

**GENERAL ORDINANCE NO. 198**  
**TOWN OF TURTLE, ROCK COUNTY, WISCONSIN**  
**ORDINANCE ESTABLISHING AN ALCOHOL LICENSE CONTROL COMMITTEE**

The Town Board of the Town of Turtle, Wisconsin, pursuant to Chapter 125 of the Wisconsin Statutes, does ordain as follows:

WHEREAS, the Town of Turtle desires to establish an Alcohol License Control Committee; and

WHEREAS, the Town is empowered to establish an Alcohol License Control Committee.

NOW, THEREFORE,

The Town Board of the Town of Turtle establishes a Town of Turtle Alcohol License Control Committee ("Committee") forthwith.

The Committee shall consist of no fewer than five (5) members and those first five (5) members shall be the individuals elected to the Town Board. The Committee may be larger than five (5) members, particularly if non-elected citizens are appointed to the Committee. All members of the Committee shall be residents of the Town of Turtle and of legal drinking age;

The Town Board members' terms on the Committee shall coincide with their terms on the Town Board;

The Town Chairperson shall fill any vacancies created in the Committee for whatever reason. The non-elected citizen appointments shall be subject to approval by the Town Board. No non-elected citizen member may serve for more than two (2) consecutive terms;

All members of the Committee have the same rights and privileges;

The purpose of the Committee is to gather facts and conduct investigations to determine whether an applicant for an alcohol beverage license and the premises described in the application meet all applicable alcohol beverage license requirements.

The Committee's duties and responsibilities include:

- a. review applications for alcohol beverage licenses, including applications for the transfer of existing licenses;
- b. study the proposed locations for any licensed premises to assure conformity with existing rules, regulations and zoning ordinances of the Town and State of Wisconsin;
- c. review the qualifications of applicants for alcohol beverage licenses;

- d. make recommendations to the Town Board regarding the grant or denial of new retail alcohol beverage licenses, except for temporary beer and wine licenses issued by the Town Clerk;
- e. make recommendations to the Town Board regarding the renewal, suspension or revocation of existing retail alcohol beverage licenses;
- f. make recommendations to the Town Board regarding approval of the appointment of corporate agents or successor agents;
- g. make recommendations to the Town Board regarding the transfer of retail alcohol beverage licenses from person to person or from place to place;
- h. review requests for other than normal operating hours for the licensed premises;
- i. investigate reports of disorderly activity on licensed premises;
- j. conduct a general analysis of the alcohol beverage trade; and
- k. review quota limitations regarding the issuance of "Class B" licenses.

Any and all appeals to the Committee's decisions should be made to the Rock County Circuit Courts;

The Committee shall meet as needed and shall be noticed in compliance with the State of Wisconsin Open Meeting laws. The Committee Chair may call a meeting or a meeting may be called at the request of two (2) or more members of the Committee. The Town Clerk shall prepare an agenda for any meeting called;

The Committee shall elect a Chair and a Vice-Chair. The Chief of Police and the Town Attorney shall provide staff support to any called meeting. The Town Clerk shall perform the duties of secretary at all meetings and retain a written record of all meetings;

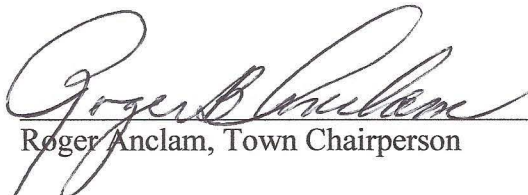
All Committee meeting minutes are subject to public inspections, unless exempt from disclosure under the State of Wisconsin Public Records Law;

All Committee meetings shall be conducted in accordance with Robert's Rules of Order. The Committee may adopt by-laws as needed. Further, the Committee may appoint subcommittees if found necessary; and

No member of the Committee shall be compensated by the Town of Turtle.

This ordinance shall take effect as of its date of passage and publication.

Dated: October 9, 2019

  
\_\_\_\_\_  
Roger Anclam, Town Chairperson

  
\_\_\_\_\_  
Deborah Bennett, Town Clerk

GENERAL ORDINANCE NO. 173

Animal Permit for 4-H and FFA Members

The Town Board of Supervisors of the Town of Turtle does ordain that General Ordinance No. 173 entitled "Animal Permit for 4-H and FF A Members" is adopted as follows:

Section 1. Section Created. Section 15.06 of the Town Ordinances is amended to read as follows:

Section 15.06 Animal Permit for 4-H and FFA Members

(a) Definitions

(1) "4-H" means a youth organization administered by the National Institute of Food and Agriculture of the United States Department of Agriculture and the name represents four personal development areas of focus for the organization: head, heart, hands and health.

(2) "FF A" means Future Farmers of America.

(3) "Youth" means a person 19 years old or younger.

(b) Permit

(1) A youth who is a member of 4-H or FFA may obtain an annual permit to raise chickens, rabbits, pigs, goats, steers, and sheep in any zoning district in the Town of Turtle for any 4-H or FFA project.

(2) Applications for an Animal Permit shall be obtained from the Town Clerk.

(3) There shall be no fee charged by the Town for this permit.

(4) All applications of an Animal Permit must be filed with the Town Clerk by December 1<sup>st</sup> and shall be approved by the Town Board, after review and approval of the Planning Commission. Applications must be turned in to the Town on or before the Wednesday before the Planning Commission meetings in March and September.

(c) Membership

(1) All applicants must be able to prove membership either in 4- H or FF A.

(2) After a permit has been issued, the applicant is under a continuing duty to prove membership either in 4-H or FFA if required by the Town.

(d) Requirements for Permit

(1) Applicants must contact their neighbors before turning in an application to advise the neighbors about the type and number of animals they want to raise and the location where the animals will be kept.

(2) The youth must have a land area that is large enough for the animals.

(3) All animals shall be maintained in a healthy condition, or if ill, shall be given appropriate treatment.

(4) The structure in which animals are kept shall be maintained in a clean condition and a good state of repair. The structure shall allow adequate protection against weather extremes.

(5) Structures housing chickens shall provide at least 4 square feet for each bird.

(6) If a youth is keeping a rooster and it creates noise which bothers neighbors, the rooster shall be removed from the premises.

(7) Structures housing animals shall be sufficiently large to permit freedom of movement for the animals.

(8) Food supplies shall be of sufficient quantity and nutritional value to meet the daily requirements of the animals.

(9) All animals must be terminal animals.

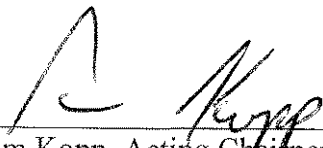
(10) Applicants must provide the Town with a written plan for the waste disposal.

(11) All structures and holding areas for the animals must be set back at least 10 feet from any property line. However, this can be modified by the Town Board.

(e) Right of Entry. The Building Inspector shall have the right to enter upon private property where the animals are kept during reasonable hours to inspect the premises to determine compliance with this ordinance. If entry is refused, the Building Inspector can obtain an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

Section 2. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication or posting.

Adopted this 9<sup>th</sup> day of July, 2014.

  
\_\_\_\_\_  
Tim Kopp, Acting Chairperson  
Deborah Bennett, Clerk      "'  
\_\_\_\_\_



**ORDINANCE TO ESTABLISH PROCEDURES AND CRITERIA FOR  
ALLOWING ALTERNATIVE FORMS OF SWORN TESTIMONY AT BOARD OF  
REVIEW HEARINGS**

**WHEREAS**, Section 70.47(8) of the Wisconsin Statutes authorizes the Board of Review to hear all persons who appear before it in regard to said person's property assessment;

**WHEREAS**, pursuant to said statute, the property owner may appear in person, by a representative, by telephone or submit written statements; and

**WHEREAS**, pursuant to said statute, all appearances and/or submissions to the Board shall be made under oath.

**NOW, THEREFORE**, the Town Board of the Town of Turtle resolves:

The procedure to appear by phone or submit written statements in lieu of a personal appearance before the Board shall be as follows:

1. The property owner, or owner's representative, must file a notice of intent to appear before the Board of Review; and
2. The property owner, or owner's representative, must file an Objection Form for Real Property Assessment; then
3. The property owner, or owner's representative, may file a Request to Testify by Telephone or a Request to Submit a Sworn Written Statement at the Board of Review to the Town Clerk no later than seventy-two (72) hours prior to the Board of Review meeting.

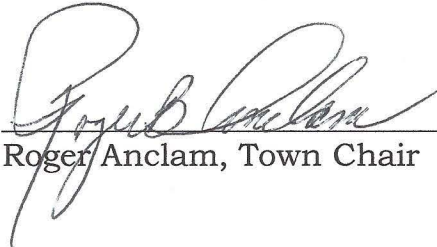
The Board of Review may consider any or all of the following criteria when determining whether to grant either of the above requests:

1. The requester's stated reason for the specific request;
2. The fairness to all parties;
3. The requester's ability to obtain in-person oral testimony and any due diligence on the part of the requester to obtain said in-person testimony;
4. The importance of the Board's ability to cross-examine the person providing the testimony;

5. The Board's technical ability to honor said request; and
6. Any other factors that the Board deems relevant in deciding said request.

This ordinance shall be effective upon its posting as provided by law.

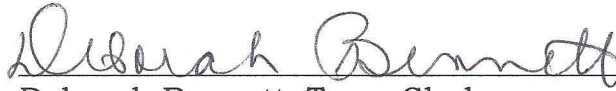
Dated this 9th day of May, 2018.



---

Roger Anclam, Town Chair

ATTESTED BY:



---

Deborah Bennett, Town Clerk

## TABLE OF CONTENTS

	<u>Page</u>
Chapter 1 - General Provisions	1
Section 1.01 Title of Code	1
Section 1.02 Principles of Construction	1
Section 1.03 Conflict of Provisions	2
Section 1.04 Separability of Provisions	2
Section 1.05 Effective Date of Ordinances	3
Section 1.06 Clerk to Maintain Copies of Documents Incorporated by Reference	3
 Chapter 2 - General Government Provisions and Elections	 4
Section 2.01 Legal Status; General Town Powers	4
Section 2.02 Village Powers	4
Section 2.03 Voter Registration	4
Section 2.04 Polling Place	5
Section 2.05 Election Poll Hours; Workers	5
Section 2.06 Official Newspaper	5
 Chapter 3 - Town Meetings	 6
Section 3.01 Town Meeting Definitions	6
Section 3.02 Powers of Town Meeting	6
Section 3.03 Annual Town Meeting	9
Section 3.04 Special Town Meetings	10
Section 3.05 Presiding Officer at Town Meetings	11
Section 3.06 Procedure at all Town Meetings	12
Section 3.07 Clerk of Town Meetings	13
 Chapter 4 - Town Board	 14
Section 4.01 Town Board; Membership and Elections	14
Section 4.02 General Powers and Duties of the Town Board	14
Section 4.03 Miscellaneous Powers of the Town Board	15
Section 4.04 Powers and Duties of Town Board Chairperson	19
Section 4.05 Meetings of the Town Board	23
Section 4.06 Special Meetings of the Town Board	23
Section 4.07 Open Meetings	24
Section 4.08 Quorum	24
Section 4.09 Presiding Officer; Absence of Chairperson or Clerk	24
Section 4.10 Order of Business	25
Section 4.11 Introduction of Business, Resolutions and Ordinances; Disposition of Communications	27
Section 4.12 Conduct of Deliberations	28
Section 4.13 Procedure at Public Hearings	29



Section 4.14	Motions; Voting	29
Section 4.15	Reconsideration of Questions	31
Section 4.16	Publication or Posting of Ordinances and Resolutions	31
Section 4.17	Amendment of Rules	32
Section 4.18	Suspension of Rules	32
Chapter 5 - Town Officers and Employees		33
Section 5.01	Restrictions on Office	33
Section 5.02	Temporary Vacancies	33
Section 5.03	Official Oath and Bond	33
Section 5.04	Compensation of Elective Town Offices	34
Section 5.05	Reimbursement of Expenses	35
Section 5.06	Compensation When Acting in More Than One Official Capacity	35
Section 5.07	Combined Office of Town Clerk and Town Treasurer	35
Section 5.08	Deputy Town Clerk	39
Section 5.09	Deputy Town Treasurer	39
Section 5.10	Assessor	39
Section 5.11	Building Inspector	40
Section 5.12	Weed Commissioner	41
Section 5.13	Town Attorney	42
Section 5.14	Town Engineer	42
Section 5.15	Highway Superintendent	42
Section 5.16	Chief of Police	43
Section 5.17	Fire Chief	45
Section 5.18	Municipal Judge	47
Section 5.19	Clerk of the Municipal Court	47
Section 5.20	Town Auditor/Accountant	48
Section 5.21	Zoning Administrator	49
Section 5.22	Town Employees	49
Section 5.23	Custody of Official Property	49
Section 5.24	Eligibility for Office/Incompatibility of Office	50
Section 5.25	Official Oath and Bond	50
Chapter 6 - Boards, Commissions and Committees		52
Section 6.01	Board of Review	52
Section 6.02	Board of Adjustment	62
Section 6.03	Town Planning Commission	62
Section 6.04	Cemetery Committee	68
Section 6.05	Parks Committee	72
Section 6.06	Safety Committee	75
Chapter 7 - Code of Ethics		79
Section 7.01	Statement of Purpose	79
Section 7.02	Definitions	79

Section 7.03	Responsibility of Public Officials	81
Section 7.04	Statutory Standards of Conduct	82
Section 7.05	Use of Town Property	82
Section 7.06	Advisory Opinions	82
Section 7.08	Sanctions	82
Chapter 8 - Finance		83
Section 8.01	Preparation and Adoption of Budget	84
Section 8.02	Town Funds to be Spent in Accordance with Appropriation	85
Section 8.03	Annual Financial Statement	86
Section 8.04	Finance Book	86
Section 8.05	Financial Audits	86
Section 8.06	Disbursements from Town Treasury	86
Section 8.07	Public Depository	87
Section 8.08	Claims Against Town	87
Section 8.09	Temporary Investment of Funds Not Immediately Needed	88
Section 8.10	Receiving Money; Receipt for Same	88
Section 8.11	Liability of the Town for Acts of Agents	89
Section 8.12	Statement of Real Property Status	89
Chapter 9 - Special Assessments		90
Section 9.01	Town Board May Levy Special Assessments	90
Section 9.02	Resolution and Report Required	90
Section 9.03	Costs That May Be Paid by Special Assessment	91
Section 9.04	Exemptions; Deductions	91
Section 9.05	Notice of Proposed or Approved Project	
Section 9.06	Board Actions After Hearing	
Section 9.07	Combined Assessments	92
Section 9.08	Board's Power to Amend, Cancel or Confirm Special Assessment	92
Section 9.09	Where Cost of Improvement is Less Than Assessment	92
Section 9.10	Appealed Assessments Payable When Due	93
Section 9.11	Special Assessment a Lien on Property	93
Section 9.12	Special Charges Permissible	93
Chapter 10 - Municipal Court		95
Section 10.01	Jurisdiction	95
Section 10.02	Territorial Jurisdiction	
Section 10.03	Sessions of Court	95
Section 10.04	Office of Municipal Court	95
Section 10.05	Employees	96
Section 10.06	Court Papers	96
Section 10.07	Delivery of Books to Town Clerk	96
Section 10.08	Decorum in Municipal Court	97

