ground.
71. STRUCTURAL ALTERATION - any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls columns, beams, girders, or foundations.
72. TRAPPER'S CABINS - buildings used as a base for operating one or more trap lines.
73. USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use, A "principal use" may be "permitted", "conditional" or "non-conforming".
74. YARD - open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning the lot is located in.
75. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.

76. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
77. YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines. [ORD2401](#)

#### SECTION IV - GENERAL PROVISIONS

##### A. Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Dunbar.

##### B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Dunbar or are established by Federal, State and County Laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise provisions of this Ordinance shall apply.

##### C. Building and uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
3. Permitted, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation and approval by the Town Plan Commission.

4. Where an accessory is part of the main building or is substantially attached thereto, the side and rear yard requirements for the main buildings shall be applied to the accessory buildings.
5. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this Ordinance.
6. No building permits will be issued unless a fire number has been assigned and posted on the lot. The owner of the property is responsible for maintaining the fire number sign and making sure it is visible from the road at all times. Assigning and replacement of the fire number sign is the responsibility of the town. The town board shall establish a fee for the assigning, purchasing and placement of fire number signs. All lots with a dwelling, mobile home or structure on them will be assigned a fire number by the town and the owner of the property will be responsible for reimbursing the town for purchase and placement of the fire number sign.
7. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued.

D. Area Regulations

1. Lot size shall comply with the required regulations of established district.
2. No Building Permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission

poles and lines, microwave radio, relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

F. Average Street Yards

1. The required street yard, or setback, may be decreased in any residential district to the average street yards of the abutting residences on each side but shall in no case be less than 15 feet.

G. Minimum Lot Frontage

1. All lots shall abut on a street, and each lot shall have a minimum frontage designated by the zone it is located in.

H. Parking Standards

1. Parking areas may be located in any yard space but shall not be closer than 10 feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall be no less than 200 square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be 10 feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6)

months of such effective date and diligently prosecuted to completion parking and loading facilities in the amounts required for the issuance of said Building Permit may be provided in lieu of any different amounts required by this Ordinance.

5. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for each increase in intensity of use.
6. None of the off-street parking facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case, the provisions of this Ordinance shall apply only to the enlarged portion of the building this Ordinance shall apply only to the enlarged portion of the building or use.
7. Minimum Parking Standards
  - a. Single-Family Dwellings - (2) spaces for each dwelling unit
  - b. Two-Family Dwellings - 1 ½ spaces for each dwelling unit
  - c. Multi-Family Dwellings - 1 ½ spaces for each dwelling unit
  - d. Uses Not Listed: For uses not listed, the plan commission shall determine the number of parking spaces to be required after considering, but not limited to the following: the amount of floor space, number of employees, the traffic generation potential, and the number of spaces required for uses that are specified.
- I. Off-Street Loading
  1. In all districts, loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.
- J. Setback Requirements from State Trunk Highways and Federal Highways
  1. There shall be minimum building setback 110 feet from the centerline of the state trunk highway and federal highways or 50 feet outside the nearer right-of-way, whichever is more restrictive.
  2. The minimum setback from a county highway shall be 75 feet from the centerline or 42 feet from the right-of-way line, whichever is greater.



K. Visual Clearance Triangle

1. In each quadrant of every public street intersection, there shall be a visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a Class A State and Federal highway intersection, 200 feet from a Class B County highway intersection and 150 feet from a Class C Town highway intersection. Objects permitted within highway setback lines and visual clearances triangle include:
  - a. Open fences
  - b. Telephone, telegraph and power transmission poles, lines and portable equipment
  - c. Field crops, shrubbery and trees, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view

L. Converted Vehicles

1. The use of vehicles, such as, but not limited to vans, semitrailers, school buses, railroad cars, motor homes, and recreational mobile homes as dwellings is strictly prohibited.

M. Permanent Foundation Requirement

1. Every building intended for human habitation or occupancy shall be on a permanent foundation.

A foundation is a permanent base for a dwelling, consisting of a concrete slab, a concrete foundation wall, a masonry foundation wall, or wood foundation designed and constructed in accordance with the National Forest Products Association Standards "All-Weather Wood Foundation System, Design, Fabrication, Installation Manual". [ORD2401](#)

## SECTION V - ESTABLISHMENT OF ZONES

### A. Zone District

For the purpose of this ordinance, the Town of Dunbar, Marinette County, Wisconsin, is hereby divided into the following zoning districts:

- R-1 Residential District
- R-2 Residential District
- A-1 Agricultural District
- B-1 Business District
- I-1 Religious College and Conference Camp District
- F-1 Forestry District

### B. Zone Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Zoning District Map for the Town of Dunbar, Marinette County, Wisconsin, dated May 16, 1984" which are incorporated herein and hereby made a part of this Ordinance as though fully set forth and described herein.

C. Zone Boundaries

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Board of Adjustment, after due hearing may extend the regulation for either portion of such lot.

SECTION VI - R-1 RESIDENTIAL DISTRICT

A. Purpose

The R-1 Residential District is intended to provide for single-family residential development. This district is intended to provide quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. This district is intended to apply to those areas of year-round residential housing developments existing prior to the adoption of this Ordinance such as Dunbar, unincorporated.

The following regulations shall apply in R-1 Districts:

B. Permitted Uses

1. Single-family dwellings

2. Two-family dwellings
  3. Public, parochial and private, elementary, junior high and senior high schools.
  4. Public parks, playgrounds and athletic fields
  5. Public recreational and community center buildings and grounds
  6. Transmission lines, substations, telephone and telegraph lines and public utility installments
  7. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses
  8. Mobile homes
- C. Permitted Accessory Uses
1. Private garages, carports and driveways
  2. Home occupations
  3. Tool houses, sheds and other similar building used for the storage of common supplies
  4. Professional office
- D. Conditional Uses
1. Multi-family dwellings
  2. Cemeteries
  3. Fire stations, police stations, post offices and other municipal facilities necessary for town operation
  4. Light Industry
    - a. Purpose of Light Industry  
Light Industry use is intended to provide for the orderly development of manufacturing or industrial operations, which on the basis of actual physical and operation characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect.
    - b. Lot requirements for light industry shall be 40,000 square feet minimum.
- E. Lot Requirements Without Public Sewers
1. The width and area of all lots not served by a public sanitary sewage system shall be sufficient to permit the use of a private sewage system,

as defined in Section 145.01(14) Wisconsin Statutes, in accordance with the County Sanitary Ordinance, and at a minimum the lot shall be 20,000 square feet in area per dwelling unit to be constructed and shall have a minimum lot frontage of 100 feet.

F. Height Regulations

1. All structures - 35 feet maximum, except as provided by Section IV, Subsection E, Height Regulations.

G. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	25 feet minimum from Right-of-way	25 feet minimum from right-of-way
Side Yard	1 story - 10 feet minimum each side; 2 story - 15 ft. minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum right-of-way	25 feet minimum from right-of-way
Highway/Road	75 feet from the centerline or 42 feet from the right-of-way line whichever is greater	75 feet from the centerline or 42 feet from the right-of-way line, whichever is greater

H. Building Size

1. Minimum size of dwelling shall be 600 square feet of living space per dwelling unit.

I. Accessory Building

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building and Uses.

J. Parking

Parking shall conform to the requirements as set forth in Section IV J.

K. Sewage System Requirement

Every building intended for human habitation or occupancy shall be provided with a properly functioning private sewage system as defined by 145.01(14) Wisconsin Statutes, for the treatment of domestic waste and have a valid sanitary permit in accordance with the Marinette County Private Sewage System Ordinance.

L. Permanent Foundation Requirement

Every building intended for human habitation or occupancy shall be on a permanent foundation.

M. Fencing

**SECTION 1**

- FENCE VIEWERS-

The Town Chairman or his or her designee of the town shall be fence viewers.

- FEES.

The fee for a fence inspection certificate issued under this section is \$50 for a fenced area that is less than 80 acres in size and \$100 for a fenced area that is 80 acres or more in size. If a person expands a fenced area that is less than 80 acres in size during the period that the fence inspection certificate issued under this section is valid so that the fenced area is 80 acres or more in size, the person shall apply for a new fence inspection certificate and pay an additional fee of \$50. A fence inspection certificate issued herein shall be valid from the date of issuance until the 31<sup>st</sup> day of December.

**SECTION 2**

- FENCES-

Fences shall be placed on the lot lines separating parcels as indicated on a certified survey map filed at the Marinette County Register of Deeds Office. There shall be no set backs.

The following, and no other are considered proper fencing:

- (a) A fence of strong woven wire not less than 26 inches wide with 3 barbed wires or 3 high tensile wires above.