Section 10.09	Municipal Judge Training	97
Section 10.10	Court Proceedings Public	97
Section 10.11	Municipal Court Procedure	98
Section 10.12	Election of Citation Method of Enforcement of Town Ordinances	98
Section 10.13	Relationship to Other Laws	98
Section 10.14	Schedule of Deposits	98
Section 10.15	Issuance of Citation	99
Section 10.16	Violator's Options; Procedure on Default	99
Section 10.17	Penalty Provisions	100
Section 10.18	Collection Agency	100
Chapter 11 - Fire Department and Fire Protection		101
Section 11.01	Fire Department	101
Section 11.02	Authorization for Fire Department to Hold Volunteer Funds	103
Section 11.03	Mutual Aid Alarm Box System	104
Section 11.04	Fire Prevention	105
Section 11.05	Fees for Fire Department Responses	105
Section 11.06	Hazardous Material Incident Response Reimbursement	106
Section 11.07	Outdoor and Refuse Burning	107
Section 11.08	Charges for False Fire Alarms	113
Chapter 12 - Roads and Highways		114
Section 12.01	Minimum Highway Design Standards	114
Section 12.02	Use of Right of Way By Utilities and Others	118
Section 12.03	Mailboxes and Newspaper Delivery Boxes on Public Highway Right-of-Way	120
Section 12.04	Speed Zones	122
Section 12.05	Drainage Tile	126
Chapter 13 - Building Construction and Property Maintenance		128
Section 13.01	Building Code	128
Section 13.02	Electrical Code	145
Section 13.03	Plumbing Code	149
Section 13.04	Address System	153
Section 13.05	Construction Site Erosion Control	154
Section 13.06	Storm Water Management	162
Section 13.07	Construction of Private Swimming Pools	180
Section 13.08	Fences and Hedges	182
Section 13.09	Driveways	183
Section 13.10	Razing Buildings	186
Chapter 14 - Offenses and Nuisances		187
Section 14.01	Traffic	187

Section 14.02	Snowmobiles	187
Section 14.03	Heavy Traffic	188
Section 14.04	Abandoned and Unregistered Vehicles	189
Section 14.05	Snow Deposits On Highways	189
Section 14.06	Offenses Against State Laws	190
Section 14.07	Storage of Junk and Debris Prohibited	191
Section 14.08	Public Nuisances	192
Section 14.09	No Shooting	193
Section 14.10	Animals at Large	194
Section 14.11	Wild Animals	194
Section 14.12	Banning Nude Dancing in Bars	196
Section 14.13	Fireworks	198
Section 14.14	Unnecessary Noise	198
Section 14.15	Alcohol Regulations	199
Section 14.16	Regulations of Parks	199
Section 14.17	Littering	201
Section 14.18	Weeds	202
Section 14.19	Walking/Bike Path Ordinance	203
Chapter 15 - Licenses and Permits		205
Section 15.01	Wine License	205
Section 15.02	Dogs	206
Section 15.03	Dog Kennels	208
Section 15.04	Peddlers, Solicitors and Transient Merchants Regulated	209
Chapter 16 - Public Utilities		213
Section 16.01	Cable Television Franchise	213
Section 16.02	Telecommunications Towers	224
Chapter 17 - Health and Sanitation		230
Section 17.01	Mandatory Recycling	230
Section 17.02	Regulation of Reclamation Haulers	241
Chapter 18 - Land Regulations		244
Section 18.01	Land Division Regulations	244
Section 18.02	Livestock Facilities	280
Chapter 19 - Zoning		293
Section 19.01	Introduction	293
Section 19.02	General Provisions	294
Section 19.03	Zoning Districts	295
Section 19.04	Conditional Use Permits	353
Section 19.05	Standards for Evaluating Conditional Uses, Changing Zoning Districts and Granting Variances	356
Section 19.06	Highway Setback Lines and Roadside Regulations	357

Section 19.07	Nonconforming Uses, Structures, and Lots	358
Section 19.08	Changes and Amendments	360
Section 19.09	Performance Standards	362
Section 19.10	Signs	365
Section 19.11	Definitions	367
Chapter 20 - Cemeteries and Burial		378
Section 20.01	Purpose	378
Section 20.02	Policy	378
Section 20.03	Platting of New Cemetery Lots and New or Expanded Cemetery Operations	378
Section 20.04	Purchase of Lots	380
Section 20.05	Ownership Rights of Burial or Interment	381
Section 20.06	Care of Cemetery Lots	383
Section 20.07	Privileges and Restrictions	384
Section 20.08	Town of Turtle Cemetery Rules for Visitors	386
Section 20.09	Cemetery Interments	388
Section 20.10	Cemetery Monuments and Markers	390
Section 20.11	Vaults and Mausoleums	391
Section 20.12	Trees, Shrubs and Flowers	391
Section 20.13	Miscellaneous	392
Section 20.14	Penalties	392
Chapter 21 - Review of Administrative Decisions		393
Section 21.01	Purpose	393
Section 21.02	Review of Administrative Determinations	393
Section 21.03	Determinations Reviewable	393
Section 21.04	Determinations Not Subject to Review	394
Section 21.05	Municipal Authority Defined	394
Section 21.06	Persons Aggrieved	394
Section 21.07	Reducing Determination to Writing	394
Section 21.08	Request for Review of Determination	395
Section 21.09	Review of Determination	395
Section 21.10	Administrative Appeal	396
Section 21.11	Hearing on Administrative Appeal	396
Section 21.12	Final Determination	397
Section 21.13	Judicial Review	397
Section 21.14	Legislative Review	397

# Chapter 1 - GENERAL PROVISIONS

## Section 1.01 TITLE OF CODE.

These collected Ordinances shall be known and referred to as the “Town of Turtle Code of Ordinances.”

## Section 1.02 PRINCIPLES OF CONSTRUCTION.

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

- (a) Acts by agents. When an Ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) Code and Code of Ordinances. The words “Codes,” “Code of Ordinances” and “Municipal Code” when used in any Section of this Code shall refer to this Code of Ordinances of the Town of Turtle unless the context of the Section clearly indicates otherwise.
- (c) Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, “legal holiday” means any statewide legal holiday specified by state law.
- (d) Fine. The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- (e) Gender. Every word in these Ordinances referring to gender shall be gender neutral. When “he/she” is used, this shall be construed to mean both sexes.
- (f) General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed

according to that technical or special meaning if such is the intent of the Ordinances.

- (g) Person. The word “person” shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- (h) Repeal. When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.
- (i) Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to the plural number shall also be construed to apply to one (1) person or thing.
- (j) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (k) Town. The term “Town” shall mean the Town of Turtle, Rock County, Wisconsin.
- (l) Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean, in these Ordinances, the Wisconsin Statutes for the year 2003-2004, as amended.
- (m) Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Adm. Code” shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

State Law Reference: Legal Holidays, Section 256.17, Wis. Stats.

### **Section 1.03 CONFLICT OF PROVISIONS.**

- (a) If the provisions of different Chapters conflict with each other, the provisions of each individual Chapter shall control all issues arising out of the events and persons intended to be governed by that Chapter.
- (b) If the provisions of different Sections of the same Chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

**Section 1.04 SEPARABILITY OF PROVISIONS.**

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

**Section 1.05 EFFECTIVE DATE OF ORDINANCES.**

- (a) **Code.** The Code of Ordinances, Town of Turtle, Rock County, Wisconsin, shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

State Law Reference: Sections 66.0103 and 60.80, Wis. Stats.

**Section 1.06 CLERK TO MAINTAIN COPIES OF DOCUMENTS  
INCORPORATED BY REFERENCE**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Town Clerk shall maintain in her office a copy of any such material as adopted and as amended from time to time or have access to such material on the Internet. Materials on file at the Town Clerk office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.



## **Chapter 2 - GENERAL GOVERNMENT PROVISIONS AND ELECTIONS**

### **Section 2.01 LEGAL STATUS; GENERAL TOWN POWERS.**

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

State Law Reference: Section 60.01, Wis. Stats.

### **Section 2.02 VILLAGE POWERS.**

The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town of Turtle shall have said village powers through its Town Board. This is a continuing grant of powers which was adopted at the Annual Town Meeting in 1951.

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

### **Section 2.03 VOTER REGISTRATION.**

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

State Law Reference: Section 6.27(2), Wis. Stats.

**Section 2.04 POLLING PLACE.**

The polling place serving all wards in the Town of Turtle shall be the Town of Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511. Telephone: 608-362-0655.

State Law Reference: Section 5.25, Wis. Stats.

**Section 2.05 ELECTION POLL HOURS; WORKERS.**

7:00 a.m. to 8:00 p.m. for all elections.

**Poll Hours.** The voting polls in the Town of Turtle, Rock County, Wisconsin, shall be open from 7:00 a.m. to 8:00 p.m. for all elections.

**Number of Election Officials.** The Town Clerk shall be authorized to employ election officials (poll workers and tabulators) for each election sufficient to conduct said election effectively, in compliance with the requirements of Sec. 7.30, Wis. Stats., and other applicable state regulations.

The Town Clerk shall have the power to limit or reduce the number of election officials. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Town Clerk shall further redistribute duties among the remaining officials.

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

**Section 2.06 OFFICIAL NEWSPAPER.**

The Town of Turtle shall use posting pursuant to the Wisconsin Statutes as its means of giving notice. When publication is required by the Wisconsin Statutes or when directed by the Town Board, the official newspaper of the Town of Turtle shall be Beloit Daily News.

State Law Reference: Section 60.80 and 985.05, Wis. Stats.

## Chapter 3 - TOWN MEETINGS

### **Section 3.01 TOWN MEETING DEFINITIONS.**

In this Code of Ordinances:

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

State Law Reference: Section 60.001, Wis. Stats.

### **Section 3.02 POWERS OF TOWN MEETING.**

- (a) **Direct Powers.** The Town Meeting may:
  - (1) Raise Money. Raise money, including levying taxes, to pay for expenses of the town, unless the authority has been delegated to the town board under subsection (b)(1).
  - (2) Town Offices and Officers.
    - a. Fix the compensation of elective town officers under section 60.32 of the Wisconsin Statutes, unless authority has been delegated to the town board under subsection (b)(11).
    - b. Combine the offices of town clerk and town treasurer under section 60.305(1) of the Wisconsin Statutes.
    - c. Combine the offices of town assessor and town clerk under section 60.305(2) of the Wisconsin Statutes.
    - d. Establish or abolish the office of town constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.

- e. Designate the office of town clerk, town treasurer or the combined office of clerk and treasurer as part-time under section 60.305(1)(b) of the Wisconsin Statutes.
- f. Designate the town board of supervisors as full-time officers.
- g. If the town has a population of 2,500 or more, provide for the appointment by the town board of the town clerk, town treasurer, or both, or of the combined office of town clerk and town treasurer under section 60.305(1), at a level of compensation to be set by the board that may not be reduced during the term to which the person is appointed.

(3) Election of Town Officers.

- a. Adopt a plan under section 5.60(6) of the Wisconsin Statutes to elect town board supervisors to numbered seats.
- b. Provide under section 8.05(3)(a) of the Wisconsin Statutes for the nomination of candidates for elective town offices at a nonpartisan primary election.

(4) Cemeteries. Authorize the acquisition and conveyance of cemeteries under section 157.50(1) and (3) of the Wisconsin Statutes.

(5) Administrator Agreements. Approve agreements to employ an administrator for more than 3 years under section 60.37(3)(d) of the Wisconsin Statutes.

(6) Hourly Wage of Certain Employees. Establish the hourly wage to be paid under section 60.37(4) to a town employee who is also an elected town officer, unless the authority has been delegated to the town board under subsection (b)(12).

(b) **Directives Or Grants Of Authority To Town Board.** Except as provided under subsection (b)(3), directives or grants of authority to the town board under this subsection (b) may be general and continuing or may be limited as to purpose, effect or duration. A resolution adopted under this subsection (b) shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent town meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This

subsection (b) does not limit any authority otherwise conferred on the town board by law. By resolution, the town meeting may:

- (1) Raise Money. Authorize the town board to raise money, including levying taxes, to pay for expenses of the town.
- (2) Membership of Town Board in Populous Towns. If the town has a population of 2,500 or more, direct the town board to increase the membership of the board under section 60.21(2) of the Wisconsin Statutes.
- (3) Exercise Village Powers. Authorize the town board to exercise powers of a village board under section 60.22(3) of the Wisconsin Statutes. A resolution adopted under this subsection (b)(3) is general and continuing.
- (4) General Obligation Bonds. Authorize the town board to issue general obligation bonds in the manner and for the purposes provided by law.
- (5) Purchase of Land. Authorize the town board to purchase any land within the town for present or anticipated town purposes.
- (6) Town Buildings. Authorize the town board to purchase, lease or construct buildings for the use of the town, to combine for this purpose the town's funds with those of a society or corporation doing business or located in the town and to accept contributions of money, labor or space for this purpose.
- (7) Disposal of Property. Authorize the town board to dispose of town real property, other than property donated to and required to be held by the town for a special purpose.
- (8) Exercise of Certain Zoning Authority. In a town located in a county which has enacted a zoning ordinance under section 59.69 of the Wisconsin Statutes, authorize, under section 60.62(2) of the Wisconsin Statutes, the town board to enact town zoning ordinances under section 61.35 of the Wisconsin Statutes.
- (9) Watershed Protection and Soil and Water Conservation. Authorize the town board to engage in watershed protection, soil conservation or water conservation activities beneficial to the town.
- (10) Appointed Assessors. Authorize the town board to select assessors by appointment under section 60.307(2) of the Wisconsin Statutes.

- (11) Compensation of Elective Town Offices. Authorize the town board to fix compensation of elective town offices under section 60.32(1)(b) of the Wisconsin Statutes.
  - (12) Hourly Wage of Certain Employees. Authorize the town board to establish the hourly wage to be paid under section 60.37(4) of the Wisconsin Statutes to a town employee who is also an elected town officer, other than a town board supervisor.
- (c) **Authorization To Town Board To Appropriate Money.** The town meeting may authorize the town board to appropriate money in the next annual budget for:
- (1) Conservation of Natural Resources. The conservation of natural resources by the town or by a bona fide nonprofit organization under section 60.23(6) of the Wisconsin Statutes.
  - (2) Civic Functions. Civic and other functions under section 60.23(3) of the Wisconsin Statutes.
  - (3) Insects, Weeds and Animal Diseases. The control of insect pests, weeds, or plant or animal diseases within the town.
  - (4) Rural Numbering Systems. Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under sections 59.54(4) and (4m) of the Wisconsin Statutes.
  - (5) Cemetery Improvements. The improvement of the town cemeteries under section 157.50(5) of the Wisconsin Statutes.

State Law Reference: Section 60.10, Wis. Stats.

**Section 3.03 ANNUAL TOWN MEETING.**

- (a) **Requirement.** The Town of Turtle shall hold a town meeting as provided in this section.
- (b) **When Held.**
  - (1) Except as provided in subsection (b)(2), the annual town meeting shall be held on the second (2<sup>nd</sup>) Tuesday of April.

(2) The annual town meeting may set a date different than provided in subsection (b)(1) for the next annual town meeting if the date is within ten (10) days after the second (2<sup>nd</sup>) Tuesday of April.

(c) **Where Held.**

(1) The annual town meeting may be held in the Town of Turtle or in any village or city within or adjoining the Town of Turtle.

(2) The annual town meeting shall be held at the location of the last annual town meeting unless the location is changed by the town board. If the town board changes the location, it shall publish a Class 2 notice under Chapter 985 of the Wisconsin Statutes stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.

(d) **Adjournment.** The annual town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under subsection (b).

(e) **Notice.**

(1) No public notice of an annual town meeting is required if held as provided under subsection (b)(1).

(2) If the annual town meeting is held under subsection (b)(2), notice of the time and date of the meeting shall be given under section 60.12(3) of the Wisconsin Statutes.

(f) **Jurisdiction.** An annual town meeting may transact any business over which a town meeting has jurisdiction.

(g) **Poll List.**

(1) An annual town meeting may require the clerk of the town meeting to keep a poll list with the name and address of every elector voting at the meeting.

(2) If an elector of the town obtains a confidential listing under section 6.47(2) of the Wisconsin Statutes and presents an identification card issued under section 6.47(3) of the Wisconsin Statutes, the clerk shall record the identification serial number of the elector in lieu of the elector's address.

State Law Reference: Section 60.11, Wis. Stats.