- (b) A fence of strong woven wire not less than 30 inches wide with 2 barbed wires or 2 high tensile wires above.
- (c) A fence of strong woven wire not less than 46 inches wide with one barbed wire or one high tensile wire above.
- (d) A fence of strong woven wire not less than 50 inches wide.
- (e) A fence of boards firmly fastened to posts well set, not more than 8 feet apart, the space between the boards to the height of 30 inches to be not more than 6 inches and at no point to be more than 10 inches.
- (f) A fence of 2 boards with 3 barbed wires or 3 high tensile wires above, firmly fastened to sufficient posts well set not more than 8 feet apart, the space between the boards to be not more than 6 inches.
- (g) A fence of 3 or more wires not less than No. 12, with pickets not less than 4 feet long properly woven in or fastened thereto, and set not more than 6 inches apart.
- (h) All fences consisting of rails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, or hedges, which shall, in the judgment of the fence viewers, be equivalent to either of the fences before mentioned.
- (i) The following minimum requirements shall constitute a standard electric fence and shall be a legal fence when agreed to in writing by the adjoining property owners. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer, and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulators to sufficient post, firmly set, and not over 2 rods apart.
- (j) A fence not less than 48 inches high of 4 or more barbed wires or high tensile wires spaced evenly on a steel post of any diameter or on a wood post at least 3 inches in diameter. Existing fences of a lesser standard are legal until they are rebuilt, repaired or replaced.
- (k) No bared wire fencing is allowed on any property less than 5 acres in size in any zoning district.

All fences consisting of rails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, or hedges, which shall, in the judgment of the fence viewers, be equivalent to either of the fences before mentioned. Fences shall not be less than 4 feet high and not more than 10 feet in height. The bottom of the fence shall be not more than 4 inches from the ground, measurements to be made at the posts. Fences shall be kept in good repair throughout the year. The strands of woven wire shall not be smaller than No. 12 wire and the cross wires shall not be smaller than No. 16 wire; the strands shall not be more than 8 inches apart, and the cross wires not more than 12 inches apart. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than 16 feet apart.

- ELECTRIC FENCING-

The following minimum requirements shall constitute a standard electric fence and shall be a legal fence when approved by the town fence viewer in writing to the fence owner. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer, and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulators to sufficient post, firmly set, and not over 2 rods apart. If authorized under s. 60.10 (2) (c) to exercise village powers, by ordinance require a subdivider to construct a fence under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a condition of plat approval by the town. The fence shall be maintained under s. 90.05 (2) and repaired under ss. 90.10 and 90.11

If any person neglects to repair or rebuild any partition fence that by law that person is required to maintain, the aggrieved party may complain to 2 or more fence viewers of the town, who, after giving notice as provided in s. 90.07, shall examine the fence. If the fence viewers determine that the fence is insufficient, they shall inform the delinquent party of the insufficiency and direct the delinquent party to repair or rebuild the fence within a time that the fence viewers determine is reasonable. If the fence is not repaired or rebuilt within the time fixed by the fence viewers, the complainant may repair or rebuild the fence and recover the expense of repairing or rebuilding the fence as provided under s. 90.11.

- DEER FARMS-

Any Person who raises Non-White-Tailed deer shall follow the requirements of state statute 90.20 and have the appropriate permits required by law. Any Person who raises White-Tailed deer shall follow the requirements of state statute 90.21 and have the appropriate permits required by law. No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are contained in a fenced area for which the person holds a valid fence inspection certificate issued by the Wisconsin Department of Natural Resources.

### **SECTION 3**

- ENFORCEMENT AUTHORITY-

If a fence fails to comply with the requirements established by rule under this ordinance the town may issue an order directing the person who is required to maintain the fence to bring the fence into compliance within 10 days after the issuance of the order. If the person fails to comply with the order within 10 days of its issuance, the town may revoke the applicable fence inspection certificate. The town zoning administrator, his designee of the town supervisors has full authority to enforce this ordinance.

- PENALTIES.



Any person who violates this section, or a rule promulgated under this section, shall be subject to a forfeiture of not more than \$200. In addition to or in lieu of the forfeiture specified herein a court may suspend a fence inspection certificate issued under this section. Each day the fence is not in compliance with this ordinance or a lawful order issued by the fence viewer is consider a separate and distinct violation and may be prosecuted as such.

## SECTION VII - R2 - RESIDENTIAL DISTRICT

### A. Purpose

The R-2 Residential District is intended to provide for a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent is to provide for rural residential development and for recreational residential development on soil that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

### B. Permitted Uses

1. Single-family dwellings
2. Two-family dwellings
3. Public parks, playgrounds, and athletic fields
4. Transmission lines, substations, telephone and telegraph lines, and public utility installments
5. Churches, chapels, temples, synagogues, rectories, parsonages, and parish houses
6. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves
7. Mobile homes

### C. Permitted Accessory Uses

1. Private garages, carports and driveways
2. Home occupations
3. Tool houses, sheds and other similar buildings used for the storage of common supplies
4. Roadside stands provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.

D. Conditional Uses

1. Airfield, airports and heliports
2. Cemeteries
3. Campgrounds
4. Portable sawmills and planers
5. Mobile home parks
6. Fire stations, police stations, post offices and other municipal facilities necessary for town operation
7. Light Industry
  - a. Purpose of Light Industry - Light Industry use is intended to provide for the orderly development of manufacturing or industrial operations, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect.

E. Lot Requirements

1. Area 1 ½ Acres
2. Zoning lot frontage - 100 feet minimum

F. Height Regulations

1. All structures - 35 feet maximum, except as provided by Section IV. Subsection E. Height Regulation

G. Building Setbacks - Same as R-1 District

H. Building Size - Same as R-1 District

I. Accessory Building - Same as R-1 District

J. Parking - Same as R-1 District

K. Sanitary Permit Requirement

Every building intended for human habitation or occupancy shall be provided with a properly functioning private sewage system, as defined by 145.01(14) Wisconsin Statutes or privy and have a valid sanitary permit in accordance with the Marinette County Private Sewage System Ordinance.

L. Permanent Foundation Requirement - Same as R-1 District

M. Same as R-1 District

## SECTION VIII - A-1 - AGRICULTURAL DISTRICT

### A. Purpose

The purpose 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 services; (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; and (6) pace and shape urban growth.

The A-1 District is generally intended to apply to lands in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; (3) other lands which are integral parts of such farm operation; and (4) land used for the production of specialty crops such as cranberries, mint, sod, fruits and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

### B. Permitted Uses

1. Agricultural, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Agricultural warehouses
3. Commercial feed lots and stock farms
4. Farm ponds
5. Public parks, public recreation sites and golf courses
6. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television station and towers, and railroad right-of-way
7. Mobile Homes, Single-Family, and Two-Family Dwellings

### C. Permitted Accessory Uses

1. Single family dwellings for those resident owners and laborers actually engaged in the farming operation
2. Roadside stands provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height
3. Additional structures necessary for the continuance of the farming operation

D. Conditional Use

1. Stockyards and fur farms
2. Artificial lakes
3. Colleges, universities, schools, (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious instructions.
4. Airfields, airports and heliports
5. Cemeteries
6. Quarries and gravel pits
7. Town sanitary landfills and Town solid waste disposal sites
8. Light Industry
  - a. Purpose of Light Industry - Light Industry use is intended to provide for the orderly development of manufacturing or industrial operations, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect.

E. Lot Requirements

1. Area - 5 acres minimum
2. Zoning Lot Frontage - 165 feet minimum

F. Height Regulations

1. Farm Structure - 60 feet maximum - except as provided in Section IV, Subsection E.
2. Residential Dwellings - 35 feet maximum - except as provided in Section IV, Subsection E.

G. Building Setbacks - Same as R-1 District

H. Building Size - Same as R-1 District

- I. Accessory Buildings - Same as R-1 District
- J. Parking - Same as R-1 District
- K. Sanitary Permit Required - Same as R-2 District
- L. Permanent Foundation Requirement - Same as R-1 District
- M. Fencing – Same as R-1 District

#### SECTION IX - B-1 BUSINESS DISTRICT

##### A. Purpose

The purpose of the B-1 District is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and be compatible with residential uses, and to accommodate large scale commercial development by providing areas adjacent to major highways for the location of commercial establishments which require extensive land area for open storage and display of merchandise and equipment, require year-round roads, or which serve the traveling public.

##### B. Conditional Uses

1. All uses are conditional in this district and shall comply with Section IV J and in addition the following standards shall apply

##### C. Conditional Use Standards

1. The proposed use must be compatible with adjacent and surrounding land use.
2. It is the policy of the Town Board to locate large scale commercial development that generates significant volumes of traffic in terms of count and tonnage, adjacent to U.S. Highway 8 or adjacent to other year-round roads that are able to support such traffic without damage.
3. The proposed use must demonstrate that it will not generate traffic that will seriously damage, destroy or injure the permanence of the road upon which it is located.