**Section 3.04 SPECIAL TOWN MEETINGS.**

- (a) **Who May Convene.** A special town meeting may be convened if:
- (1) Called by a town meeting.
  - (2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town of Turtle for governor at the last general election, is filed with the town clerk.
  - (3) Called by the town board.
- (b) **Time, Date and Purpose to be Stated.** If a special town meeting is requested or called under subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- (c) **Notice.** The town clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of the special town meeting, publish a Class 2 notice of the meeting under Chapter 985 of the Wisconsin Statutes. The notice shall state the purpose, date, time and location of the meeting. If the notice is posted, the same time and content requirements apply.
- (d) **Location.**
- (1) A special town meeting may be held in the Town of Turtle or in any village or city within or adjoining the Town of Turtle.
  - (2) A special town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the town board.
- (e) **Adjournment.** A special town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.
- (f) **Jurisdiction.** Any business which may be transacted at an annual town meeting may be transacted at a special town meeting.

State Law Reference: Section 60.12, Wis. Stats.



**Section 3.05 PRESIDING OFFICER AT TOWN MEETINGS.**

(a) **Who Presides.**

- (1) If present, the Town Board Chairperson shall chair the Town meeting. If the Town Board Chairperson is absent, another Town Board Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.
- (2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive any per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.

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

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

State Law Reference: Section 60.13, Wis. Stats.

**Section 3.06 PROCEDURE AT ALL TOWN MEETINGS.**

(a) **Qualified Voters.** Any qualified elector of the Town, as defined under Chapter 6 of the Wisconsin Statutes may vote at a Town meeting.

(b) **Definition.** A qualified elector, as defined under Chapter 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.

- (c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.
- (d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.
- (e) **Reconsideration of actions.**
  - (1) A vote of the Town meeting may be reconsidered at the same meeting at which the vote was taken if the Town meeting votes to reconsider within one hour after the initial vote was taken.
  - (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under section 60.12(1)(b) or (c) of the Wisconsin Statutes and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Section 60.14, Wis. Stats.

### **Section 3.07 CLERK OF TOWN MEETINGS.**

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

State Law Reference: Section 60.15, Wis. Stats.

## Chapter 4 - TOWN BOARD

### **Section 4.01 TOWN BOARD; ELECTIONS TO.**

- (a) **Membership.** The Town of Turtle Town Board consists of four (4) Supervisors and the Chairperson.
  
- (b) **Elections.**
  - (1) There shall be elected one (1) person from the Town at large who shall be designated as the “Chairperson” and whose term shall be for a period of two (2) years.
  
  - (2) Biennially in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Town of Turtle Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) as Supervisor One and Two respectively.
  
  - (3) Biennially in even-numbered years, at the annual spring election, there shall be elected two (2) members to the Town of Turtle Town Board, designated as Supervisors Three and Four respectively.

State Law Reference: Section 60.20, Wis. Stats.

### **Section 4.02 GENERAL POWERS AND DUTIES OF THE TOWN BOARD.**

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

- (a) **Charge of Town Affairs.** The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).
  
- (b) **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town is a party.

- (c) **Village Powers.** As authorized under Sec. 60.10(2)(c), Wis. Stats., and Sec. 2.02 of this Code, the Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.
- (d) **Jurisdiction of Constable.** Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.
- (e) **Pursue Certain Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

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

#### **Section 4.03 MISCELLANEOUS POWERS OF THE TOWN BOARD.**

The Town Board may:

- (a) **Joint Participation.** Cooperate with the state, counties and other units of government under Sec. 66.0301, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the Town.
- (b) **Utility Districts.** Establish utility districts under Sec. 66.0827, Wis. Stats., and provide that any convenience or public improvement in the district be paid for under that Section.
- (c) **Appropriations for Civic and Other Functions.** If authorized under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gifts or donations to be used to:
  - (1) Further civic functions and agricultural societies.
  - (2) Advertise the attractions, advantages and natural resources of the Town.
  - (3) Attract industry.
  - (4) Establish industrial complexes.

- (5) Establish, maintain and repair ecological areas.
- (6) Provide for the organization, equipment and maintenance of a town museum or a municipal band, or for the employment of other bands to give concerts and municipal entertainment in the Town.
- (d) **Town Industrial Development Agency.** In order to promote and develop the resources of the Town, appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this subsection. A Town industrial development agency created under this subsection may:
  - (1) Develop data regarding the industrial needs of, advantages of and sites in the Town.
  - (2) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town.
  - (3) Coordinate its activities with the Regional Planning Commission, the Wisconsin Department of Commerce and private credit development organizations.
  - (4) Engage in any other activity necessary for the continued improvement of the Town's industrial climate.
- (e) **Cooperation in County Planning.** Cooperate with the county in rural planning under Secs. 27.015, 59.54(4) and (4m) and 59.69, Wis. Stats.
- (f) **Conservation of Natural Resources.** If authorized by the Town meeting under Sec. 60.10(3)(a), Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town or beneficial to the Town. No payment made be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of the work to be done. The plan shall include the name of the owner of any property on which work is to be performed.
- (g) **Emergency Pest and Disease Control.** Appropriate money for the control of insects, weeds or plant or animal diseases if:
  - (1) An emergency arises within the Town due to insects, weeds or plant or animal diseases; and

- (2) The Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.
- (h) **Bowling Centers, Dance Halls, Roadhouses, Places of Amusement, Pool Tables and Amusement Devices.** Regulate, including the licensing of, bowling centers, dance halls, roadhouses, other places of amusement, billiard and pool tables and amusement devices maintained in commercial facilities. If a license is required, the Board shall establish the term of the license, not to exceed one year, and the license fee. The Board may suspend or revoke, for cause, a license issued under this subsection. Any person violating a regulation adopted under this subsection shall forfeit to the Town an amount established by the Town Board.
- (i) **Reimbursement of School Districts for Providing Transportation in Hazardous Areas.** Reimburse a school district for costs incurred by the district under Sec. 121.54(9), Wis. Stats., in transporting pupils who reside in the Town.
- (j) **Exchange Tax Credit for County Land.** Authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned lands.
- (k) **Associations of Towns.** Appropriate money to purchase membership in any association of town boards, town officials or town government for the protection of Town interests and improvement of Town government.
- (l) **Vacation of Alleys.** Vacate any alley in the Town under Sec. 66.1003, Wis. Stats. The Town Board may not vacate, under this Subsection, an alley adjacent to land fronting a state or county trunk highway.
- (m) **Cemeteries.** Provide for cemeteries under subch. II of Ch. 157, Wis. Stats.
- (n) **Change Street Names.** Name, or change the name of, any street in the Town under Sec. 82.03(7), Wis. Stats.
- (o) **Neighborhood Watch Program and Signs.** Authorize a neighborhood watch program. The Town Board may place within the right-of-way of a street or highway under the jurisdiction of the Town a neighborhood watch sign of a uniform design approved by the department of transportation. If the Town Board obtains the approval of the county board, the town board may place a sign under this subsection with the right-of-way of a county trunk highway within the limits of the town. No sign under this subsection may be placed within the right-of-way of a

highway designated as part of the national system of interstate and defense highways.

- (p) **Fences in Subdivisions.** If authorized under Sec. 60.10(2)(c) to exercise the village powers, by ordinance require a subdivider to construct a fence under Sec. 90.02 on the boundary of a subdivision, as defined under Sec. 236.02(8), as a condition of plat approval by the town. The fence shall be maintained under Sec. 90.05(2) and repaired under ss. 90.10 and 90.11.
- (q) **Disposition of Dead Animals.** Notwithstanding ss. 59.54(21) and 95.50(3), dispose of any dead animal within the town or contract for the removal and disposition with any private disposal facility. A town may enter into a contract with any other governmental unit under S.66.0301 to provide for the removal and disposition. A town may recover its costs under this subsection by imposing a special charge under s. 66.0627.
- (r) **Drug Paraphernalia.** Adopt an ordinance to prohibit conduct that is the same as that prohibited by s. 961.573(2), 961.574(2) or 961.575(2).
- (s) **Contribution to Truancy.** If the town board has established a municipal court under s. 755.01(1), adopt an ordinance to prohibit conduct that is the same as or similar to that prohibited by s. 948.45 and impose a forfeiture for a violation of the ordinance.
- (t) **School Attendance.** If the town board has established a municipal court under s. 755.01(1), enact and enforce an ordinance to impose a forfeiture, which is the same as the fine provided under s. 118.15(5), upon a person having under his or her control a child who is between the ages of 6 and 18 years and whose child is not in compliance with s. 118.15.
- (u) **Power to Prohibit Certain Conduct.** Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that prohibit conduct which is the same or as similar to that prohibited by chs. 941 to 948, except as provided in s. 66.0107(3).
- (v) **Cable Television.** Enact and enforce an ordinance, and provide forfeitures for a violation of that ordinance, that is similar to s. 100.209, or that gives a cable service subscriber greater rights than the rights under s. 100.209(2).
- (w) **Self-Insured Health Plans.** Provide health care benefits to its officers and employees on a self-insured basis, subject to s. 66.0137(4).
- (x) **Town Housing Authorities, Blighted Areas.** Engage in certain housing and redevelopment activities. The provisions of ss. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.1335, except the

provisions of s. 66.1201(10) and any other provisions that conflict with statutes relating to towns and town boards, apply to towns and the powers and duties conferred and imposed by s. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.1335, except the powers and duties conferred and imposed by s. 66.1201(10) and any other powers that conflict with statutes relating to towns and town boards, upon mayors, common councils and specified city officials are conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of the specified city officials and common councils respectively. Any town housing authorities created under this subsection may participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ss. 66.1201 to 66.1211.

- (y) **Safety Buildings.** Construct, acquire, equip, furnish, operate and maintain a safety building. The provisions of s. 66.0925, as they apply to cities, shall apply to towns, and the powers and duties conferred and imposed by s. 66.0925 upon mayors, common councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials and common councils respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.
- (z) **Billboard Regulation.** Enact and enforce an ordinance, and provide a forfeiture for a violation of the ordinance, that regulates the maintenance and construction of billboards and other similar structures on premises abutting on highways in the town that are maintained by the town or by the county in which the town is located so as to promote the safety of public travel on the highways.
- (aa) **Riding Horses, Dogs Running at Large.** Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that are the same as or similar to ordinances that may be enacted by a county to regulate riding horses and commercial stables under s. 59.54(19) or to regulate dogs running at large under s. 59.54(20).
- (bb) **Unified Local Transportation System.** Cooperate with a county under s. 59.58(2)(j) in the establishment of a comprehensive unified local transportation system as defined in s. 59.58(2)(c)2.

State Law Reference: Section 60.23, Wis. Stats.

#### **Section 4.04 POWERS AND DUTIES OF TOWN BOARD CHAIRPERSON.**

- (a) **General Powers and Duties.** The Town Board Chairperson shall:



- (1) Preside at Board meetings. Preside over meetings of the Town Board.
  - (2) Preside at Town meetings. Preside over Town meetings as provided under Sec. 60.13, Wis. Stats., and Sec. 3.05 of this Code.
  - (3) Sign Documents.
    - a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Chairperson. The Board, by ordinance, may authorize use of a facsimile signature.
    - b. Sign all drafts, order checks and transfer orders as provided under Sec. 66.0607, Wis. Stats.
  - (4) Assure administration of Statutes. Supervise the administration of the Wisconsin Statutes relating to the Town and Town operations to see that they are faithfully executed.
  - (5) Act on behalf of Board. Act, on behalf of the Town Board, to:
    - a. See that Town orders and Ordinances are obeyed.
    - b. See that peace and order are maintained in the Town.
    - c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 166, Wis. Stats.
  - (6) Act on authorization of Board. If authorized by the Town Board, act on behalf of the Board to:
    - a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval.
    - b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.
- (b) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.

(c) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:

- (1) Nominate individuals for service as election officials to the town board whenever the town board disapproves the nominee of a party committee under Sec. 7.30(4), Wis. Stats., and the names of additional nominees are not available.
- (2) Serve as caucus official under Sec. 8.05(1)(c), Wis. Stats.
- (3) Sue on official bonds under Sec. 19.015, Wis. Stats.
- (4) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under Sec. 24.67, Wis. Stats.
- (5) Serve as Town fire warden under Secs. 26.13 and 26.14, Wis. Stats.
- (6) Appoint members of the board of harbor commissioners under Sec. 30.37(3), Wis. Stats.
- (7) Appoint members of library boards under Secs. 43.54(1)(a) and 43.60(3), Wis. Stats.
- (8) Exercise the powers and duties specified for a mayor under Sec. 62.13, Wis. Stats., if the Town creates a joint board of police and fire commissioners or joint police or fire department with a village under Sec. 61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under Sec. 60.57, Wis. Stats.
- (9) Provide an annual estimate of funds necessary for any utility district established under Sec. 66.072(2), Wis. Stats.
- (10) Appoint, at his or her discretion, one or more commissioners of noxious weeds under Sec. 66.0517, Wis. Stats.
- (11) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), Wis. Stats.
- (12) Approve the bond of the Town Clerk delivered to the County Treasurer under Sec. 70.67(1), Wis. Stats.
- (13) Sign orders for payment of work performed and materials furnished on Town highways.

- (14) See that all tunnels in the Town are constructed under Sec. 82.37, Wis. Stats., and that they are kept in good repair.
- (15) Serve as a member of the County Highway Committee under Sec. 83.015(1)(d), Wis. Stats.
- (16) Close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under Sec. 80.09, Wis. Stats.
- (17) Appoint members to Airport commissions under Sec. 114.14(2), Wis. Stats.
- (18) Under Sec. 167.10(8), Wis. Stats., enforce regulation of fireworks under Sec. 167.10, Wis. Stats.
- (19) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
- (20) Perform the Town Chairperson's duties related to distrained animals under Ch. 172, Wis. Stats.
- (21) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 172, Wis. Stats.
- (22) Perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.
- (23) Cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under Sec. 778.11, Wis. Stats.
- (24) Notify the district attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
- (25) Approve bonds furnished by contractors for public works under Sec. 779.14(1m), Wis. Stats.
- (26) Appoint members to the Planning Commission with approval of the Town Board.
- (27) Appoint members to all Boards and Committees created by the Town Board, including Fundraising Committees, Board of Review, Parks Committee, Cemetery Committee, Boundary Line

Committee, Safety Committee, and Board of Adjustment. All appointments must be approved by the Town Board.

- (28) Appoint Vice-Chairs No. 1 and No. 2 for the Town Board.

State Law Reference: Section 60.24, Wis. Stats.

#### **Section 4.05 MEETINGS OF THE TOWN BOARD.**

The first regular meeting of the Town Board following the spring election, the Board shall establish regular meeting dates and times of the Town Board. Such dates/times may be modified by subsequent resolutions by the Town Board. Regular Town Board meetings are held on the second (2<sup>nd</sup>) Wednesday of each month. Any meeting of the Town Board including any special or adjourned meetings that are not held at the Town of Turtle Community Center but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

#### **Section 4.06 SPECIAL MEETINGS OF THE TOWN BOARD.**

- (a) Any special meeting of the Town Board may be called by the Chairperson or two (2) members of the Town Board in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least twenty-four (24) hours prior to the proposed special meeting of the Town Board with the time specified in the written call for the special meeting.
- (b) No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meeting Law, pursuant to sec. 19.82, Wis. Stats., has been complied with by the person or persons requesting the public meeting.
- (c) The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, either by telephone or in writing, each member of the Town Board. If any member of the Town Board cannot be personally notified, then the Town Clerk shall deliver or have delivered a copy of a written notice at the home of any such member of the Town Board in the presence of an adult member of the family of the Town Board member. If any member of the Town Board cannot be

noticed in writing through an adult family member as noted above, then the Town clerk shall post such special meeting written notice in the above noted three (3) usual and customary locations.

- (d) The Town Clerk shall file proof of notice of such special meeting by filing an affidavit noting the time, place and type of notice given to the Town Board.
- (e) Special meetings of the Town Board may be held without such notice when all members of the Town Board are present in person or consent in writing to holding of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of any special meeting of the Town Board.
- (f) Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town of Turtle business that may come before the Town Board is such regular Town business was noted in the written notice to the public as required by the State Open Meeting Law, Sec. 19.82, Wis. Stats.