##### D. Lot Requirements

Without public sewer - Area 40,000 square feet minimum  
Zoning Lot Frontage 100 feet minimum

- E. Height Regulations - Same as R-1 District
- F. Building Setbacks - Same as R-1 District
- G. Building Size - Same as R-1 District
- H. Accessory Building
  - 1. All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Section IV C Building and Uses.
- I. Parking - Same as R-1 District
- J. Permanent Foundation Requirement - Same as R-1 District
- K. Fencing – Same as R-1 District

#### SECTION X - RELIGIOUS COLLEGE AND CONFERENCE CAMP DISTRICT

##### A. Purpose

This district is designed to provide for development of college and conference camp related uses that complement each other in terms of the functions being performed and to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

##### B. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

CONFERENCE CAMP - Conference Center/Camp provides a year-round program for all ages in an out-of-doors setting. It emphasizes group instruction, traditional outdoor activities and leadership training.

##### C. Permitted Uses

1. Single-family dwellings for staff and faculty housing
2. Two-family dwellings for staff and faculty housing
3. Multi-family dwellings for staff and student housing
4. Dormitories
5. Chapels, churches, auditoriums and parsonages

6. Classroom, recreational, administration, office, athletic, libraries, laboratories, student center, office buildings and craft shop
7. Maintenance shop and storage buildings
8. Parks, playgrounds and athletic fields
9. Cafeterias
10. First aid facilities
11. Transmission lines, substations, telephone lines, public utility installments, radio towers and monuments
12. Sewage treatment plants
13. Mobile homes

D. Permitted Accessory Uses

1. Private garages and carports
2. Storage and equipment buildings
3. Beach houses, swimming pools and tennis courts
4. Fire stations
5. Greenhouses

E. Conditional Uses

All uses not specifically listed as permitted will be conditional

1. Cemeteries
2. Commercial buildings
3. Agriculture
4. Airfields
5. Sanitary landfill

F. Lot Requirements

1. Single-family dwellings - one and one-half acres minimum
2. All other principal structures with central sewer system - 15,000 square feet minimum  
Without central sewer system - one and one-half acres minimum
3. Zoning lot frontage - 100 feet minimum

G. Height Regulations - Same as R-1 District

H. Building Setbacks - Same as R-1 District

I. Building Size - Same as R-1 District

J. Accessory Buildings - Same as R-1 District

- K. Parking - Same as R-1 District
- L. Sanitary Permit Requirement - Same as R-1 District
- M. Permanent Foundation Requirement - Same as R-1 District
- N. Fencing – Same as R-1 District

## SECTION XI - F-1 FORESTRY DISTRICT

### A. Purpose

The primary purpose of this district is to preserve, protect, enhance and restore significant woodlands so that such areas continue to furnish recurring forest crops for commercial use, provide for recreational use and wildlife habitat, and prevent water pollution.

The district is not intended for year-long permanent dwelling units and for other permanent uses that would require municipal and governmental services such as school busing, mail carriers and year-round roads. This district is intended to complement the Forestry District contained in the Marinette County Zoning Ordinance. Every building, intended for human habitation or occupancy shall be provided with a properly functioning private sewage system for treatment and disposal of domestic waste, or privy and shall comply with the Marinette County private sewage system ordinance and Chapter ILHR 83 of the Wisconsin Administrative Code.

### B. Permitted Uses

1. Production of forest products
2. Fish hatcheries and fisheries
3. Game, bird, fur and animal farms duly licensed by the Wisconsin Conservation Department under Sections 29.573 to 29.578 inclusive of the Wisconsin Statutes, 1951 edition
4. Growing of cranberries
5. Production of agricultural crops when the land on which these crops are grown is part of a farm located in an unrestricted or agricultural district
6. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds.

### C. Permitted Accessory Uses

1. Uses customarily incidental to the permitted use.



D. Conditional Uses

1. Forest industries
2. Public and private parks, clubs, playgrounds, campgrounds, and golf grounds
3. Recreational camps and resorts
4. Private summer cottages and service buildings
5. Hunting and fishing cabins
6. Trapper's cabins
7. Boat liveries
8. Mines, quarries and gravel pits
9. Hydro-electric dams, power plants, flowage areas, transmission lines and substations, telephone and telegraph lines and offices

E. Lot Requirements

1. Area - 5 acre minimum
2. Zoning Lot Frontage - 165 feet minimum

F. Height Regulations - Same as R-1 District

G. Building Setbacks - Same as R-1 District

H. Building Size - Same as R-1 District

I. Accessory Buildings - Same as R-1 District

J. Parking - Same as R-1 District

K. Permanent Foundation Requirement - Same as R-1 District

L. Fencing – Same as R-1 District

SECTION XII - MOBILE HOME PARKS AND MOBILE HOMES

A. Purpose

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of Dunbar. Mobile home parks shall be allowed as Conditional Uses in the R-2 District only. Mobile home parks shall be prohibited in all other zoning districts within the Town of Dunbar.

B. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. MOBILE HOME (SINGLE OR DOUBLE WIDE) – A structure that is or was engineered, designed and constructed with facilities and amenities to commonly be used for human habitat as permanent living quarters for year-round residence that is constructed off-site and delivered to installation site by motor vehicle via public highways.
2. Unit - a unit shall mean one mobile home
3. NON-DEPENDENT UNIT - a non-dependent unit shall mean a mobile home that has a bath or shower and toilet facilities.
4. DEPENDENT UNIT - a dependent unit shall mean a mobile home which does not have a bath or shower and toilet facilities
5. MOBILE HOME PARK - any site, parcel, or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
6. SPACE - a space shall mean a plot of ground in a mobile home park designed for the location of only one mobile home.
7. PERSON - the word “person” shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or another agent, heir or assign.
8. PAD - a pad shall mean a concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the mobile home space for the purpose of accommodating water and sanitary connections for a mobile home.
9. OCCUPIED AREA - that portion of an individual mobile home space which is covered by a mobile home and its accessory structures,
10. PARK MANAGEMENT - the person who owns or has charge, care of, control of the mobile home park.

C. Mobile Home Standards

1. All mobile homes located in the Town of Dunbar must be built in compliance with the National Mobile Home Construction and Safety Act of 1974 (Title VI of P.L. 93-383, 88 Stat. 700, 42 U.S.C. 5401 et. seq.).

D. Mobile Homes Located Outside of Mobile Home Parks

1. All mobile homes in the Town of Dunbar not located in a mobile home park shall abide by the following requirements:
  - a. Shall be allowed 1 mobile home per parcel of land.
  - b. Shall be blocked, off wheels, and skirted for rodent control.

- c. Must meet zoning district requirements for a single-family dwelling, including but not limited to minimum lot size, minimum floor space, and minimum setback requirements.
- d. Must have on-site sanitary facilities meeting the requirements of the Marinette County Private Sewage System Ordinance and the Wisconsin Administrative Codes. The Town Board may require a private sewage system as defined in the Marinette County Private Sewage System Ordinance and all mobile homes intended for year-round occupancy shall have a private sewage system.
- e. Required minimum exterior shall be 14 feet in width and minimum wall thickness of 6 inches thick.
- f. Requirements that roofs shall be of gable type construction with a roof pitch of not less than 3 inches for every foot of rise.
- g. Any mobile home manufactured April 1, 2007 or newer complies with the State Uniform Dwelling Code (UDC) codes of compliance. This includes the installation of such unit. Installation of all mobile homes manufactured after June 1, 1980 but before April 1, 2007 is exempt from the UDC unless placed on a basement or crawl space. If such unit falls under this exemption, it must be installed according to the recommended manufacturer's specifications.
- h. A mobile home shall not be used for any other purpose other than originally intended for human habitat.
- i. Under no circumstances shall it be allowed to install or place 2 or more mobile home units together to create 1 dwelling.
- j. Any owner of a parcel of land having 2 or more mobile homes installed on said property shall be considered operating a mobile home park.
- k. Any and all attachments cannot exceed 50% of the original size of the mobile home.

E. License for Mobile Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park with the limits of the Town of Dunbar without first securing a license for such park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issues but may be renewed under the provisions of this chapter for additional periods of one year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay annual fee of \$1000.00 and, in addition thereto, each application for an original

or renewal license shall file with the Town Clerk, a bond in the sum of \$50,000.00 for each 50 mobile home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this ordinance and the compliance of the licensee and the park management with the provisions of this ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this ordinance. The annual licensee shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this ordinance and the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk, and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by the person that the applicant is authorized by him to construct or maintain the mobile home park and make the application) and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised mobile home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed.
  - a. The extent and area for park purposes
  - b. Roadway and driveways
  - c. Location and designation of dependent and independent mobile home spaces
  - d. Location of service building indicating the number of sanitary conveniences including toilet, washrooms, laundries and utility rooms to be used by occupants of the mobile home park
  - e. Complete layout of storm, sanitary and water systems for service building and spaces
  - f. Method and plan of garbage removal
  - g. Plan for electrical or gas lighting of spaces
  - h. Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification, or extension, and make the application.