#### **Section 4.07 OPEN MEETINGS.**

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

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

#### **Section 4.08 QUORUM.**

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

#### **Section 4.09 PRESIDING OFFICER; ABSENCE OF CHAIRPERSON OR CLERK.**

- (a) **Chairperson to Preside.** The Chairperson shall preside at all meetings of the Town Board when present.

- (b) **Absence of Chairperson; Chairperson Pro Tem.** The Town Board at its first meeting subsequent to the regular election and qualification of new members shall after organization, annually choose from its members a Vice-Chair No. 1 and Vice-Chair No. 2. In the absence of the Chairperson, the Vice-Chair No. 1 shall preside at meetings of the Town Board. In the absence of the Chairperson and Vice-Chair No. 1, Vice-Chair No. 2 shall preside at meetings of the Town Board. When Vice-Chair No. 1 or Vice-Chair No. 2 preside at meetings, they shall have the powers and duties of the Chairperson.
  
- (c) **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy Clerk or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Town Clerk.

**Section 4.10 ORDER OF BUSINESS.**

- (a) **Order of Business.** At all meetings, the following order may be observed in conducting the business of the Town Board:
  - (1) Call to Order.
  - (2) Pledge of Allegiance.
  - (3) Roll Call/Quorum Call.
  - (4) Approval of Agenda.
  - (5) Committee Reports.
    - a. Highway Department Report.
    - b. Fire Department Report.
    - c. Police Department Report.
    - d. Safety Committee Report.
    - e. Parks Committee.
    - f. Cemetery Committee.

- g. Any Additional Reports.
  - (6) Public Notices - Future Meetings.
  - (7) Citizens' Questions/Comments.
  - (8) Board Member Comments.
  - (9) Approval of Minutes.
  - (10) Approval of Invoices.
  - (11) Treasurer Report.
  - (12) Planning Commission Report.
  - (13) Unfinished Business.
  - (14) New Business.
  - (15) Adjournment.
- (b) **Agenda Preparation.**
- (1) The Town Chairperson shall prepare and the Town Clerk shall distribute and post an agenda incorporating the matters comprising the order of business; and
  - (2) There shall be included on said agenda a time for hearing citizens wishing to address the Board; and
  - (3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Chairperson at least two (2) business days prior to the meeting.
- (c) **Order to be Followed; Citizen Comments.**
- (1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.
    - a. At meetings of the Town Board no person, other than the members of this Board shall address the Town Board or

any member of the Town Board. This provision shall not apply to:

1. The Town Clerk/Treasurer.
2. Any member of the Town Board.
3. Town Engineer.
4. Town Attorney.
5. Chief of Police.
6. Fire Chief.
7. Highway Superintendent or Designee.

- b. This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.
- c. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board.

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

**Section 4.11 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.**

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read and then discussed and acted upon as the Board deems appropriate.



Ordinances may be submitted for consideration by the Town Board by any member of the Town Board, Chairperson, or other Town officials.

- (b) **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the number and title of the Ordinance to be amended or repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**

- (1) The Town Board may take action on an Ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.

- (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk in written form a minimum of two (2) days prior to the meeting at which action is requested.

- (c) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk of other Town officer for reference to the Town Board, shall be delivered by the Clerk or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

#### **Section 4.12 CONDUCT OF DELIBERATIONS.**

- (a) A roll call shall not be necessary on any questions or motions except as follows:

- (1) When yes and no is requested by any member.
  - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.
  - (3) When requested by the State Statutes of Wisconsin.
  - (4) When requested by the Chairperson.

- (b) All yes and no votes shall be recorded in the official minutes.

- (c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's

Rules of Order (Revised), which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

(1) No Supervisor shall address the Board until he/she has been recognized by the presiding officer. He/she shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.

(2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

**Section 4.13 PROCEDURE AT PUBLIC HEARINGS.**

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

**Section 4.14 MOTIONS; VOTING.**

(a) **Motions Stated.** Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Town Board and provided to the Town Clerk prior to the

meeting shall be provided priority in the appropriate order of business. The Town Chairperson may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter.

(b) **Change of Vote.** No member of the Town Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.

(c) **Motions With Preference.** During any meeting of the Town Board certain motions will have preference. In order of precedence, they are:

- (1) Motion to Adjourn. This motion can be made at any time and has first precedence. This is a non-debatable motion.
- (2) Motion to Lay on the Table. This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
- (3) Motion to Call Previous Question. This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
- (4) Motion to Postpone to a Date Certain. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.
- (5) Motion to a Committee. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business

item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Town Board.

- (6) Motion to Amend or Divide the Question. This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. The motion is debatable. This motion, if adopted, amends or divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to amend or divide.
- (7) Motion to Postpone Indefinitely. This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question. This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

(d) **Public Directory Votes.** No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

#### **Section 4.15 RECONSIDERATION OF QUESTIONS.**

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

**Section 4.16 PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS.**

(a) **General Requirement.** The Town Clerk shall post in at least three (3) places in the Town likely to give notice to the public, the following, within thirty (30) days after passage or adoption:

(1) Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under Sec. 60.10, Wis. Stats.

(2) Ordinances adopted by the Town Board.

(3) Resolutions of general application adopted by the Town Board and having the effect of law.

(b) **Effective Upon Publication.** An ordinance, resolution, motion or other action required to be published or posted under this section shall take effect the day after its publication or posting, or at a later date if expressly provided in the ordinance, resolution, motion or action.

(c) **Affidavit of Posting.** If an ordinance, resolution, motion or other action is posted under this section, the Clerk shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

State Law Reference: Section 60.80, Wis. Stats.

**Section 4.17 AMENDMENT OF RULES.**

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

**Section 4.18 SUSPENSION OF RULES.**

Any of the provisions of Section 4.12 through 4.15, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.



## Chapter 5 - TOWN OFFICERS AND EMPLOYEES

### Section 5.01 RESTRICTIONS ON OFFICE

(a) Only an elector of the Town may hold a Town office, other than an assessor appointed under sec. 60.207, Wisconsin Statutes, or a Town Clerk, Town Treasurer or combined Town Clerk and Town Treasurer appointed under section 5.07.

(b) No person may hold the offices of Town Treasurer and Town Assessor at the same time.

(c) No person may assume the office of Town Assessor unless certified by the Department of Revenue, under sec. 73.09, Wis. Stats., as qualified to perform the functions of the office of Town Assessor.

State Law Reference: Section 60.30(2), Wis. Stats.

### Section 5.02 TEMPORARY VACANCIES

If any elected Town officer, other than a Town Board Supervisor, is absent or temporarily incapacitated from any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed, except that the appointment procedures of this paragraph apply to a Town Board Supervisor or if he or she is absent because of entry into the U.S. armed forces. Appointees shall file the official oath and bond required under sec. 60.31, Wis. Stats.

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

### Section 5.03 OFFICIAL OATH AND BOND

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

(b) **Official Bond.** Every Town Clerk, Deputy Town Clerk, Town Treasurer, Deputy Town Treasurer shall execute and file an official bond provided by the Town or by sufficient sureties, or the Town may provide a schedule or blanket bond that includes any or all of these officials. The official bond or schedule or blanket bond provided by the Town may be furnished by a surety company under sec. 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of

the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the Board.

**(c) Exceptions.**

(1) The Town of Turtle shall be obligated to pay, in case the Treasurer of the Town of Turtle shall fail to do so, all taxes of any kind required by law to be paid by the Treasurer of the Town of Turtle to the Rock County Treasurer. The Treasurer of the Town of Turtle shall not be required to give a bond for this.

(2) The Municipal Judge shall take and file the official oath and bond under sec. 755.03, Wis. Stats.

**(d) Failure to File Oath or Bond.** If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

State Law Reference: Sections 60.31 and 70.67(2), Wis. Stats.

**Section 5.04 COMPENSATION OF ELECTIVE TOWN OFFICES**

**(a) Established by Town Meeting or Board.**

(1) Except as provided under subsection (2) below and sec. 66.0507, Wis. Stats., the Town meeting shall establish the compensation of elective town offices.

(2) If authorized by the Town meeting under sec. 60.10(2)(k), Wis. Stats., the Town Board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.

**(b) Nature of Compensation.** Compensation under this Section may be:

(1) An annual salary.

(2) A per diem compensation for each day or part of a day necessarily devoted to the service of the Town and the discharge of duties.

(3) A combination of the above.

**(c) Changes During Term.** Subject to subsection (d), the Town meeting or, if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.

**(d) When Established.** Compensation under this section shall be established prior to the latest date and time for filing nomination papers for the office. After that date



and time, no change may be made in the compensation of the office that applies to the current term of office.

State Law Reference: Section 60.32, Wis. Stats.

### **Section 5.05 REIMBURSEMENT OF EXPENSES**

(a) **Generally.** The Town Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Town in the performance of official Town duties. The Town Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this section include, but are not limited to:

(1) Traveling expenses, including mileage, lodging and meal expenses.

(2) Costs associated with programs of instruction related to the officer's or employee's office or employment.

(b) **Manuals.** The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

State Law Reference: Section 60.321, Wis. Stats.

### **Section 5.06 COMPENSATION WHEN ACTING IN MORE THAN ONE OFFICIAL CAPACITY**

Except for offices combined under sec. 60.305, Wis. Stats., no Town may compensate a Town officer for acting in more than one office of the Town at the same time.

State Law Reference: Section 60.323, Wis. Stats.

### **Section 5.07 COMBINED OFFICE OF TOWN CLERK AND TOWN TREASURER**

(a) A majority of the members-elect of the Town Board shall appoint a person to fill the combined office of Town Clerk and Town Treasurer.

(b) A person appointed to the combined office of Town Clerk and Town Treasurer shall serve for a term, not to exceed 3 years, that is set by the Town Board. The person may be reappointed.

(c) The person appointed to the combined office of Town Clerk and Town Treasurer may be dismissed by the Town Board only for cause, as defined in section

17.16(2) of the Wisconsin Statutes, which means for inefficiency, neglect of duty, official misconduct or malfeasance in office.

(d) **Duties of Town Clerk:** The Town Clerk shall:

(1) **Clerk of Town Meeting.** Serve as Clerk of the Town meeting under sec. 60.15, Wis. Stats.

(2) **Clerk of Town Board.**

a. Serve as Clerk of the Town Board, attend all meetings of the Board and keep a full record of its proceedings.

b. File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.

c. File with the Town Board claims approved by the Clerk, as required under sec. 60.44(2)(c), Wis. Stats.

(3) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount, and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board.

(4) **Elections and Appointments.**

a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.

b. Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, or Clerk/Treasurer, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

c. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Municipal Judge in the Town, a written notice stating the name of the Municipal Judge and the term for which elected or appointed. If the Judge was elected or appointed to fill a vacancy in the office, the Clerk shall include in the notice the name of the incumbent who vacated the office.

(5) **Sale of Real Property.** Execute the conveyance of real property of the Town.

**(6) Notices.**

a. Publish or post ordinances and resolutions as required under sec. 60.80, Wis. Stats.

b. Give notice of annual and special Town meetings as required under sections 60.11(5) and 60.12(3), Wis. Stats.

**(7) Records.**

a. Comply with subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.

b. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk shall dispose of the books and papers as required by law.

**(8) Licenses.** Issue any license or permit granted by the Town Board when any required fee has been paid.

**(9) Street Trade Permits.** Stamp or endorse street trade permits at the request of an employer under sec. 103.25(3m)(b), Wis. Stats.

**(10) Schools.**

a. Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.

b. Within ten (10) days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk's office.

c. Make and keep in the Clerk's office a map of the Town, showing the exact boundaries of school districts within the Town.

d. Apportion, as provided by law, tax revenues collected by the Town for schools.

**(11) Highways and Bridges.** Perform the duties specified in Chapters 82 to 92, Wis. Stats., relating to highways, bridges and drains.

**(12) Notice of Property Tax Revenue.** Notify the Treasurer of the county in which the Town is located, by February 20, of the proportion of property tax

revenue and of the credits under s. 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the Town.

(13) **Office Hours.** Maintain office hours as directed by the Town Board.

(14) **Location of Records.** All Town records shall be kept at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

(15) **In General.** Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.

(e) **Duties of Town Treasurer.** The Town Treasurer shall:

(1) **Receive and Disburse Town Money.**

a. Except as provided in sec. 66.0608, Wis. Stats., receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under sec. 66.0607, Wis. Stats.

b. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.

(2) **Deposit of Town Money.**

a. Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.

b. When money is deposited under subsection (e)(2)a., the Town Treasurer and the Treasurer's sureties are not liable for any loss as defined in sec. 34.01(2), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

(3) **Records.** Comply with subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

(4) **Taxes.** Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats.

State Law Reference: Sections 60.30, 60.33, 60.34, Wis. Stats.

### **Section 5.08 DEPUTY TOWN CLERK**

Each Town Clerk may appoint one or more deputies for whom the Town Clerk is responsible. A deputy shall take and file the official oath and bond under sec. 60.31, Wis. Stats. The Town Clerk may designate a deputy to perform the Clerk's duties during the absence, sickness or other disability of the Clerk.

State Law Reference: Section 60.331, Wis. Stats.

### **Section 5.09 DEPUTY TOWN TREASURER**

Each Town Treasurer may appoint a deputy for whom the treasurer is responsible. The deputy shall take and file the official oath and bond under sec. 60.31, Wis. Stats. In case of the absence, sickness, or other disability of the treasurer, the deputy shall perform the treasurer's duties.

State Law Reference: Section 60.341, Wis. Stats.

### **Section 5.10 ASSESSOR**

#### **(a) Qualification.**

(1) The Assessor, or assessment firm, shall be certified by the Department of Revenue under section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. Pursuant to sec. 60.307(2), Wis. Stats., the Assessor shall be appointed by majority vote of the Town Board for a term as determined by special services agreement, but not less than one (1) year.

(2) The Town Assessor so appointed need not be a resident of the Town of Turtle and may hold the office of Assessor for another town or municipality with the consent of the Town Board.

(b) **Duties.** The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under section 70.10, Wis. Stats., to make an assessment of all of the property in the Town liable to taxation, as prescribed by law. The assessor shall return the assessment roll to the Town Clerk at the same time and in the same manner in which Town Assessors are required to do as required by Chapter 70, Wis. Stats.

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

**(c) Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes.**

(1) Adoption. This ordinance adopts by reference section 70.47(7)(af) of the Wisconsin Statutes. Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under section 19.35(1) of the Wisconsin Statutes.

(2) Exception. An officer may make disclosure of such information under the following circumstances:

- a. The assessor has access to such information in the performance of his/her duties;
- b. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office as set by law;
- d. The officer is complying with a court order;
- e. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under section 74.37 of the Wisconsin Statutes, in which case the base records are open and public.

**Section 5.11 BUILDING INSPECTOR**

(a) **Appointment**. There is hereby created the position of Building Inspector who shall be appointed by the Chairperson, subject to confirmation by the Town Board. He/she shall have an indefinite term of office. The Town Board may at its option contract for the services of an inspection firm. The Building Inspector shall review plans, calculate building code-related fees and arrange for Assistant Inspectors to conduct on-site inspections. The Building Inspector shall have proper certification in areas of responsibility from the State of Wisconsin.

**(b) Powers and Duties.**

(1) The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State which relate to building construction, alteration, and repair. With the authorization of the Town Board, he/she may appoint one (1) or more Deputy Building Inspectors and may delegate to them the above-mentioned powers and duties.

(2) The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code.

(3) The Town Chairperson or Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the Inspector.

(4) The Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. The Inspector shall process all applications, make all inspections, and have the authority to issue or cause to be issued a certificate of completion.

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

#### **Section 5.12 WEED COMMISSIONER**

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

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

#### **Section 5.13 TOWN ATTORNEY**

(a) **Appointment.** The office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

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

(1) The Attorney shall conduct all of the law business in which the Town is interested.

(2) He/she shall, when requested by the Town Chairperson, or by two (2) Supervisors making a request through the Town Chairperson, give written legal opinions, which shall be filed with the Town.

(3) He/she shall draft ordinances, bonds and other instruments as may be required for the proper operation of the Town.

(4) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

(5) The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

State Law Reference: Section 60.37, Wis. Stats.