G. Revocation and Suspension

1. The Town Board may suspend or revoke a license after a hearing held pursuant to the Wisconsin Statutes.

H. Location of Mobile Home Parks

1. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

I. Mobile Home Park Plan

1. Mobile home spaces shall be clearly defined and shall consist of a minimum of 4200 square feet and width of not less than 40 feet measured at right angles from the side lot line of each space, the park shall be arranged that all spaces shall face or abut on a roadway of not less than 30 feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.
2. Electrical service to mobile home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code incorporated herein by reference as though in full set forth.
3. All mobile homes within a mobile park shall be parked within the designated space.
4. For the protection of abutting property owners as well as mobile homeowner, a 15-foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the mobile home spaces. A decorative fence ordinance may, if so desired, be submitted for the rear and interior 15-foot buffer strip.
5. Each mobile home space shall provide a front and rear yard setback of ten feet and a side yard setback of 20 feet from any other unit. The above setbacks shall be seeded and landscaped and in no case shall they be used for off street parking or be occupied by a mobile home and/or its necessary buildings except for the following:

- a. Structures for utility outlets and garages serving more than one space may be located within the side or rear setback of the common lot line.
  - b. The hitch used for pulling the mobile home may protrude into the front yard setback.
6. One off-street parking stall shall be provided within each mobile home space, said stall to be in accordance with Section H 5.
7. There shall be constructed on each mobile home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator, to be used for the accommodation of necessary water and sanitary connections as stipulated within the Town Building Code.
8. A minimum of 200 square feet per mobile home space, exclusive of the minimum herein provided for individual mobile home spaces and buffer strip as indicated in H 5 and 6, shall be required for the express purpose of providing open space and recreational area for the residents of the mobile home park.
9. In no case shall a mobile home and its accessory buildings occupy more than 36 percent of a space.
10. All mobile homes in mobile parks shall be skirted, closed such spaces from view and entry by rodents.
11. No person shall construct, alter, add to or alter any structure attachment or building in a mobile home park or in a mobile space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile affected. This subsection shall not apply to addition of awnings, antennae or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback side yard and rear yard requirements for mobile home units.

J. Sanitarian Regulations

1. All mobile home parks shall conform to the sanitarian and health regulations as set forth in Chapter H 77, State Board of Health Regulations published December 1961, together with revisions thereto incorporated herein by reference as though fully set forth.

K. Operation of Mobile Home Parks: Responsibility of Park Management

1. In every mobile home park, there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.
2. The attendant or person in charge and the park licensee shall operate the park in compliance with this ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
  - a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:  
Names and addresses of all owners and occupants of each mobile home  
Number of children of school age  
State of legal residence  
Date of entrance and departure of each mobile home  
Make, model, and serial number of license number of each mobile home and towing or other motor vehicles and state, territory or country issuing such licenses  
Place of employment of each occupant, if any
  - b. Notify park occupants of the provisions of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to their attention.
  - c. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
  - d. Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie downs.
  - e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestations and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

L. Variances

1. The requirements of Sections E. 1, 2, 3 and I. 3, 4, 5, 6, 7, 8 and 9 shall not apply to mobile home parks existing prior to the adoption of this ordinance. Any mobile home park not operating for two or more years is to be considered non-existing as it relates to this section and therefore

does not fall under the grandfather exceptions. All other provisions of this ordinance, however, shall apply to additions of new mobile home parks. [ORD2401](#)

### SECTION XIII - CAMPING AND CAMPGROUNDS

#### A. Purpose

No camping unit including recreational mobile homes, camping trailers or tents, shall be located within the Town of Dunbar except in a federal, state, town or county camp, a private campground except that a camping unit may be placed on a private lot for not more than Fifteen (15) days in any one calendar year without a land use permit for a private camping unit or a conditional use permit.

#### B. General

1. Camping grounds shall meet the following:
  - a. Each camping unit site shall be plainly marked.
  - b. Maximum number of camping sites shall be 15 per gross acre.
  - c. All drives and parking areas other than those at individual sites shall be hard surfaces.
  - d. Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements.
  - e. Water supply and the manner of sewage disposal shall comply with regulations of the Marinette County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.
  - f. No camping unit shall be less than 75 feet from the ordinary high watermark (OHWM) or 50 feet from the side of rear lot lines of the camp.
  - g. Marshland and shoreline areas shall not be altered.
  - h. Camping grounds shall meet all licensing requirements of the State of Wisconsin.
2. Provisions required to be met before issuing a land use permit for a camping unit on a private lot.
  - a. One unit per lot.
  - b. Must have onsite sanitary facilities meeting the Marinette County Sanitary Ordinance and requirements of the Wisconsin Administration Code.
  - c. No camping unit shall be less than 75 feet from the ordinary high.



- d. Camping unit to be allowed on the lot for no more than the fifteen (15) days without a land use permit.
  - e. Camping unit/recreational vehicle required to be registered and licensed annually by the Wisconsin Department of Motor Vehicles.
  - f. Camping unit/recreational vehicle shall not be permanently attached to the ground in any manner preventing ready removal and shall not have the wheels (tires) removed except for repair, preventing ready removal.
  - g. Camping unit/recreational vehicle shall have no permanent addition attached to said unit or vehicle.
- 3.
- a. If the provisions of Section 2. B. cannot be met, or if a land use permit is requested for more than Six (6) years, a conditional use permit or variance must be acquired. A land use permit may be applied for and one issued for a Seven (7) month period from May 1 to November 30 at a cost of \$150.00 or a One (1) year permit from January 1 to December 31 at a cost of \$450.00. (Permits may not be pro-rated).
  - b. Only one (1) camping unit may be stored on private lots and then only in conjunction with a permanent dwelling. (A Mobile home is allowed under this subsection to store one (1) camping unit.
  - c. Permit Display. Permits must be displayed and clearly visible in the window of the unit for inspection.
  - d. Prohibition. Non-conforming units. There shall be no use of converted vehicles for human occupancy such as vans, buses, semi-trailers, storage or shipping containers, trolley cars, enclosed trailers or the like in any zoning district within the Town of Dunbar. *See Ord. 24.06 for more detail.* [ORD2401](#)

#### SECTION XIV - NONCONFORMING USES, STRUCTURES AND LOTS

##### A. Purpose

- 1. Zoning regulations are generally prospective, that is, they apply to uses of land proposed to be established after the regulations go into effect. Section XIV provides rules for a variety of situations in which uses were established, lots were created, buildings were constructed, etc. prior to the enactment of zoning. After the enactment, questions arise as to continuance, change in use, expansions, etc.

##### B. Building Under Construction

1. Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this ordinance may be constructed notwithstanding this ordinance, provided that the construction was legal and had received any necessary permits under any ordinances in effect on the date the construction project commenced.

C. Pre-existing Structures: Dimensional Nonconformance

1. Buildings which were constructed prior to the effective date of this ordinance, which are conforming to the ordinances to use, but do not conform as to dimensional rules (setback, height, yard spaces, separations, etc.) and which are proposed to be altered are subject to the following requirements:
  - a. Repairs and improvements of a maintenance nature are allowed.
  - b. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which conform to the dimensional rules of this ordinance are allowed.
  - c. Alterations, additions and expansions which change the exterior to this ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 60 percent of full market value of the structure or building.
  - d. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

D. Preexisting Uses and Structures: Use Nonconformance

1. Land uses or uses of structures which were established prior to the effective date of this ordinance which are nonconforming as to use may be continued provided that:
  - a. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the property shall be in conformity with this ordinance.
  - b. A nonconforming use may be changed to another nonconforming use only as a conditional use. A nonconforming use which is changed to a conforming use shall not revert back to nonconforming.
  - c. The construction or establishment of a new structure to accommodate a nonconforming use shall occur only as a conditional use.

- d. Nonconforming uses shall also be governed by Section XIV C as to any dimensional nonconformity and Section XIV E.

E. Preexisting Structures and Uses: Other Standards and Requirements

1. When a structure which is nonconforming as to dimensional standards or a structure containing a nonconforming use is damaged by fire, explosion, act of God or public enemy to the extent of more than 60 percent of its current full market value, it shall be restored except as a conditional use. In addition to the standards generally required for a conditional use, the Board shall also consider the hardship to the applicant and feasibility of requiring that restoration conform to the ordinance.
2. Classification of a use of building as preexisting or nonconforming under this section does not eliminate the necessity for issuance of a zoning permit or other permits as required for activities specified in that section as requiring permits.

F. Existing Substandard Lots

1. A lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is a least 50 feet wide and 7,200 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district, provided that the lot is of record in the County Register Deeds Office prior to the effective date of this Ordinance; provided that the lot is in separate ownership from abutting lands, provided that the lot is in compliance with Marinette County Private Sewage System Ordinance and the State of Wisconsin Administrative Code ILHR 83 Private Sewage Systems.
2. If two or more substandard lots with continuance frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.
3. Substandard lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issues only after a variance by the Board of Appeals. [ORD2401](#)

SECTION XV - [ADMINISTRATION AND FEES](#)

A. Purpose

1. This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

B. General

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of land use permits and occupation permits; variances, appeals, amendments, conditional uses, fees, and penalties.

C. Zoning Administrator

1. The Town Chairman of Dunbar shall appoint a Zoning Commissioner subject to confirmation by the Town Board. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance of such other persons as the Town Board may direct. The Town of Dunbar Zoning Administrator shall have the following responsibilities and duties:
  - a. Issue all land use permits and make and maintain records thereof.
  - b. Issue all rezoning certificates and make and maintain records thereof.
  - c. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
  - d. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
  - e. Forward to the Town of Dunbar Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the Office of the Zoning Administrator.
  - f. Forward to the Zoning Board of Appeals applications of appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
  - g. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
  - h. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.

- I. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall advise such party and also notify the Town Board of such violation.
- D. Board of Appeals
1. Membership, terms of office, and voting
    - a. A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Town Chairman, subject to confirmation by the Town Board, for three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one of the members, chairman of the Board of Appeals. The Town Chairman shall appoint an alternate member for a term of three (3) years, who shall act with full power, only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.
    - b. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
    - c. The Board of Appeals shall keep minutes of its proceeding, 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 be immediately filed in the office of the Board of Appeals and shall be a public record.
    - d. Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are bases shall appear in the minutes.
    - e. The concurring vote of four (4) members of the Board shall be necessary to correct an error, grant a variance, make an interpretation; and permit a utility, temporary, unclassified or substituted use.

2. Powers: The Zoning Board of Appeals shall have the following powers:
  - a. Errors: To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.
  - b. Variances: To hear and grant appeals for variances as will not contrary to the public interest, when owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this ordinance shall be observed, and the public safety, welfare, and justice secured. Use variances shall not be granted.
  - c. Interpretations: To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
  - d. Substitution: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - e. Temporary Uses: To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Zoning Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provision of this ordinance shall be required.
  - f. Permits: The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
  - g. Assistance: The Board may request assistance from other town officers, departments, commissions, and boards.
  - h. Oaths: The chairman may administer oaths and compel the attendance of witnesses.
  - i. Conditions: In exercising the foregoing powers, the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

### 3. Appeals

- a. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Dunbar affected by any decision of the Town Plan Commission or Town Zoning Administrator. Such an appeal shall be made within thirty (30) days of decision.
- b. The Zoning Administrator or Town Plan Commission shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals.
- c. At least fifteen (15) days' notice of the time and place of said hearing shall be given by posting of a notice to that effect in three (3) public places in the Town of Dunbar, which notice shall, in addition to specifying the time and place, state the grounds for appeal as stated in the Notice of Appeal.
- d. Due notice of the hearing shall be given to parties of interest as well as owners of property located within 100 feet of the property in appeal. The Board shall reach a decision within thirty (30) days from the filing of the appeal.

### 4. Variances

- a. Application: An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require. Due notice of the hearing shall be given to parties of interest as well as owners of property located within 100 feet of the property in appeal. The Board shall reach a decision within thirty (30) days from the filing of the appeal. Notice of the time and place of such public hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Dunbar.
- b. Findings: No variance to the provisions of this ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceeding.
  1. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

2. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual Circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
4. Preservation Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
5. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.
6. Expiration: Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
7. Review by Court of Record: Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

E. Town Plan Commission

1. The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.
  - a. Jurisdiction: The Dunbar Plan Commission shall carry out the following duties under this ordinance.
    1. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner



designated by this ordinance for amendments and conditional uses.

2. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusion and recommendations to the Dunbar Town Board.
3. Hear and decide matters upon which it is required to pass under this ordinance.

b. Meetings

1. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.
2. The Commission shall keep minutes of its proceeding, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

c. Decisions: All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

d. Membership

1. The Town Plan Commission shall consist of five (5) members appointed by the Dunbar Town Chairman and subject to confirmation by the Dunbar Town Board. The Town Chairman shall designate one of the members, Chairman of the Plan Commission.
2. One (1) Town Board member may be a member of the Dunbar Plan Commission.
3. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; two (2) shall serve for two (2) years; and two (2) shall serve for three (3) years.
4. The Town Plans Commission members shall be removable by the Town Board of Dunbar for cause written charges.
5. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Dunbar.

F. Building Permit

1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this ordinance.
2. Application for said building permit shall be made by writing to the Dunbar Town Zoning Administrator by the landowner or his authorized agent and shall include the following, where applicable:
  - a. A copy of the plat, certified survey map, or registered deed of the proposed building site.
  - b. A plat, in duplicate, drawn at a minimum scale of one inch to 100 feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land: and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.
  - c. Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Marinette County Zoning Administrator for the installation of any onsite soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
  - d. Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 112 of the Wisconsin Administrative Code.
  - e. Additional information as may be required by the Town Planning Commission, and Zoning Administrator.
3. A building permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.
4. Uses not requiring a building permit: No building permit shall be required for any of the following uses:
  - a. For structural repairs or interior structural alterations to buildings having a cost or fair market value of less than \$500.00; or

- b. For exterior improvements or additions having a cost or fair market value of less than \$1,000.00.

G. Amendments

1. Authority: The Dunbar Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Section 1 of this ordinance.
2. Initiation: Amendments may be proposed by a governmental body, interested person or organization.
3. Application: An application for an amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon, to the Town Board.
4. Hearing Notices: The Town Board shall hold a public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be submitted and provided in the state law on planning and zoning and applicable to the Town of Dunbar. Due notice of the hearing shall be given to parties of interest as well as owners of property located within 100 feet of the property in appeal. The Board shall reach a decision within thirty (30) days from the filing of the appeal.
5. Town Plan Commission Finding and Recommendations:
  - a. The Town Plan Commission shall make written findings of fact and shall submit the same, together with its recommendations to the Town Board prior to the public hearing.
  - b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Plan Commission Board shall make findings based upon evidence presented to it in each specific case with respect to the following matters:
    1. Existing uses or property within the general area of the property in question.
    2. Zoning classification of property within the general area of the property in question.

3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
5. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely or the interest of the applicant.

6. Town Board Action:

- a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by owners of 20 percent or more, either of the areas of the land including in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

H. Conditional Use

1. Permit: The Town Board may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

2. Initiation: Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.
3. Application: The application for a conditional use shall be filed with the Dunbar Town Plan Commission on a form so prescribed by the Town of Dunbar and shall include the following
  - a. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
  - b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - c. Plat of survey prepared by a registered land surveyor showing all of the information required under Section XV F Building Permit and existing and proposed landscaping and/or copy of registered deed.
  - d. A statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted to the Town Board.
  - e. Additional information as may be required by the Town Plan Commission and Zoning Administrator.
4. Plan Commission Review and Recommendation: The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation and shall review the proposed use for compliance with all other provisions of this ordinance. The Plan Commission shall then provide a written report and recommendation to the Town Board. The report may contain stipulations of additional conditions such as those noted in Section XV H. 6. And guarantees that such conditions will be complied with.

5. Public Hearing on Application: Upon receipt in proper form of the written recommendation referred to in Subsection 4., the Town Board shall hold at least one (1) public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest as well as owners of property located within 100 feet of the property in appeal. The Board shall reach a decision within thirty (30) days from the filing of the appeal. If an application for a proposed conditional use is not acted upon within 40 days of the date upon which such application is received by the Dunbar Town Board, it shall be deemed to have been denied.
  6. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion date, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
  7. Compliance with all other provision of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section XV D. 4.
- I. Fees
    1. The Town of Dunbar Fee Schedule Ordinance.
    2. Failure to secure the necessary permits prior to commencing construction or to the use of any structure or land shall constitute a violation of this Ordinance and the fees shall be twice those shown in the Town of Dunbar Fee Schedule Ordinance. [ORD2401](#)

## SECTION XVI - ENFORCEMENT

- A. Purpose

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance.