#### **Section 5.14 TOWN ENGINEER**

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve pursuant to a professional services agreement. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town.

#### **Section 5.15 HIGHWAY SUPERINTENDENT**

(a) Selection. The Highway Superintendent shall be appointed by the Town Board. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(b) Powers and Duties. Under the direction of the Town Board, the Highway Superintendent shall have the following duties:

(1) Supervise, under the Town Board=s direction, the construction, repair, and maintenance of all roads, highways and bridges under the Town=s jurisdiction;

(2) Perform such other services in connection with roads, highways and bridges that the Town Board requires which shall be set forth in the Highway Superintendent=s Job Description;

State Law Reference: Section 82.03(1), Wis. Stats.



## **Section 5.16 CHIEF OF POLICE**

### **(a) Appointment.**

(1) The Chief of Police shall be appointed by the Town Board and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(2) The compensation to be paid the Chief of Police for his/her services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Town Board from time to time.

### **(b) General Duties.** The Chief of Police shall:

(1) Have command of the Police Department of the Town under direction of the Town Board;

(2) Have general administration and control of the Department;

(3) Be responsible for the Department's government, efficiency and general good conduct;

(4) Perform all duties prescribed to him/her by laws of the State and ordinances of the Town of Turtle;

(5) Develop Department policies and procedures and maintain and update them when needed;

(6) Maintain Department ethics and discipline;

(7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;

(8) Perform all the duties of a police officer during a portion of every regular shift;

(9) Identify and evaluate ideas to achieve more efficient and effective operation;

(10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;

(11) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;

(12) Make special reports to the Town Board on request; and advise and cooperate with other Town departments in matters of public safety;

(13) Perform other miscellaneous duties as assigned;

(14) Attend monthly Town Board meetings with a written report of monthly activities;

(15) Shall be assistant to the Emergency Management Coordinator.

State Law Reference: Section 62.13, Wis. Stats.

### **Section 5.17 FIRE CHIEF**

(a) **Appointment.** The Fire Chief shall be appointed by the Town Board and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(b) **Duties and Powers.** The Fire Chief shall:

(1) Have general supervision of the Fire Department personnel, apparatus and equipment. The Fire Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Town policies. The Fire Chief shall, by virtue of his/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector;

(2) Enforce all fire prevention ordinances of the Town and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department;

(3) Monitor Department expenditures and purchases pursuant to the adopted budget;

(4) Submit departmental estimates to the Town Board to assist in budget preparation;

(5) Be responsible for the proper maintenance of facilities and equipment under his/her administrative control;

(6) Be responsible for the Department's government, efficiency and general good conduct;

(7) Perform all duties prescribed to him/her by laws of the State and ordinances of the Town of Turtle;

(8) Develop Department policies and procedures and maintain and update them when needed;

(9) Maintain Department ethics and discipline;

(10) Delegate special assignments or duties to firefighters and monitor to see that responsibilities are carried out;

(11) Perform all the duties of a firefighter during a portion of every regular shift;

(12) Identify and evaluate ideas to achieve more efficient and effective operation;

(13) Prepare Department budget requests and maintains expenditures within approved budgetary levels;

(14) Participate in the recruitment, testing and selection of new personnel;

(15) Supervise and participate in the advanced and continuing training of firefighters and Department employees;

(16) Cooperate with county, state and federal officials, and other fire safety agencies;

(17) Make special reports to the Town Board on request; and advise and cooperate with other Town departments in matters of public safety;

(18) Shall be assistant to the Emergency Management Coordinator;

(19) Perform other miscellaneous duties as assigned.

(c) **Reports of Chief.** The Fire Chief shall report to the Town Board from time to time or upon the request of said Town Board or Town Chairperson on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Town Board.

State Law Reference: Section 62.13, Wis. Stats.

## **Section 5.18 MUNICIPAL JUDGE**

(a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the Town of Turtle.

(b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the Town of Turtle. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Town Board therefore.

(c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the odd-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

(d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Town Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by sec. 755.03, Wis. Stats., and filed under sec. 19.01(4)(c) of the Wisconsin Statutes, as amended. The salary shall be as established by the Town Board.

(e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Rock County the oath prescribed by sec. 755.03, Wis. Stats., and an official bond in such an amount of One Thousand Dollars (\$1,000.00). The cost of the bond shall be paid by the Town.

State Law Reference: Chapter 755 and Section 19.01(4)(c), Wis. Stats.

## **Section 5.19 CLERK OF THE MUNICIPAL COURT**

(a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Town Board. The Clerk of the Municipal Court shall hold office for a two (2) year term of office, running concurrently with the Municipal Judge's term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by sec. 19.01, Wis. Stats., and give such bond as the Town Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Town Clerk. The cost of such bond shall be paid by the Town.

(b) **Duties.** The Court Clerk shall:

- (1) File and review citations and complaints, assuring their correctness;
- (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
- (3) Assign docket numbers to citations and complaints, type the docket sheets, and gather all material pertinent to cases;
- (4) Determine and schedule court dates and facilities;
- (5) Communicate with law officers, attorneys, and defendants regarding court proceedings;
- (6) Balance dockets at the conclusion of court proceedings;
- (7) Prepare and mail warrants and summons;
- (8) Prepare monthly report of financial activities and forward to Town Clerk;
- (9) Assist in the collection of traffic bonds;
- (10) Prepare necessary communications for jury trials and transfers to circuit court;
- (11) Perform such other duties specified in the Wisconsin Statutes as may hereafter be prescribed by the Town Board.

## **Section 5.20 TOWN AUDITOR/ACCOUNTANT**

(a) **Selection.** The Town Board may, pursuant to sections 60.41 and 60.43, Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

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

(c) **Duties.** The accountant has the duties and powers established in sections 60.41 and 60.43, Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board.

State Law Reference: Sections 60.41 and 60.43, Wis. Stats.

### **Section 5.21 ZONING ADMINISTRATOR**

(a) The Town Board, by majority vote, shall appoint a Zoning Administrator for an indefinite term of office. Under the direction of the Town Board, the Zoning Administrator shall administer the Town's zoning and land division codes.

(b) The duties of the Zoning Administrator shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Administrator may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Administrator is refused entry, a special inspection warrant shall be issued for said premises pursuant to section 66.0119 of the Wisconsin Statutes. The Zoning Administrator may set time limits and conditions for the correction of violations.

(c) The Zoning Administrator shall make a monthly report of his/her activities to the Commission and the Town Board.

(d) The Zoning Administrator shall prepare building permit forms; assist the applicant in preparing his/her application; advise the applicant as to the provisions of the Town Zoning Ordinance; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning Commission and the Town Board.

### **Section 5.22 TOWN EMPLOYEES**

The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.

State Law Reference: Section 60.37, Wis. Stats.

### **Section 5.23 CUSTODY OF OFFICIAL PROPERTY**

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

State Law Reference: Section 19.21, Wis. Stats.

**Section 5.24 ELIGIBILITY FOR OFFICE/INCOMPATIBILITY OF OFFICE**

(a) Any person who is a qualified elector in the Town of Turtle may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position of he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.

(b) Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Turtle, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

**Section 5.25 OFFICIAL OATH AND BOND**

(a) **Authority.** The Town Board has the specific statutory authority, powers and duties, pursuant to sections 60.20, 60.22 and 60.31, Wis. Stats. to require that certain elected officials take an official oath and to require that they file the appropriate bond.

(b) **Oath.**

(1) **General Provision.** All elected officers of the Town of Turtle, except the Municipal Judge, shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to sec. 19.01, Wis. Stats., shall be substantially in the following form:

**a. Written Oath.**

STATE OF WISCONSIN,

County of Rock

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

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Signature

**b. Oral Oath.**

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

(2) **Filing Locations.** The official oath of all elected officers of the Town shall be filed with the Town Clerk except that the Municipal Judge shall file his or her oath with the Clerk of the Circuit Court.

(3) **Failure to File Oath.** If any elected officer of the Town of Turtle fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Turtle shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

(c) **Bonds.**

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

(2) **Filing Location.** The official bond shall be filed with the Town Clerk except that the Municipal Judge shall file his or her bond with the Clerk of Circuit Court.

(3) **Failure to File Bond.** The elected officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers of the Town fail to file the required bond within the time prescribed by law, the failure to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

State Law Reference: Sections 60.20, 60.22 and 60.31, Wis. Stats.



## Chapter 6 - BOARDS, COMMISSIONS AND COMMITTEES

### Section 6.01 BOARD OF REVIEW.

(a) **Membership.** The Board of Review shall consist of five (5) members and one alternate member appointed by the Town Chairperson and confirmed by the Town Board:

(1) Terms shall be for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(2) All members must be residents of the Town of Turtle.

(3) No member may serve on a County Board of Review.

(4) The Town Assessor may not be a member of the Board of Review.

(5) The Town Clerk-Treasurer may not serve on the Board of Review.

(6) The Town Clerk shall serve as the Clerk of the Board of Review and keep an accurate record of all of its proceedings.

(7) The members of the Board of Review shall receive such compensation as shall be determined by the Town Board.

(8) No Board of Review may be constituted unless it includes at least one voting member who, within 2 years of the Board's first meeting has attended a training session under section 73.03 (55) of the Wisconsin Statutes and unless that member is the Town's chief executive officer or that officer's designee.

(b) **Meetings.** The Board of Review shall meet annually at any time during the 30 day period beginning on the second Monday of May. The Board of Review shall meet at the Town of Turtle Community Center or such other place as designated by the Town Board. A majority of the Board of Review shall constitute a quorum except that two members may hold any hearing of the evidence required to be held by the Board.

(1) At least 15 days before the first session of the Board of Review, the Clerk of the Board shall publish a Class I notice, place a notice in at least 3 public places and place a notice on the door of the Town of Turtle Community Center of the time and place of the first meeting of the Board of Review.

(2) All meetings of the board of Review shall be publicly held and open to all citizens at all times.

(3) No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

(4) At its first meeting, the Board of Review:

a. Shall receive the assessment role and sworn statements from the Clerk;

b. Shall be in session at least 2 hours for taxpayers to appear and examine the assessment role and other assessment data;

c. Shall schedule for hearing each written objection that it receives during the first two hours of the meeting or that it received prior to the first meeting;

d. Shall grant a waiver of the 48 hour notice of an intent to file a sworn statement or oral objection if a property owner who does not meet the notice requirement appears before the Board during the first two hours of the meeting, shows good cause for failure to meet the 48 hour notice requirement and files a written objection; and

e. May hear any written objections if the Board gave notice of the hearing to the Property owner and the assessor at least 48 hours before the beginning of the scheduled meeting or if both the property owner and the assessor waive the 48 hour notice requirement.

(5) The Assessor shall be present at the first meeting of the Board of Review.

(6) For each properly filed written objection that the Board receives and schedules during its first meeting, but does not hear at the first meeting. The Board shall notify each objector and the Assessor, at least 48 hours before an objection is to be heard, of the time of that hearing.

(7) If, during any meeting, the Board determines that it cannot hear some of the written objections at the time scheduled for the, it shall create a new schedule, and it shall notify each objector who has been rescheduled, at least 48 hours before the objection is to be heard of the time of hearing.

(8) If an objector fails to provide written or oral notice of an intent to object 48 hours before the first scheduled meeting, fails to request a waiver of the notice requirement, appears before the Board at any time up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days, and files a written objection and provides evidence of extraordinary circumstances, the Board of Review may waive all notice requirements and hear the objection.

(9) If the assessment role is not completed at the time of the first meeting, the Board shall adjourn for the time necessary to complete the role, and shall post a written notice on the outer door of the place of meeting stating the time to which the meeting is adjourned.

(10) The Town Board by resolution may designate hours during which the Board of Review shall hold its first meeting but not fewer than 2 hours on the first meeting day between 8:00 a.m. and Midnight. Such designation of hours shall only be effective after notice of the resolution has been posted in not less than 3 public places at least 15 days before such first meeting.

(11) The Board of Review may adjourn from time to time until its business is completed. If an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting, stating to what time the meeting is adjourned.

(12) The Clerk shall keep a record in the minute book of all proceedings of the Board.

(c) **Board's Duty.** The Board of Review shall carefully examine the roll or rolls and correct all apparent errors in description or computation and shall add all omitted property as provided in section 70.47(10) of the Wisconsin Statutes. The Board shall not raise or lower the assessment of any property except after a hearing as set forth in this ordinance.

(d) **Removal of a Member.** A member of the Board of Review shall be removed, for the purpose of a hearing on an objection, if any of the following applies:

(1) A person who is objecting to a valuation, at the time that the person provides written or oral notice of an intent to file an objection and at least 48 hours before the first scheduled session of the Board of Review or at least 48 hours before the objection is heard if the objection is one allowed at the first meeting, requests the removal except that no more than one member of the Board of Review may be removed under this paragraph.

(2) A member of the Board of Review has a conflict of interest in regard to the objection.

(3) A member of the Board of Review has a bias in regard to the objection and, if a party requests the removal of a member for a bias, the party submits with the request an affidavit stating that the party believes that the member has a personal bias or prejudice against the party and stating the nature of that bias or prejudice.

A member of the Board of Review who violates section 19.59 of the Wisconsin Statutes by hearing an objection shall recuse himself or herself from that

hearing. The Clerk shall provide to the Department of Revenue an affidavit declaring whether the requirement under this paragraph is fulfilled.

If a member or members of the Board of Review are removed or recused under this section, the Board may replace the member or members or its remaining members may hear the objection, except that no fewer than 3 members may hear the objection.

(e) **Comments.** Any person may provide the Town Clerk written comments about valuations, assessment practices and the performance of any assessor. The Clerk shall provide all of those comments to the appropriate Town officer.

(f) **Objection to Valuation.** The Board of Review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the Board's first scheduled meeting, the objector provides to the Board's Clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the Board shall waive that requirement during the first 2 hours of the Board's first scheduled meeting. The Board may also waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. However, the objector must provide proof of extraordinary circumstances for failure to meet the 48 hour requirement and failure to appear before the Board of Review during the first 2 hours of the first scheduled meeting.

(1) Objections to the amount or valuation of property shall first be made in writing and filed with the Clerk of the Board of Review within the first 2 hours of the Board's first scheduled meeting. However, upon evidence of extraordinary circumstances, the Board may waive that requirement up to the end of the 5<sup>th</sup> day of the session or up to the end of the final day of the session if the session is less than 5 days.

(2) The Board may require such objections to be submitted on forms approved by the Department of Revenue, and The Board shall require that any forms include stated valuations of the property in question.

(3) Persons who own land and improvements to that land may object to the aggregate value of that land and improvements to that land, but no person who owns land and improvements may object only to the valuation of the land or only to the valuation of the improvements to the land.

(4) No person shall be allowed in any action or proceedings to question the amount of valuation of property unless such written objection has been filed and such person in good faith presented evidence to the Board in support of such objections and made full disclosure before the Board, under oath, of all of that person's property liable to assessment in the Town and the value thereof. However, the requirement that the objection be made in writing may be waived by express action of the Board of Review.

(5) No person shall be allowed to appear before the Board of Review, to testify to the Board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to view such property.

(6) After the first meeting of the Board of Review and before the Board's final adjournment, no person who is scheduled to appear before the Board may contact, or provide information to, a member of the Board about that person's objection except at a session of the Board.

(7) No person may appear before the Board of Review, testify to the Board of Review by telephone or contest the amount of any assessment unless, at least 48 hours before the first meeting of the Board of Review or 48 hours before the objection is heard if the objection is allowed at the first meeting, that person provides to the Clerk of the Board of Review notice as to whether the person will ask for removal of a member. And, if so, which member will be removed and the person's reasonable estimate of the length of time that the hearing will take.

(8) When appearing before the Board of Review, the person shall specify, in writing, the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.

(9) No person may appear before the Board of Review, testify to the Board by telephone or object to a valuation, if that valuation was made by the assessor or the objector using the income method unless the person supplies to the assessor all of the information about income and expenses, as specified in section 73.03 (2a) of the Wisconsin Statutes, that the assessor requests.

(g) **Hearing.** The Board shall hear upon oath all persons who appear before it in relation to the assessment. The Board shall hear upon oath, by telephone, all ill or disabled persons who present to the Board a letter from a physician, surgeon or osteopath that confirms their illness or disability. The Board at such hearing shall proceed as follows:

(1) The Clerk shall swear all persons testifying before it or by telephone in relation to the assessment.

(2) The owner or the owner's representative and the owner's witnesses shall first be heard.

(3) The Board may examine under oath such persons as it believes have fair knowledge of the value of such property.

(4) The Board may and upon request of the assessor shall compel the attendance of witnesses, except objectors who may testify by telephone, and the

production of all books, inventories, appraisals, documents and other data which may throw light upon the value of the property.

(5) All proceedings shall be taken in full by a stenographer or by a recording device. The expense thereof shall be paid by the Town. The Board may order that notes be transcribed. The Clerk shall keep a list of persons speaking in order in which they speak.

(6) The Clerk's notes, written objections and all other material submitted to the Board of Review, tape recordings of the proceedings and any other transcript of the proceedings shall be retained for at least 7 years and shall be available for public inspection. Copies of these items shall be supplied promptly at a reasonable time place to anyone requesting them at the requestor's expense.

(7) All determination of objections shall be made by roll call vote.

(8) The assessor shall provide the Board specific information about the validity of the valuation to which the objection is made and shall provide to the Board the information that the assessor used to determine that valuation.

(9) The Board shall presume that the assessor's valuation is correct. However, that presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect.

(h) **Correction of Assessments.** From the evidence before it, the Board shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the Board shall raise or lower the assessment accordingly and shall state on the record the correct assessment and that the assessment is reasonable in light of all of the relevant evidence that the Board received. A majority of the members of the Board present at the meeting to make the determination shall constitute a quorum for the purposes of making such determination, and a majority vote of the quorum shall constitute the determination. In the event there is a tie vote, the assessment shall be sustained.

A Board member shall not be counted in determining a quorum and may not vote concerning the determination unless such member:

(1) Attended the hearing of the evidence; or

(2) Received the transcript of the hearing not less that 5 days prior to the meeting and read such transcript; or

(3) Received a mechanical recording of the evidence no less than 5 days prior to the meeting and listened to such recording; or

(4) Received a copy of a summary and all exceptions thereto not less than 5 days prior to the meeting and read such summary and exceptions. In this paragraph “summary” means a written summary of the evidence prepared by one or more Board members attending the hearing of evidence, which summary shall be distributed to all Board members and all parties to the contested assessments. In this paragraph “exceptions” means written exceptions to the summary of evidence filed by the parties to the contested assessment.

(i) **Assessment by Board.** If the Board has reason to believe, upon examination of the roll and other pertinent information, that other property, the assessment of which is not complained of, is assessed above or below the general average of the assessment of the Town, or is omitted, the Board shall:

(1) Notify the owner, agent or possessor of such property of its intention to review such assessment or place it on the assessment roll and of the time and place fixed for such hearing.

(2) Fix the day, hour and place at which such matter will be heard.

(3) Subpoena such witnesses, except objectors who may testify by telephone, as it deems necessary to testify concerning the value of such property. The expense incurred shall be paid by the Town.

(4) At the time appointed, proceed to review the matter as provided subsection (g).

(j) **Parties.** In all proceedings before the Board of Review, the Town shall be a party in interest to secure or sustain an equitable assessment of all property in the Town.

(k) **Notice of Decision.** Prior to final adjournment, the Board of Review shall provide the objector notice by personal service or certified mail of the amount of the assessment as finalized by the Board and an explanation of appeal rights and procedures. Upon delivering or mailing the notice, the Clerk of the Board of Review shall prepare an affidavit specifying the date when that notice was delivered or mailed.

(l) **Appeal.** Appeal from the determination of the Board of Review shall be an action for a certiorari commenced within 90 days after the objector received notice of the decision of the Board of Review.

(m) **Summary of Proceedings.** After the Board of Review has completed its determinations, the Clerk shall prepare a summary of the proceedings and determinations, on forms prescribed by the Department of Revenue, which shall include the following information:

- (1) Name of taxpayer;
- (2) Description or designation of the property subject to the objection;
- (3) Amount of the assessment about which the taxpayer objected;
- (4) Names of any persons who appeared on behalf of the taxpayer; and
- (5) The Board of Review's determination of the taxpayer's objection.

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

## **Section 6.02 BOARD OF ADJUSTMENT**

(a) **Membership.** The Board of Adjustment shall consist of five (5) members and two (2) alternate members appointed by the Town Chair and confirmed by the Town Board.

(1) Members shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. Members shall be appointed so that no more than two (2) members' terms shall expire in each of the first two (2) years and no more than three (3) members' terms shall expire in the third year.

(2) The Chair shall be elected annually by the Board from among its members.

(3) Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

(4) An Alternate Member shall act only when a regular member is absent or cannot vote.

(5) Not more than one Town Board member, nor the Zoning Administrator, may be a member of the Board of Adjustment.

(6) The Secretary shall be the Town Clerk.

(7) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(8) Members of the Board of Adjustment shall reside within the Town of Turtle.



(9) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

(10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(11) Compensation shall be as determined by the Town Board.

(12) Members shall attend at least one training session presented by the Wisconsin Towns Association, University of Wisconsin, or a state agency

(b) **Organization.** The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(1) Meetings shall be held at the call of the Chair and shall be open to the public.

(2) The Chairperson, or, in his or her absence, the acting Chair person, may administer oaths and compel the attendance of witnesses.

(3) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its findings of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.

(4) The concurring vote of three (3) members of the Board shall be necessary to exercise the powers enumerate in section 6.02(c).

(c) **Powers.** The Board of Adjustment shall have the following powers:

(1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of codes, regulations or ordinances under his or her jurisdiction.

(2) **Variances.** To hear and grant applications for variances.

a. A "use variance" is a variance from the way the property may be used under its zoning classification.

b. Use variances shall not be granted.

c. An “area variance” is a variance from the zoning regulations on lot area, density, height, frontage, setbacks, and similar regulations in order to promote uniformity of development, lot and building size.

d. To grant area variance, the Board must find:

1. Unnecessary hardship exists which means that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome.

2. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.

3. The hardship cannot be self-created by the property owner.

4. The variance cannot be contrary to the purpose of the zoning restriction at issue.

5. The variance cannot be contrary to the public interest.

**(d) Appeals.**

(1) Appeals to the Board of Adjustment may be made by any person aggrieved by a decision or determination under sections 6.02(c)(1). Such appeals shall be filed with the Town Clerk within sixty (60) days after the decision or determination.

(2) Applications under section 6.02(c)(2) may be made by the owner or lessee of the property affected at any time and shall be filed with the Town Clerk.

(3) All appeals and applications shall be filed on forms provided by the Town Clerk.

(4) Each appellant or application shall pay a fee to be determined by the Town Board.

**(e) Hearings on Appeals and Applications.**

(1) The Board of Adjustment shall hold a public hearing on all appeals and applications within sixty (60) days of the Town Clerk receiving the appeal or application.

(2) Prior to a hearing on an application for a variance the Board, or its designee, shall:

a. Give a Class 2 Legal Notice under Chapter 985 of the Wisconsin Statutes; and

b. Give written notice of the public hearing to landowners within 1000 feet of the land parcel of the applicant.

(f) **Decision.**

(1) The Board of Adjustment shall decide all appeals and applications within thirty (30) days of the completion of the public hearing.

(2) The Board shall make written findings and decision and shall send a copy to the appellant or applicant.

(3) Conditions may be placed on any Building Permit ordered or authorized by the Board.

(4) Variances granted or Building Permits directed by the Board shall expire within six (6) months unless substantial work has been commenced pursuant to such variance or Building Permit.

State Law Reference: Section 60.65, Wis. Stats.

**Section 6.03 TOWN PLANNING COMMISSION.**

(a) **Establishment of Commission.** There is hereby established a Planning Commission for the Town (hereafter called the “Commission”).

(b) **Purpose.** The purpose of this ordinance is to establish a Town of Turtle Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(c) **Authority; Establishment.** The Town Board of the Town of Turtle, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers in 1954, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

(d) **How Constituted.** The Commission shall consist of seven (7) members, all of whom shall be appointed by the Town Chair subject to confirmation by the Town Board. One member shall be a Town Board member. The Town Chair shall appoint the

Commission Chair and Commission Vice Chair. The Town Clerk shall be the Commission's Secretary. Six (6) citizen members shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(e) **Terms of Office.** Terms of office for the citizen members shall start the 1<sup>st</sup> day of May. Terms of office for the Town Board member, chair, and secretary shall be annual appointments.

(f) **Qualifications.** All citizen members shall be persons with recognized experience, qualifications, have Town residency, and shall hold office until their respective successors are selected and qualified.

(g) **Vacancies.** Whenever a vacancy shall occur, the Town Board shall appoint an appropriate member to complete the unexpired term.

(h) **General & Miscellaneous Powers.** The Plan Commission shall have the powers:

(1) To review and approve or deny conditional use permits within the provisions of this Zoning Ordinance.

(2) To review and recommend to the Town Board the approval, conditional approval, or denial of land divisions.

(3) To review and recommend approval, conditions of approval, or denial of amendment to the text or Official Zoning Map of this ordinance.

(4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Commission permits such a substitution, the use may not thereafter be changed without application.

(5) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(6) 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. The permit shall be temporary, revocable, subject to any conditions required by the Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(7) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(8) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(9) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(10) The Commission Chair shall submit an annual report to the Town Board.

(i) **Town Comprehensive Planning: General Authority & Requirements.**

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats., and follows the procedures in sec. 66.1001(4), Wis. Stats.

(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(4) The Plan Commission shall review and make recommendations on any ordinances submitted to the Commission by the Town Board for review and recommendation.

(j) **Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment.** The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

a. the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

b. the plan contains the nine (9) specified elements and meets the requirements of those elements;

c. the maps and other descriptive materials relate to the plan;

d. the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

e. the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

a. Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

- c. The Wisconsin Land Council.
- d. After September 1, 2003, the Department of Administration.
- e. The regional planning commission in which the Town is located.
- f. The public library that serves the area in which the Town is located.

(k) **Plan Implementation & Administration.**

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

a. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V. of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

b. Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.

c. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

d. Other. Any other ordinance specified by the Town Board.

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(l) **Referrals to the Plan Commission.**

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation:

- a. The location and architectural design of any public building.
- b. The location of any statue or other memorial.
- c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - i. street, alley or other public way;
  - ii. park or playground;
  - iii. airport;
  - iv. area for parking vehicles; or
  - v. other memorial or public grounds.
- d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- e. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- f. The location, character and extent or acquisition, leasing or sale of lands for
  - i. public or semi-public housing;
  - ii. slum clearance;
  - iii. relief of congestion; or
  - iv. vacation camps for children.
- g. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.



(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation:

a. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

b. An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

d. Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.

e. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

f. Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.

g. A proposed housing project under sec. 66.1211(3), Wis. Stats.

h. Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

i. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(m) **Meetings.** Meetings shall be called when necessary, as specifically determined by the Chair of the Commission. Special meetings may be called by the Chair or upon written request of two Commission members. Notice of special meetings shall be given by personal service or telephone call to all members and the news media at least 24 hours prior to the called special meeting. Notice to the news media may be given by facsimile transmission.

(n) **Minutes.** The minutes shall be kept by the secretary.

(o) **Quorum.** Four (4) members shall constitute a quorum to transact any business and formulate its proper action thereon.

(p) **Compensation.** The members shall be compensated as determined by the Town Board.

(q) **Town Board.** The Town Board may direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

State Law Reference: Sections 60.62, 61.35 and 62.23, Wis. Stats.

#### **Section 6.04 CEMETERY COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Cemetery Committee is to promote the general welfare of the community.

(2) The Committee will receive directives and requests from the Town Board, which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member of the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Cemetery Committee to plan, regulate and restrict the use of all town cemeteries to stabilize and protect the property values, and to promote the beauty of the community. The Cemetery Committee shall be an advisory committee to the Town Board with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town cemeteries and the planning of all future town cemeteries within the Town of Turtle.

Current town cemeteries are:

(1) Shopiere Cemetery at 7600 Block S. Butterfly Road.

(2) Turtleville Cemetery at 3800 Block E. Creek Road.

(d) **Duties and Responsibilities.** The Cemetery Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for cemetery purposes.

(2) To be the lead committee for future plans and maps of a comprehensive town cemetery system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and sale of lots and markers in the town cemeteries.

(5) To apply, with Town Board approval, for grant money to be used for town cemetery land purchases and purchases of equipment, and maintenance for town cemeteries.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town cemeteries.

a. This budget request must be submitted to the Town Clerk by October 1 of each year.

b. All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Clerk of the Town of Turtle to be deposited in the general fund or a designated cemetery fund authorized by the Town Board.

(e) **Meetings.**

(1) The Cemetery Committee shall meet the fourth Tuesday of each month or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Robert's Rules of Order.

(5) Four members of the Committee shall constitute a quorum.

(6) A majority vote of the quorum shall be necessary to adopt a motion.

(7) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Annual Report.** The Cemetery Committee shall produce and send to the Town Clerk an annual report of its transaction and activities.

(g) **Appointments and Terms of Office.**

(1) The Cemetery Committee shall consist of six (6) citizen members.

(2) In addition to the citizen committee members, there shall be a liaison member of the Committee from the Town Board who shall be appointed by the Town Chair.

(3) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(4) All members of the Committee, except the liaison member, shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(5) Recommendations of possible members may be made by the Cemetery Committee to the Town Chair.

(6) Any member who misses 50% of the regular meetings during the year shall be subject to removal from the Committee by the Town Board upon recommendation of the Committee Chairperson.

(7) All requests for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(h) **Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting laws of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(5) If the Chairperson cannot attend a Cemetery Committee meeting the members at that meeting shall appoint a temporary Chairperson.

(i) **Establishing a Cemetery Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current "Parks/Cemetery/Clocks Committee" into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a "Board of Directors" or a lower key approach to the cemetery needs and decided on a "Cemetery Committee."

(j) **Agent.** None of the Cemetery Committee members shall be considered agents of the Cemetery Committee or the Town of Turtle pursuant to section 157.067(2) of the Wisconsin Statutes. The only agent for the Cemetery Committee and the Town of Turtle shall be the Town Chairperson.

(k) **Location of Meetings.** The normal meetings shall be held at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(l) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Cemetery Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(m) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Section 6.05 PARKS COMMITTEE**

(a) **Purpose.** The purpose of the Parks Committee is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the community.

(b) **Authority.** The Town Board of the Town of Turtle has authorized the Parks Committee to plan, regulate and restrict the use of all town parks; to stabilize and protect the property values; and to promote the beauty of the community. The Parks Committee shall be an advisory committee to the Town Board of the Town of Turtle with all final decisions being made by the Town Board.

(c) **Jurisdiction.** The jurisdiction of this Committee shall include all current town parks and the planning of all future town parks within the Town of Turtle.

Current town parks are:

(1) McMahon Park - located at Claremont and Easy Streets.

(2) Town Park - located at Monroe and Bradley Streets.

There is also a future park area located at the Town of Turtle Community Center.

(d) **Duties and Responsibilities.** The Parks Committee shall have the following duties and responsibilities:

(1) To be involved with all future studies in connection with reserving lands for park purposes.

(2) To be the lead committee for future plans and maps of a comprehensive town park system.

(3) To forward the results to the Planning Commission and to the Town Board of all such studies and plans.

(4) To establish regulations for the use and enjoyment of town parks by the public.

(5) To apply, with Town Board approval, for grant money to be used for town park land purchases and purchases of equipment, and maintenance for parks.

(6) To submit to the Town Board an annual budget with revenue and expenditure proposals relating to town parks and recreation programs.

a. This budget request must be submitted to the Town Clerk by October 1 of each year.

b. All monies received for the purposes of the Committee, whether from the general fund, approved donations or activity fees shall be paid to the Treasurer of the Town of Turtle to be deposited in the general fund or a designated parks fund authorized by the Town Board.