B. Building Permit

No structure of any kind, including buildings, shall hereafter be erected, moved or structurally altered until a building permit therefore shall have been applied for and issued.

SECTION XVII - VIOLATIONS AND PENALTIES

- A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the Town Board which shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person or entity who fails to comply with the provisions of this ordinance, shall upon conviction, pay a forfeiture of not less than \$20.00 nor more than \$500.00, plus the applicable surcharges, assessments and cost for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

PROCEDURES FOR ADMINISTRATION OF ZONING ORDINANCE

Variance		Appeal	
1.	File Application with Plan Commission	1.	File Application with Zoning Administrator
2.	Refer copy of Application to Zoning Board of Appeals		Zoning Board of Appeals holds public hearing and makes a decision
3.	Zoning Board of Appeals holds public hearing and makes decision		

Amendments or Zoning Change

Conditional Use

1. File Application with Plan Commission
2. Planning Commission reviews Application and makes written Recommendation to the Town Board

1. File Application with Plan Commission
2. Planning Commission reviews Application and makes written Recommendation to the Town Board

ORD2401

STATE OF WISCONSIN

COUNTY OF MARINETTE

TOWN OF DUNBAR

#### ORDINANCE 24.02

#### MOBILE TOWER SITING REGULATIONS

##### SECTION I – TITLE

This ordinance is entitled the Town of Dunbar Mobile Tower Siting Permit Ordinance.

##### SECTION II – PURPOSE

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

##### SECTION III – AUTHORITY

The Town of Dunbar Town Board has the specific authority under ss. 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

##### SECTION IV – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does



not require the substantial modification of an existing support structure and mobile service facilities.

#### SECTION V – DEFINITIONS

A. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

B. Town- Town of Dunbar and/or Dunbar Town Board

#### SECTION VI - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### SECTION VII – SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES

##### A. Application Process

1. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual, for the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.
- d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters,

receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10-days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$ 500.00 [not to exceed \$500.00 per s. 66.0404(4)(d)] This fee can be waived by the Dunbar Town Board if they deem it may contribute to the economic growth of the community and/or said tower enhances the general health, safety or welfare of the citizenry.

## SECTION VIII – CLASS 1 COLLOCATION

### A. Application Process

1. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit. The permit requirements should be consistent with respects to all Town of Dunbar zoning ordinances.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.
- d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90-days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$500.00 [not to exceed \$500.00 per s. 66.0404(4)(d)] This fee can be waived by the Dunbar Town Board if they deem it may contribute to the economic growth of the community and/or said tower enhances the general health, safety or welfare of the citizenry.

## SECTION IX – CLASS 2 COLLOCATION

### A. Application Process

1. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
3. A permit application will be provided by the town upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject. The permit requirements should be consistent with respects to all Town of Dunbar zoning ordinances.
5. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
6. Within 45-days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45-day period:
  - a. Make a final decision whether to approve or disapprove the application.
  - b. Notify the applicant, in writing, of its final decision.
  - c. If the application is approved, issue the applicant the relevant permit.
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
7. The fee for the permit is \$ 500 [not to exceed \$500 per s. 66.0404(4)(d)] This fee can be waived by the Dunbar Town Board if they deem it may contribute to the economic growth of the community and/or said tower enhances the general health, safety or welfare of the citizenry.

#### SECTION X – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than

\$1,500 nor more than \$3,000.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### SECTION XI – 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. [HomeChapter24](#)

### ORDINANCE 24.03

#### DUNBAR SUBDIVISION REGULATIONS ORDINANCE

#### SECTION 1

**Authority.** These regulations are adopted under the authority granted by §236.45 Wis. Stats. and pursuant to §59.69(3) and §281.31 Wis. Stats., or the Statutes as amended.

**Purpose and Intent.** The purpose of this code is to promote the public health, safety and general welfare of the residents and landowners of the Town of Dunbar, to further the orderly layout and use of land, and to secure safety from fire, panic and other dangers.

**Severability.** If any section, provision or portion of this chapter is adjudged invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**Abrogation and Greater Restrictions.** The provisions of this chapter supersede all the provisions of any town zoning chapter adopted under §59.69 Wis. Stats. However, where an ordinance adopted under §59.69 Wis. Stats. or an ordinance adopted under a statute other than §59.69 Wis. Stats., is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

**Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Dunbar and shall not be deemed a limitation or repeal of any powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a

standard in Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted in light of the Wisconsin Administrative Code standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

**Title.** This chapter shall be entitled the Land Division and Subdivision Regulations, Town of Dunbar, Marinette County, Wisconsin.

**Effective Date.** This chapter shall be effective upon adoption of the Dunbar Town Board and proper publication.

## **SECTION 2**

**DEFINITIONS** For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word shall is mandatory.

**Administrator.** The Town of Dunbar Zoning Administrator or any other staff member(s) designated by the Zoning Administrator to enforce the ordinance.

**Certified Survey Map or CSM.** A map of land division, not a subdivision, prepared in accordance with §236.32 Wis. Stats., and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.

**Committee.** The Plan Commission of the Town of Dunbar

**Town Plat.** A map of a division of land prepared in the same manner as required in Chapter 236, Wis. Stats., except that all reviews are completed at the town level, in accordance with the terms of this chapter and where the land is not served by sanitary sewer.

**Land Division.** Any division of a lot, parcel or tract of land where the act of division creates a lot, parcel or building site of less than nine (9) contiguous acres.

**Lot.** A contiguous parcel of land under one (1) ownership, and undivided by street, railroad rights-of-way or navigable waters. All calculations of lot area shall be exclusive of any dedications, right-of-way easements, or reservations.

**Navigable Waters.** All-natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this

state. Under §281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under §56.692 Wis. Stats., and Chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if: (a) such lands are not adjacent to a natural navigable stream or river, (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and (c) such lands are maintained in nonstructural agricultural use Wisconsin Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 262 Wis. 492 Wis. (1952) and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1974)).

**Ordinary Highwater Mark.** The point on the bank of shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Parcel.** Contiguous lands under the control of a subdivider(s) not separated by streets, highways or railroad rights-of-way.

**Private Street.** A strip of land, which provides vehicular ingress and egress to more than one lot, parcel or tract of land which is under private ownership.

**Public Street.** A strip of land, which provides vehicular ingress and egress to a lot, parcel, or tract of land which has been dedicated to the public or the public has a perpetual easement.

**Shoreland Area.** All lands lying within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the ordinary highwater mark of glacial potholes; all lands lying within three hundred (300) feet of the ordinary highwater mark of navigable streams, rivers, or within the floodplain thereof, whichever distance is greater. For the purposes of this chapter, the term navigable waters applies to all non-intermittent streams and bodies of water indicated on the 7.5-minute series of the United States Geological Survey Quadrangles and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

**Subdivider.** A person, firm, corporation and/or their designated agent initiating the creation of a land division or subdivision.

**State Subdivision.** The division of lot, parcel, tract of land by the owner thereof or owner's agent for the purpose of sale or building development where: (a) The act of division creates four (4) or more lots, parcels or tracts of five (5) acres or more in area:



or (b) four (4) or more lots, parcels, or tracts of land of five (5) acres each or more are created by successive divisions within a period of five (5) years. All subdivisions will be divided into five (5) acre minimum parcels or more with a substandard of 250 lineal foot frontage 130,000 sq. ft, approximately (3) acres per lot. A maximum of two (2) substandard lots per subdivision.

Tax Parcel. Any parcel which is assessed and taxed as one (1) unit or assigned a single parcel number in a current year.

### **SECTION 3**

#### **GENERAL PROVISIONS**

Jurisdiction. The provisions of this chapter shall apply in the entire township of Dunbar, Marinette County.

Compliance with Ordinances, Statutes, Regulations and Plans. Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat of a certified survey map in accordance with the requirements of this chapter and: (a) The provisions of Chapter 236, and §80.08 Wis. Stats. (b) The rules of the Division of Highways, Wisconsin State Department of Transportation contained in TRANS 233, Wisconsin Administrative Code for subdivisions, which about a state trunk highway or connecting street. (c) The rules of the Wisconsin Department of Natural Resources contained in NR116, Wisconsin Administrative Code for floodplain management programs. (d) County codes. (e) Comprehensive Land Use Plan. (f) The rules and by-laws of the State of Wisconsin Department of Regulation and Licensing.

Classification of Land Divisions. Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is bisected by an existing dedicated street, existing public road or by navigable water. The Administrator shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Plan Commission. Land divisions are classified under this chapter as either: (a) MINOR SUBDIVISIONS. A minor subdivision shall include the creation of any lot, parcel, tax parcel or building site, which is less than nine (9) acres in size. Land divisions, which are classified as a minor subdivision, shall be created by CSM or County Plat. (b) STATE SUBDIVISIONS. Land divisions meeting the definition of state subdivisions are subject to mandatory State review under Chapter 236, Wis. Stats.