(e) **Meetings.**

(1) The Parks Committee shall meet as needed or as directed by the Chairperson of the Committee and/or Town Board.

(2) All meetings shall be posted a minimum of 3 days prior to the meeting.

(3) Agendas shall be posted a minimum of 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Roberts Rules of Order.

(5) All members shall have equal rights except the liaison member shall only vote if there is a tie vote.

(6) Four members of the Committee shall constitute a quorum.

(7) Advisory positions may be added as needed and these persons need not be residents of the Town.

(8) A majority vote of the quorum shall be necessary to adopt a motion.

(9) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Reports.** The Parks Committee shall produce and send to the Town Clerk an annual report of its transactions and activities.

(g) **Appointments and Terms of Office.**

(1) The Town Parks Committee shall consist of six (6) citizen members.

(2) In addition to the citizen committee members, there shall be a liaison member of the Committee from the Town Board which shall be appointed by the Town Chair.

(3) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April. No more than two (2) members' terms shall expire each year.

(4) All members of the Committee, except the liaison member, shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(5) Recommendations of possible members may be made by the Parks Committee to the Town Board.

(6) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon recommendation of the Parks Committee Chairperson.

(7) All requests for removal of a member shall be in writing.

(8) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(h) **Officers and Duties.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. The Secretary shall be chosen by the Committee members.

(2) The Chairperson is responsible for preparing an agenda for each meeting and making sure it is properly posted to meet the open meeting law of the State of Wisconsin. The Chairperson shall preside over the Committee meetings.

(3) The Chairperson shall give a copy of the agenda for each meeting to the Town Clerk.

(4) The Secretary will take minutes of all meetings and present a copy of the minutes to the Town Clerk for the Clerk's records. The Secretary shall also have a copy of the minutes at each meeting for approval.

(i) **Location of Meetings.** The normal meetings shall be held at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511, unless otherwise directed by the Committee Chairperson.

(j) **Establishing a Parks Committee.** In the year 2004, the Town Board of the Town of Turtle decided to split the then current "Parks/Cemetery/Clocks Committee" into separate committees. Under the Wisconsin Statutes, the Town Board had the option to form a "Town Parks Commission" or a lower key approach to the park needs and decided on a "Parks Committee."

(k) **Office Space as Needed.** The Town Board will furnish office space and meeting space as needed for the Parks Committee to function. The Town Board will also assist the Committee in making copies and any additional expenses incurred for appropriate tasks performed by the Committee.

(l) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.



## **Section 6.06 SAFETY COMMITTEE**

### **(a) Purpose.**

(1) The purpose of the Safety Committee is to promote the comfort, health, safety and general welfare of the citizens of the Town of Turtle.

(2) The Committee will receive directives and requests from the Town Board which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member or the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

### **(b) Members.**

(1) The Safety Committee shall consist of six (6) members.

(2) In addition to the citizen members, there shall be a liaison member of the Committee from the Town Board.

(3) The six (6) citizen members of the Committee shall be residents of the Town of Turtle and of voting age.

### **(c) Appointments.**

(1) The liaison member of the Committee shall be appointed by the Town Chair.

(2) The citizen members of the Committee shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(3) Recommendations of possible members may be made by the Safety Committee to the Town Chair.

### **(d) Terms of Office.**

(1) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April.

(2) No more than two (2) members' terms shall expire each year.

(e) **Meetings.**

(1) Regular meetings shall be held on the first Wednesday of each month.

(2) Special meetings must be approved by the Chairperson or Vice-Chairperson.

(3) All meetings shall be posted 3 days prior to the meeting.

(4) Agendas shall be posted 24 hours prior to the meeting.

(5) Meetings shall be conducted in accordance with Roberts Rules of Order.

(6) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Voting.**

(1) Four voting members shall constitute a quorum.

(2) A majority vote of the quorum shall be necessary to adopt a motion.

(g) **Officers.**

(1) The officers of the Committee shall be a Chairperson, Vice-Chairperson, and Secretary. They shall be chosen by the Committee members.

(2) The Chairperson shall preside over Committee meetings.

(3) The Vice-Chairperson shall preside in the Chairperson's absence.

(4) In the absence of both the Chairperson and Vice-Chairperson, a president pro tem shall be chosen from those members present and will preside.

(5) The Secretary shall record the minutes of each meeting and shall transmit a written copy to the Town Clerk.

(6) The Town Clerk shall be the custodian of the records of the Committee. All records of the Committee shall be available for inspection with the Town Clerk.

(h) **Removal of Members.**

(1) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon the recommendation of the Safety Committee Chairperson.

(2) All requests for removal of a member shall be in writing.

(3) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(i) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

**Section 6.07 HISTORICAL COMMITTEE**

(a) **Purpose.**

(1) The purpose of the Historical Committee is to promote and coordinate efforts to restore historical literature and work on behalf of the Town Board to promote historical values in cooperation with neighboring historical groups.

(2) The Committee will receive directives and requests from the Town Board, which will be presented to the Committee.

(3) The Committee will prepare and present recommendations in response to directives from the Town Board in a timely manner.

(4) The Committee may obtain assistance from outside entities but only after obtaining approval of the liaison member of the Town Board.

(5) The Committee may adopt by-laws and shall submit them to the Town Board for approval.

(b) **Members.**

(1) The Historical Committee shall consist of six (6) members.

(2) In addition to the citizen members, there shall be a liaison member of the Committee from the Town Board.

(3) Advisory positions may be added as needed and these persons need not be residents of the Town.

(c) **Appointments.**

(1) The liaison member of the Committee shall be appointed by the Town Chair.

(2) The citizen members of the Committee shall be appointed by the Town Chair and confirmed by the Town Board. The Committee Chair shall be appointed by the Town Chair and confirmed by the Town Board.

(3) Recommendations of possible members may be made by the Historical Committee to the Town Chair.

(d) **Terms of Office.**

(1) All members of the Committee, except the liaison member, shall be appointed for staggered three (3) year terms commencing on the second Wednesday of April.

(2) No more than two (2) members' terms shall expire each year.

(e) **Meetings.**

(1) The Historical Committee shall meet as needed or as directed by the Chairperson of the Committee.

(2) All meetings shall be posted 3 days prior to the meeting.

(3) Agendas shall be posted 24 hours prior to the meeting.

(4) Meetings shall be conducted in accordance with Robert's Rules of Order.

(5) Any member who is not going to attend a meeting must notify the Chairperson within a reasonable time before the meeting.

(f) **Voting.**

(1) Four voting members shall constitute a quorum.

(2) A majority vote of the quorum shall be necessary to adopt a motion.

(g) **Officers.**

(1) The officers of the Committee shall be a Chairperson and a Secretary. The Secretary shall be chosen by the Committee members.

(2) The Chairperson shall preside over Committee meetings.

(3) The Secretary shall record the minutes of each meeting and shall transmit a written copy to the Town Clerk.

(4) The Town Clerk shall be the custodian of the records of the Committee. All records of the Committee shall be available for inspection with the Town Clerk.

(h) **Removal of Members.**

(1) Any member who misses 50% of the regular meetings during one year shall be subject to removal from the Committee by the Town Board upon the recommendation of the Committee Chairperson.

(2) All requests for removal of a member shall be in writing.

(3) Upon receiving a written request for removal of a member, the Town Board will review it and determine if the member shall be removed.

(i) **Compensation and Expenses.**

(1) No compensation shall be paid to any member of the Committee.

(2) The Town Board can reimburse Committee members for expenses that have been pre-approved.

## **Chapter 7 - CODE OF ETHICS**

### **Section 7.01 STATEMENT OF PURPOSE.**

(a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in the Chapter a Code of Ethics for all Town of Turtle officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.

(b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or action that are incompatible with the best interests of the Town of Turtle and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected appointed Town official and employee holds his or her position as a public trust, and any intention effort to realize substantial gain through official conduct is a violation of that trust. The provision and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Turtle.

State Law Reference: Section 19.41, Wis. Stats.

### **Section 7.02 DEFINITIONS.**

The following definitions shall be applicable in this Chapter.

(a) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, pr promise of future employment, but does not include compensation and expenses paid the state, fees and expenses which are permitted and reported under s. 19.56 Wis. Stats., political contributions which are reported under ch.11 Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(b) “Elective office” means an office regularly filled by vote of the people.

(c) “Gift” means the payment or receipt of anything of value without valuable consideration.

(d) “Immediate family” means:

(1) An individual’s spouse; and

(2) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(e) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.

(f) “Organization” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(g) “Political party” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(h) “Public employee” means any person excluded from the definition of a public official who is employed by the Town.

(i) “Public official” means the following persons:

(1) An elective office under Chapter 60 of the Wisconsin Statutes.

(2) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(3) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

State Law Reference: Section 19.42, Wis. Stats.

### **Section 7.03 RESPONSIBILITY OF PUBLIC OFFICIALS**

(a) No public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin Statutes.

(b) No person may offer or give to a public official, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's vote, official actions or judgment or could reasonable be considered as a reward for any official action or inaction on the part of the public official. This paragraph does not prohibit a public official from engaging in outside employment.

(c) No public official or candidate for public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration, or, upon condition that, any other person make or refrain from making a political contribution that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under sec. 11.05, Wis. Stats., or any person making a communication that contains a reference to a clearly identified public official holding an elective office or to a candidate for public office.

(d) Except as otherwise provided in paragraph (e), no public official may:

(1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

(2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(e) Paragraph (d) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.

State Law Reference: Section 19.59, Wis. Stats.



#### **Section 7.04 STATUTORY STANDARDS OF CONDUCT.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to-wit:

- (a) Sec. 946.10 Bribery of Public Officers and Employees.
- (b) Sec. 946.11 Special Privileges from Public Utilities.
- (c) Sec. 946.12 Misconduct in Public Office.
- (d) Sec. 946.13 Private Interest in Public Contract Prohibited.

#### **Section 7.05 USE OF TOWN PROPERTY**

No official or employee shall use or permit the unauthorized use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.

#### **Section 7.06 ADVISORY OPINIONS.**

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisor requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

State Law Reference: Section 19.59(6), Wis. Stats.

#### **Section 7.08 SANCTIONS**

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may, in the case of an employee, constitute a cause of suspension, removal from office or employment or other disciplinary action. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts

with the individual, may official reprimand the official or remove such official from certain committee assignments or responsibilities.

## Chapter 8 - FINANCE

### Section 8.01 PREPARATION AND ADOPTION OF BUDGET

- (a) **Fiscal Year Annual Budget.** The Town of Turtle fiscal year is the calendar year.  
The Town budget shall be adopted annually.
- (b) **Preparation.** The Town Board is responsible for preparation of the proposed budget required under sec. 65.90, Wis. Stats. In preparing the budget, the Town Board may provide for assistance by any person.
- (c) **Estimates of Budget.** Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the Town of Turtle shall file with the Town Chairperson, by a date established by the Town Board, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the town;
- (1) Prior years receipts, revenues, disbursements and expenditures.
  - (2) Current years, receipts, revenues, disbursements and expenditures.
  - (3) Estimated receipts, revenues, disbursements and expenditures for next year.
- (d) **Elements of Budget.** Each budget prepared by the Town Board shall include the following:
- (1) All existing indebtedness.
  - (2) All anticipated revenue from all sources for ensuing year.
  - (3) All proposed appropriations for departments, committees, commissions and boards, activity or reserve accounts for the ensuing year.
  - (4) All actual revenues and expenditures for preceding year.
  - (5) All actual revenue and expenditures for not less than six (6) months of current year.

(6) All estimated revenues and expenditures for the balance of the current year.

(7) All anticipated unexpended or unappropriated balances and surpluses.

(8) Such other information may be required by the Town Board and state law.

(e) **Notice of Summary of Budget.** A summary of the budget required under para. (d) and notice of the time and place of the public hearing thereon shall be posted in 3 public places at least 15 days prior to the time of the public hearing.

(f) **Summary of Budget.** A budget summary required under para. (e) shall include all of the following for the proposed budget and the budget in effect, and shall also include the percentage change between the budget of the current year and the proposed budget.

(1) For the general fund, all expenditures in the following categories:

- a. General government.
- b. Public safety.
- c. Public works.
- d. Health and human services.
- e. Culture, recreation and education.
- f. Conservation and development.
- g. Capital outlay.
- h. Debt service.
- i. Other financing uses.

(2) For the general fund, all revenues from the following sources:

- a. Taxes.
- b. Special assessments.
- c. Intergovernmental revenues.
- d. Licenses and permits.

- e. Fines, forfeitures and penalties.
- f. Public charges for services.
- g. Intergovernmental charges.
- h. Miscellaneous revenue.
- i. Other financing sources.

(3) All beginning and year-end governmental and proprietary fund balances.

(4) The contribution of the property tax to each governmental fund and to each proprietary fund that receives property tax revenue and the totals for all funds combined.

(5) Revenue and expenditure totals, by fund, for each governmental fund, and for each proprietary fund and the revenue and expenditure totals for all funds combined.

(6) An itemization of proposed increases and decreases to the current year budget due to new or discontinued activities and functions.

The Town may make public any additional budget summary information that its governing body considers necessary, but the additional information shall be reported separately from the information required above.

(g) **Copies of Budget.** The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(h) **Hearing.** Not less than 15 days after the publication of the proposed budget and the notice of hearing thereon a public hearing shall be held at the time and place stipulated at which any resident or taxpayer of the Town shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.

(i) **Adoption.** The Town Board shall adopt the Town budget.

(j) **Amendment.** The adopted budget shall not be changed after approval of the budget except upon the recommendation of the Chairperson and upon a roll call two-thirds (2/3) vote of the entire membership of the Town Board.

State Law Reference: Sections 60.40 and 65.90, Wis. Stats.

**Section 8.02 TOWN FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION.**

No money shall be drawn from the treasury of the Town, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 8.01 of this Chapter. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

**Section 8.03 ANNUAL FINANCIAL STATEMENT.**

The Town Board, with the assistance of the Town Auditor and Town Treasurer, shall annually prepare a statement of the financial condition of the Town and present the statement to the annual Town meeting. The Statement shall include the previous year's revenues and expenditures and the current indebtedness of the Town.

State Law Reference: Section 60.41, Wis. Stats.

**Section 8.04 FINANCE BOOK.**

The Town Clerk shall maintain a finance book.

State Law Reference: Section 60.33(3), Wis. Stats.

**Section 8.05 FINANCIAL AUDITS.**

The Town Board shall provide for financial audits under sec. 66.0605, Wis. Stats. A firm of certified public accountants may be employed each year by the Town, subject to the confirmation of the Town Board to conduct a detailed audit of the Town's financial transactions and its books, and to assist the Town Treasurer in the management of the Town's financial affairs. These auditors may be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Treasurer, include books of any other boards, commission, officer or employees of the Town handling Town monies.

State Law Reference: Section 66.0605, Wis. Stats.

### **Section 8.06 DISBURSEMENTS FROM TOWN TREASURY.**

Disbursements from the Town Treasury shall be made under sec. 66.0607, Wis. Stats. No claim, account or demand or payment against the Town shall be paid until a voucher has been filed with or prepared by the Town Clerk. Each check representing a disbursement or transfer of Town funds must be signed by at least two (2) Town Board-designated signatories of the Town. The Chairperson and Town Treasurer shall be the primary signatories. In the absence of a primary signatory, the Vice-Chair and Deputy Treasurer shall perform as substitute signatories.

State Law Reference: Section 60.45, Wis. Stats.

### **Section 8.07 PUBLIC DEPOSITORY.**

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. These public depositories shall be approved financial institutions as noted in sec. 66.04, Wis. Stats. The Town Treasurer and the Treasurer's surety are not liable for loss, as defined under sec. 34.01(2), Wis. Stats., of money deposited in the name of the Town in a designated public depository. Interest accruing from Town money in a public depository shall be credited to the Town.

State Law Reference: Section 60.46, Wis. Stats.