Exceptions. The provisions of this chapter shall not apply to: (a) Transfer of interests in land by will or pursuant to court order. (b) Land divisions created by CSM or State Plat which have been reviewed by the local municipality for compliance with the requirements of Chapter 236 of the Wis. Stats. and signed by a representative of the local municipality having jurisdiction. (c) Leases for a term not to exceed ten (10) years,

mortgages or easements. (d) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by the County Shoreland/Wetland Zoning Code or other applicable laws or ordinances.

Access. No lot, parcel or tract of land shall be created unless it is accessible to a public or private street. Lot frontage on a privately-owned street may be permitted provided the local municipality notifies the Administrator of the approval in writing. Ownership of lots, parcels or tracts of land created on private streets shall extend to the centerline of the private streets.

## **SECTION 4**

### **PROCEDURE**

Application and Review of Minor Subdivisions and County Subdivisions. (a) Minor subdivisions shall be created by use of a certified survey map (CSM) or County Plat. One (1) copy of an application form provided by the town and a legible copy of the CSM or Town Plat shall be submitted to the Administrator. (b) Minor subdivisions shall comply with the requirements of Chapter A-E7 Wisconsin Administrative Code. CSM's shall comply with §236.34 Wis. Stats., and County Plats shall comply with the requirements of §236.20 Wis. Stats., in addition to the following requirements: (1) Date of preparation. (2) Name and address of the owner of the parcel to be divided. (3) Location of existing buildings, adjoining streets, highways, parks, cemeteries and subdivisions. (4) Location of the ordinary highwater mark (OHWM) of navigable water and water elevation one (1) elevation for every four (4) lots, parcels or tracts of land) on the date of survey of any navigable water. Water elevation may be provided in assumed datum provided the benchmark is identified on the face of the CSM or Town Plat. Any minor subdivision submitted for county approval shall show the ordinary highwater mark wherever the OHWM is within seventy-five (75) feet of the subject parcel. (5) Location of existing wells drain field vents, septic, pump and holding tanks. The approximate outline of the base of any mound or above grade drain field. (6) Apparent easements or private rights-of-way which adjoin or cross the property. (7) Adjoining property information (vol., pg., Doc. #, CSM #, Plat, etc.). (8) A statement by the surveyor certifying that the requirements of this Chapter and Chapter 236 of the Wis. Stats. have been fully complied with. (9) The area of the surveyed parcel shall be shown as square feet and acres. (10) An Owners Certificate in substantially the following form: "As owner I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map." (11) A Town's Certificate in substantially the following form: "This certified survey map has been reviewed and approved by the Dunbar Plan Commission and/or the Administrator this \_\_\_\_\_ day of \_\_\_\_\_"

20\_\_.” (c) The application for any proposed Minor Subdivision with lots, parcels, or new streets requiring direct access onto a County, State, U.S. or Federal Highway shall be reviewed by the Highway Commissioner or WI Department of Transportation (DOT) as appropriate. When access is being requested onto a County Highway, a copy of the application shall be forwarded to the Highway Commissioner by the Administrator at the time of application. If, within five (5) workdays, the application has not been approved or denied by the Highway Commissioner, the survey may be reviewed and approved. When access is being requested onto a State, U.S. or Federal Highway, the provisions of Wisconsin Administrative Code TRANS 233 shall be complied with. A copy of the decision of the DOT shall be submitted with the request for review of a survey map. (d) The Administrator shall transmit a copy of the application and map to the County Surveyor and the Town Chairperson of the town where the property is located for review. Within ten (10) working days of the date a complete application is received, the Administrator or designees shall approve, conditionally approve or disapprove a minor subdivision. Failure to act within ten (10) working days shall constitute approval of the application.

The conditional approval or disapproval of a Subdivision application may be appealed to the Plan Commission upon written request. The town chairman shall place the minor subdivision application on the Committee’s agenda and submit a copy of the agenda to any governments, agencies or other parties who may have an interest.

The Plan Commission shall, within forty-five (45) calendar days of receipt of written request, review the application, map and reasons for denial against the applicable standards of this chapter, and approve, approve conditionally, or disapprove the application and map based upon a determination of conformity or nonconformity with the standards.

The action of the Plan Commission on the application shall be stated in writing in the minutes of the Committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the Committee to act within forty-five (45) calendar days of the date of receipt of written request or within a time as extended by agreement with the subdivider shall constitute an approval.

Correction of errors on a recorded CSM or Plat, or the replotting of a lot(s) on a recorded CSM or plat shall indicate on the face of the new document (Affidavit, CSM or Plat), the volume, page, document number, CSM # or Plat Name of the previously recorded document which is being corrected or replotted.

## **SECTION 5**

### **VARIANCES AND FEES**

Variations. In the event the Plan Commission finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of this chapter. Any modification or variance thus granted shall be entered in the minutes of the Committee, setting forth the reasons, which, in the judgement of the Committee, justified the modification or variance.

Fees. The subdivide shall pay such fees as shall be periodically established by the Plan Commission and approval by the Town of Dunbar Board of Supervisors.

## **SECTION 6**

### **VIOLATIONS AND PENALTIES**

Penalties. Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in §236.30, 236.31, 236.32, 236.335 and 236.35 of the Wis. Stats., as well as all other applicable Town of Dunbar Code of Ordinances. Each day, which the violation exists, shall constitute a separate offense. [HomeChapter24](#)

### **ORDINANCE 24.04**

#### **Fencing Regulations**

## **SECTION 1**

### **1. FENCE VIEWERS-**

The Town Chairman or his or her designee of the town shall be fence viewers.

### **2. FEES.**

The fee for a fence inspection certificate issued under this section is \$50 for a fenced area that is less than 80 acres in size and \$100 for a fenced area that is 80 acres or more in size. If a person expands a fenced area that is less than 80 acres in size during the period that the fence inspection certificate issued under this section is valid so that the fenced area is 80 acres or more in size, the person shall apply for a new fence inspection certificate and pay an additional fee of \$50. A fence inspection certificate issued herein shall be valid from the date of issuance until the 31<sup>st</sup> day of December.

## **SECTION 2**

### **3. FENCES-**

Fences shall be placed on the lot lines separating parcels as indicated on a certified survey map filed at the Marinette County Register of Deeds Office. There shall be no set backs.

The following, and no other are considered proper fencing:

- (a) A fence of strong woven wire not less than 26 inches wide with 3 barbed wires or 3 high tensile wires above.
- (b) A fence of strong woven wire not less than 30 inches wide with 2 barbed wires or 2 high tensile wires above.
- (c) A fence of strong woven wire not less than 46 inches wide with one barbed wire or one high tensile wire above.
- (d) A fence of strong woven wire not less than 50 inches wide.
- (e) A fence of boards firmly fastened to posts well set, not more than 8 feet apart, the space between the boards to the height of 30 inches to be not more than 6 inches and at no point to be more than 10 inches.
- (f) A fence of 2 boards with 3 barbed wires or 3 high tensile wires above, firmly fastened to sufficient posts well set not more than 8 feet apart, the space between the boards to be not more than 6 inches.
- (g) A fence of 3 or more wires not less than No. 12, with pickets not less than 4 feet long properly woven in or fastened thereto, and set not more than 6 inches apart.
- (h) All fences consisting of rails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, or hedges, which shall, in the judgment of the fence viewers, be equivalent to either of the fences before mentioned.
- (i) The following minimum requirements shall constitute a standard electric fence and shall be a legal fence when agreed to in writing by the adjoining property owners. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer, and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulators to sufficient post, firmly set, and not over 2 rods apart.
- (j) A fence not less than 48 inches high of 4 or more barbed wires or high tensile wires spaced evenly on a steel post of any diameter or on a wood post at least 3 inches in diameter. Existing fences of a lesser standard are legal until they are rebuilt, repaired or replaced.
- (k) No bared wire fencing is allowed on any property less than 5 acres in size in any zoning district.

All fences consisting of rails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, or hedges, which shall, in the judgment of the fence viewers, be equivalent to either of the fences before mentioned. Fences shall not

be less than 4 feet high and not more than 10 feet in height. The bottom of the fence shall be not more than 4 inches from the ground, measurements to be made at the posts. Fences shall be kept in good repair throughout the year. The strands of woven wire shall not be smaller than No. 12 wire and the cross wires shall not be smaller than No. 16 wire; the strands shall not be more than 8 inches apart, and the cross wires not more than 12 inches apart. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than 16 feet apart.

#### 4. ELECTRIC FENCING-

The following minimum requirements shall constitute a standard electric fence and shall be a legal fence when approved by the town fence viewer in writing to the fence owner. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer, and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulators to sufficient post, firmly set, and not over 2 rods apart. If authorized under s. 60.10 (2) (c) to exercise village powers, by ordinance require a subdivider to construct a fence under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a condition of plat approval by the town. The fence shall be maintained under s. 90.05 (2) and repaired under ss. 90.10 and 90.11

If any person neglects to repair or rebuild any partition fence that by law that person is required to maintain, the aggrieved party may complain to 2 or more fence viewers of the town, who, after giving notice as provided in s. 90.07, shall examine the fence. If the fence viewers determine that the fence is insufficient, they shall inform the delinquent party of the insufficiency and direct the delinquent party to repair or rebuild the fence within a time that the fence viewers determine is reasonable. If the fence is not repaired or rebuilt within the time fixed by the fence viewers, the complainant may repair or rebuild the fence and recover the expense of repairing or rebuilding the fence as provided under s. 90.11.

#### 5. DEER FARMS-

Any Person who raises Non-White-Tailed deer shall follow the requirements of state statute 90.20 and have the appropriate permits required by law. Any Person who raises White-Tailed deer shall follow the requirements of state statute 90.21 and have the appropriate permits required by law. No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are contained in a fenced area for which the person holds a valid fence inspection certificate issued by the Wisconsin Department of Natural Resources.

### **SECTION 3**

## 6. ENFORCEMENT AUTHORITY-

If a fence fails to comply with the requirements established by rule under this ordinance the town may issue an order directing the person who is required to maintain the fence to bring the fence into compliance within 10 days after the issuance of the order. If the person fails to comply with the order within 10 days of its issuance, the town may revoke the applicable fence inspection certificate. The town zoning administrator, his designee of the town supervisors has full authority to enforce this ordinance.

## 7. PENALTIES.

Any person who violates this section, or a rule promulgated under this section, shall be subject to a forfeiture of not more than \$200. In addition to or in lieu of the forfeiture specified herein a court may suspend a fence inspection certificate issued under this section. Each day the fence is not in compliance with this ordinance or a lawful order issued by the fence viewer is consider a separate and distinct violation and may be prosecuted as such. [HomeChapter24](#)

### [ORDINANCE 24.06](#)

#### 24.06 Trailer Ordinance

The Town Board of the Town of Dunbar, County of Marinette, Wisconsin, has the specific authority under s. 60.0113 Wis. stats., to adopt this ordinance.

WHEREAS, the Town of Dunbar finds the permanent parking or storage of recreational vehicles, motor homes, and camper trailers on private property without a habitable dwelling causes an increased need for public services by property owners of such properties including, but not limited to sanitary, garbage, police, rescue, and fire services; and

WHEREAS, the Town of Dunbar also finds it is in the public interest to regulate the permanent parking or storage of recreational vehicles, motor homes and camper trailers on private property without a habitable dwelling and to charge a reasonable fee to cover the cost of providing public services related to such

permanent parking or storage including but not limited to, reviewing and issuing permits for such parking or storage.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF DUNBAR BOARD OF SUPERVISORS as follows:

#### SECTION I.

#### PARKING AND STORAGE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER TRAILERS

The purpose of this ordinance is to promote the health, safety, and prosperity, aesthetics and general welfare of the people and communities within the Town of Dunbar by:

1. Establishing a permitting system to document and regulate the placement of all recreational vehicles, motor homes and camper trailers that are parked or stored on a parcel for more than fifteen (15) days in a calendar year.
2. Establishing minimum lot sizes where a recreational vehicle, motor home or camper trailer can be temporarily parked or stored.
3. Requiring a fire number to be attached to the parcel where the recreational vehicle, motor home or camper trailer is parked or stored to facilitate police, fire and rescue services.
4. Requiring a State or County approved sanitary system to service the recreational vehicle, motor home or camper trailer to protect the surface and ground water resources of the county.
5. Requiring setbacks from property lines, water bodies, roads, easements and other structures to preserve safe and healthful conditions.

#### Definitions.

Camper Trailer: Means a vehicle with a collapsible or folding structure designed for human habitation.

Habitable Dwelling: Means a structure built for human habitation under Uniform Dwelling Code specifications or by permit for a dwelling. Does not include a converted accessory structure.

Motor Home: Means a motor vehicle designed to be operated upon a roadway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.



Recreational vehicle: Means a vehicle that is designed to be towed upon a highway by a motor vehicle that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length.

Shoreland Parcels: Land within 300 feet from a river and 1000 feet from a lake.

Unimproved Property: In this ordinance, unimproved property means a parcel of land having no habitable dwellings built to Uniform Dwelling Code Specifications but may have available electric power and a well for potable water.

Unit: One or more of the following: recreational vehicle, motor home or camper trailer.

Non-conforming unit: Any converted storage/shipping containers, converted motor vehicles or the like that are altered to provide for human occupancy. (e.g. buses, semi-trailers, enclosed trailers).

Areas to be Regulated: Areas regulated by this ordinance shall be all the property within the Town of Dunbar and the town's adopted zoning districts; Agricultural, Commercial, Forestry, Residential, Camping and College, Business, Mobile Home, Camping and Non-Conforming. Areas included in this ordinance shall include all shoreland district zoning as regulated by the county.

## SECTION II

### GENERAL CONDITIONS

No property owner may park or store a recreational vehicle, motor home or camping trailer for more than fifteen (15) days in a calendar year on property located in any zoning district within the Town of Dunbar unless the property owner complies with this ordinance.

1. Permits Required. No property owner may park or store a recreational vehicle, motor home or camper trailer for more than fifteen (15) days in a calendar year on property located in the Town of Dunbar unless the property owner has obtained a permit in accordance with this ordinance.

2. Permit Requirements. A property owner applying for an initial permit under this ordinance must:

- a. Complete a permit application form including a copy of the fire number application with additional notations that clearly indicate and describe

where the recreational vehicle, motor home or camping trailer will be parked or stored on the property in compliance with the required setbacks in the zoning districts.

- b. Present proof of a valid Fire Number for the property where the recreational vehicle, motor home or camper trailer will be parked or stored;
- c. Present proof of a valid sanitary permit, if required, for the property where the recreational vehicle, motor home or camper trailer is parked.
- d. Adhere to Setback Requirements. The parking or storage of a recreational vehicle, motor home or camper trailer on private property shall comply with the required minimum setbacks as specified in each respective zoning district and county
- e. Have a state campground permit issued to the parcel if required.
- f. Obtain a planning commission variance where the parcel is located on non-conforming lot or parcel.
- g. All property owners must adhere to the minimum lot sizes in each respective zoning district within the Town of Dunbar or apply for a variance.
- h. No recreational vehicle, motor home or camping trailer in which a permit under this section has been issued may be used as a permanent residence.

3. Accessory Structures. Accessory structures such as decks, porches, patios and car ports may be constructed if all permits are obtained, but in no case shall such structures be attached permanently to any recreational vehicle, motor home or camper trailer.

4. Permit Expiration and Renewal. Permits issued under this Ordinance are valid as follows:

- a. 7-Month Permit at \$150.00. May 1 to November 30. Permits will not be pro-rated.
- b. 1-Year Permit at \$450.00. January 1 to December 31. (No permits may be issued after a 6-year period has elapsed from the first permit date issued). Permits will not be pro-rated.

5. Exemption. A property owner may store (1) personally owned unit on their property without obtaining a permit under this ordinance if there is:

- a. A habitable dwelling, as described in this ordinance, on the property parcel.
- b. The unit is placed in a state licensed campground.

c. The unit is placed or stored on unimproved property for not more than fifteen (15) days.

6. Permit Display. Permits must be displayed and clearly visible in the window of the unit for inspection.

7. Prohibition. Non-conforming units. There shall be no use of converted vehicles for human occupancy such as vans, buses, semi-trailers, storage or shipping containers, trolley cars, enclosed trailers or the like in any zoning district within the Town of Dunbar.

8. Enforcement. Any person or persons who violate any provision in this ordinance shall pay a forfeiture of \$250.00 (two hundred fifty dollars) together with applicable fees and costs. Each month without a required permit constitutes a separate violation. Property owners who violate this ordinance shall pay a forfeiture of \$500.00 (five hundred dollars) together with applicable fees and costs for a second and subsequent violation.

### SECTION III:

#### EFFECTIVE DATE

#### **Effective Date-**

Following passage by the Dunbar Town Board, this ordinance shall take effect December 31, 2019, 30 days after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

#### **Authority-**

Pursuant to Section 66.0113 Wis. Stats., The Town of Dunbar Town Chairman, Town Supervisors, Zoning Administrator or their designees have the authority under this ordinance to enforce this ordinance and issue citations for any and all said violations thereof. [HomeChapter24](#)