### **Section 8.08 CLAIMS AGAINST TOWN.**

(a) **Authority.** This ordinance is adopted pursuant to the authority granted to town boards under section 60.44(2) of the Wisconsin Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

(b) **Procedure for Payment.** Payment may be made of all bills and vouchers by the Town Treasurer, from the Town Treasury under section 66.0607 of the Wisconsin Statutes, without prior approval of the Town Board, after the Treasurer reviews and approves in writing each bill or voucher as a proper charge against the Town Treasury and determines that:

- (1) Funds are available under the Town budget to pay the bill or voucher;
- (2) The item or service covered by the bill or voucher has been duly authorized;
- (3) The item or service covered by the bill or voucher as been supplied or rendered in conformity with the authorization; and

(4) The claim appears to be a valid bill or voucher against the Town.

(c) **List of Claims Approved.** At least monthly, the Treasurer shall file with the Town Board a list of bills and vouchers approved, showing the date paid, name of the creditor, purpose and amount.

State Law Reference: Section 60.44(2), Wis. Stats.

**Section 8.09 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED**

(a) The Town Treasurer, in cooperation with the Town Board, may invest any Town long-term funds and temporary funds not immediately needed, pursuant to sections 66.0603(lm) and 219.05 Wis. Stats.

(b) The Town Board and Town Treasurer shall follow investment policies of the Town Board and use the following criteria in determining the financial options available for investing the financial assets of the Town:

- (1) The safety of the investment.
- (2) The maturity of the investment.
- (3) The liquidity of the investment.
- (4) The yield of the investment.
- (5) The other services available to the Town with the investment.

State Law Reference: 66.0603(lm) and 219.05, Wis. Stats.

**Section 8.10 RECEIVING MONEY; RECEIPT FOR SAME.**

(a) The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor.

(b) Upon the payment of any money (except for taxes as herein provided), the Treasurer shall make out a receipt in duplicate for the money so received. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town Treasurer shall be safeguarded in such manner as the Town Board shall direct.

State Law Reference: Section 66.0515, Wis. Stats.



**Section 8.11 LIABILITY OF THE TOWN FOR ACTS OF AGENTS.**

No agent of the Town having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the Town or incur any indebtedness for which the Town may become liable without approval of the Town Board. Each such use or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the Town treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The Town Treasurer shall have general oversight over the recording of such employment and purchase orders and shall charge them against the proper appropriation.

**Section 8.12 STATEMENT OF REAL PROPERTY STATUS.**

The Town Clerk, or his or her deputy, is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, contemplated improvement, flood plain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk shall collect a fee to be determined by the Town Board payable at the time a request for compiling such information on said form. The Town Clerk shall have a minimum of two (2) business days during the regular work week to satisfy such requests.

## **Chapter 9 -SPECIAL ASSESSMENTS**

### **Section 9.01 TOWN BOARD MAY LEVY SPECIAL ASSESSMENTS.**

(a) The Town of Turtle by resolution of its Town Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by an municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. Such authority shall be either under the Town's police powers or under a benefitted property test. The resolution may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Town Board.

State Law Reference: Section 66.0703(1), Wis. Stats.

### **Section 9.02 RESOLUTION AND REPORT REQUIRED.**

(a) Prior to making any such special assessments, the Town Board shall declare by preliminary resolutions its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under section 9.05 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

(b) The report required by subsection (a) shall consist of:

- (1) Preliminary or final plans and specifications.
- (2) An estimate of the entire cost of the proposed work or improvement.
- (3) An estimate as to each parcel of property affected of:
  - a. The assessment of benefits to be levied.
  - b. The damages to be awarded for property taken or damaged.

- c. The net amount of such benefits over damages or the net amount of such damages over benefits.

(4) A statement that the property against which the assessments are proposed is benefitted, where the work or improvement constitute an exercise of the police power. In such case, the estimates required under subsection (b)(3) shall be replaced by a schedule of the proposed assessments.

(5) A copy of the report when completed shall be filed with the Town Clerk for public inspection.

State Law Reference: Section 66.0703(4)and (5), Wis. Stats.

### **Section 9.03 COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.**

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

State Law Reference: Section 66.0703(2), Wis. Stats.

### **Section 9.04 EXEMPTIONS; DEDUCTIONS.**

(a) If any property deemed benefitted shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Town.

(b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the Town Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The Town Board may allow a similar deduction or exemption from special assessments, levied for any other public improvement.

State Law Reference: Section 66.0703(1)(c) and (3), Wis. Stats.

### **Section 9.07 COMBINED ASSESSMENTS**

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

State Law Reference: Section 66.0703(9), Wis. Stats.

### **Section 9.08 BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT.**

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Town Board determined to reconsider an assessment, it is empowered, after giving notice as required in section 9.05 to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming be given by the Town Clerk as provided in section 9.06 of this Chapter.

State Law Reference: Section 66.0703(11), Wis. Stats.

### **Section 9.09 WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT.**

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

State Law Reference: Section 66.0703(11), Wis. Stats.

### **Section 9.10 APPEALED ASSESSMENTS PAYABLE WHEN DUE.**

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

State Law Reference: Section 66.0703(12)(f), Wis. Stats.

## **Section 9.11 SPECIAL ASSESSMENT A LIEN ON PROPERTY**

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

State Law Reference: Section 66.0703(13), Wis. Stats.

## **Section 9.12 SPECIAL CHARGES PERMISSIBLE.**

(a) In addition to all other methods provided by law, special charges for current services may be imposed by the Town Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under sec. 60.23(20), Wis. Stats. Soil conservation work under section 92.115, Wis. Stats., and snow removal under sec. 86.105, Wis. Stats.

(b) Except as provided in subsection (e), the Town Board may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law.

(c) (1) Except as provided in subparagraph (2), the Town Board may determine the manner of providing notice of a special change.

(2) Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, a public hearing shall be held by the Town Board on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. Notice of the hearing shall be by class 1 Notice under ch. 985, published at least 20 days before the hearing. A copy of the notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice under this paragraph shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.

(d) A special charge is not payable in installments. If a special charge is not paid within the time determined by the Town Board, the special charge is delinquent. A delinquent special charge becomes a lien on the property against which it is imposed as

of the date of delinquency. The delinquent special charge shall in included in the current or next tax roll for collection and settlement under ch. 74, Wis. Stats.

(e) Except with respect to storm water management, including construction of storm water management facilities, no special charge may be imposed under this section to collect any arrearage owed a municipal public utility.

(f) If a special charge imposed under this section is held invalid because this section is found unconstitutional, the governing body may reassess the special charge under any applicable law.

State Law Reference: Section 66.0627, Wis. Stats.

## **Chapter 10 – MUNICIPAL COURT**

### **Section 10.01 JURISDICTION.**

(a) The Municipal Court has exclusive jurisdiction over an action in which the Town seeks to impose forfeitures for violations of Town Ordinances, except as follows:

(1) If the action is transferred under sec. 800.04(1) or 800.05(3), Wis. Stats. to a court of record.

(2) If equitable relief is demanded the plaintiff shall bring the action in a court of record.

(b) The Municipal Judge may issue civil warrants to enforce matters which are under the jurisdiction of the Municipal Court.

(c) The Municipal Judge is authorized to issue inspection warrants under sec. 66.0119, Wis. Stats.

(d) The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both. The judge shall use the restitution procedure under section 800.093 of the Wisconsin Statutes.

State Law Reference: Section 755.045, Wis. Stats.

### **Section 10.03 SESSIONS OF COURT.**

The court shall hold sessions at such time as determined by the Municipal Judge.

State Law Reference: Section 755.06, Wis. Stats.

### **Section 10.04 OFFICE OF MUNICIPAL COURT.**

(a) The Municipal Judge shall hold court in the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

(b) The judge may issue process or perform ministerial functions at any place in the county.

State Law Reference: Section 755.09, Wis. Stats.

**Section 10.05 EMPLOYEES.**

- (a) The judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Town Board.
- (b) The salaries of the clerks and deputy clerks shall be fixed by the Town Board.
- (c) The Clerk shall, before entering upon the duties of their offices, take the oath provided by section 19.01 and give a bond if required by the Town Board.
- (d) The cost of the bond shall be paid by the Town.
- (e) Oaths and bonds of the clerk shall be filed with the Town Clerk.

State Law Reference: Section 755.11, Wis. Stats.

**Section 10.06 COURT PAPERS**

The judge shall file and keep together all papers in any action, separate from all other papers.

State Law Reference: Section 755.11, Wis. Stats.

**Section 10.07 DELIVERY OF BOOKS TO TOWN CLERK.**

(a) If the Municipal Court ceases to operate, the court records, books of account, case files, monies and bonds belonging to the court shall be delivered to the Town Clerk within 10 days after the vacancy occurs by the person who is in possession.

(b) If any materials should be delivered to the Town Clerk under paragraph (a) are not delivered within the time specified, the Town Clerk shall demand their delivery and may by action compel delivery.

(c) When the Town Clerk receives the court records, books of account and case files of the Municipal Court which has ceased to operate, he or she shall, within 10 days, dispose of them as follows:

- (1) Deliver them to the Clerk of the Circuit Court of Rock County.
- (2) For any pending or appealable cases, the bail shall be delivered along with the case file to the Rock County Clerk of Courts.

State Law Reference: Section 755.17, Wis. Stats.



**Section 10.08 DECORUM IN MUNICIPAL COURT.**

(a) The Municipal Judge shall be properly attired in a robe or other suitable clothing when officially presiding in Municipal Court.

(b) The courtroom for the Municipal Judge shall be provided by the Town which shall be in the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

State Law Reference: Section 755.18, Wis. Stats.

**Section 10.09 MUNICIPAL JUDGE TRAINING.**

(a) The Municipal Judge shall participate in the program of Continuing Judicial Education as required by the Wisconsin Supreme Court.

(b) The Town shall bear the cost of such programs.

State Law Reference: Section 755.18, Wis. Stats.

**Section 10.10 COURT PROCEEDINGS PUBLIC.**

(a) The proceedings of the Municipal Court shall be public and every citizen may freely attend the same, except if otherwise expressly provided by law.

(b) When a cause of a scandalous or obscene nature is on trail in the court, the Municipal Judge may exclude from the room where the court is sitting all minors not necessarily present as parties or witnesses.

**Section 10.11 MUNICIPAL COURT PROCEDURE.**

Municipal Court procedure shall be conducted pursuant to Chapter 800 of the Wisconsin Statutes.

State Law Reference: Chapter 800, Wis. Stats.

**Section 10.12 ELECTION OF CITATION METHOD OF ENFORCEMENT OF TOWN ORDINANCES.**

Pursuant to sec. 66.0113, Wis. Stats., the Town Board of Supervisors of the Town of Turtle, Rock County, Wisconsin, hereby elects to use the citation method of enforcement

of Town ordinances including those for which a statutory counterpart exists. The form of the citation shall conform to the provisions of sec. 800.02, Wis. Stats.

State Law Reference: Section 66.0113(4), Wis. Stats.

### **Section 10.13 RELATIONSHIP TO OTHER LAWS.**

The adoption and authority for use of a citation under this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance 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 preclude the issuance of a citation under the ordinance.

State Law Reference: Section 66.0113(4), Wis. Stats.

### **Section 10.14 SCHEDULE OF DEPOSITS.**

(a) The schedule of cash deposits for use with citations issued under the Town ordinances for traffic offenses shall follow the State of Wisconsin Revised Uniform Traffic Deposit Schedule.

(b) The schedule of cash deposits for use with citations issued under the Town ordinances for no-traffic offenses shall be a Deposit Schedule adopted by the Town Board of Supervisors.

(c) The cash deposit shall include the forfeiture plus any applicable penalty assessment imposed by section 757.05 of the Wisconsin Statutes, any applicable jail assessment imposed by section 302.46(1) of the Wisconsin Statutes, the crime laboratories and drug law enforcement assessment imposed by section 165.755 of the Wisconsin Statutes, any applicable consumer information assessment imposed by section 100.261 of the Wisconsin Statutes, any applicable domestic abuse assessment imposed section 973.055(1) of the Wisconsin Statutes, and court costs.

(d) Deposits shall be made in cash, money order or certified check to the Town of Turtle Municipal Court. The Municipal Court shall accept the deposit and provide a receipt.

### **Section 10.15 ISSUANCE OF CITATION.**

(a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.

(b) **Town Officials.** The following Town officials may issue citations with respect to those specified Ordinances which are directly related to their official responsibilities:

Zoning Administrator  
Building Inspector  
Superintendent of Highways  
Chief of the Fire Department

(c) **Delegated Authority.** The Town officials named in subsection (b) above may delegate their authority to issue citations to their subordinates or law enforcement officers, provided such delegation is authorized by the Town Board.

### **Section 10.16 VIOLATOR'S OPTIONS; PROCEDURE ON DEFAULT.**

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

Law Reference: Section 66.0113(3), Wis. Stats.

### **Section 10.17 PENALTY PROVISIONS.**

(a) **General Penalty.** Except as otherwise provided, any person who shall violate any of the ordinances of the Town of Turtle shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(1) First Offense. Any person who shall violate any ordinance of the Town of Turtle subject to a penalty shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(2) Second Offense. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$200 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(3) Third and All Subsequent Offenses. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been twice convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$300 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(4) Failure to Pay. If any person fails to pay any forfeiture assessments, and court costs, the court may make any order for noncompliance authorized by section 800.095(5) of the Wisconsin Statutes including imprisonment not to exceed 90 days.

(b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) **Other Remedies.** The Town of Turtle shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

### **Section 10.18 COLLECTION AGENCY.**

The municipal court, with the approval of the Town Board, may contract with a collection agency for the collection of unpaid forfeitures, assessments, and surcharges under sec.66.0114(a), Wis. Stats. The contract shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency. The Net proceeds that the municipal court receives after the payment to the collection agency shall be considered the amount of forfeitures, assessments, and surcharges collected for distribution under 66.011(4)(bm) and (3)(b) and (c), Wis. Stats.

State Law Reference: Section 755.21. Wis. Stats.

## Chapter 11 - FIRE DEPARTMENT AND FIRE PROTECTION

### Section 11.01 FIRE DEPARTMENT.

(a) **Authority.** The Fire Department of the Town of Turtle is established by the Town Board of the Town of Turtle pursuant to authority granted by the Wisconsin Statutes.

(b) **Personnel of Department.** The Fire Department shall consist of a Chief, Assistant Chief, Captains, and such other fire fighters and employees as may be appointed by the Town Board.

(c) **Chief of Fire Department.** The Chief shall have those duties set forth in section 5.17 of the Code of Ordinances.

(d) **Other Officers and Employees.** All subordinate officers and employees who are employed by the First Department shall be subject to such rules and regulations and shall perform such duties as shall be required of them by the Chief and the Town Board.

(e) **Fire Equipment.** All fire equipment shall be kept in such places as the Town Board shall designate and the persons having charge of such equipment shall keep the same in the best condition for immediate use.

(f) **Powers and Duties of Officers at Fires.**

(1) All officers shall perform such duties as shall be prescribed and required by the Chief.

(2) The Chief or commanding officer at the scene of a fire may cause the removal of any person or property whenever it shall become necessary for the preservation of that person or property from the danger of fire, or to prevent the spreading of fire, or to protect adjoining property. The Chief or commanding officer may also cause the removal of all wires and turning off electricity where it interferes with the work of the Fire Department during a fire.

(3) Every person present at a fire shall be subject to the orders of the Chief or commanding officer and any person refusing to obey such orders may be convicted of a violation of this ordinance and shall pay a forfeiture. In addition, the Chief or commanding officer shall have the power to arrest any person refusing to obey such orders and to hold the person in custody until the fire is extinguished.

(g) **Entry of Adjacent Property.**

(1) Any fire fighter, while acting under the order or direction of the Chief or commanding officer, may enter upon premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire.

(2) If any person shall hinder, obstruct, or resist any fire fighter in the discharge of the fire fighter's duty as set forth in subsection (f)(1), the person may be subject to a forfeiture.

(h) **Use of Additional Equipment at Fires.**

(1) Additional equipment is defined as equipment, vehicles, labor and services which:

a. The fire department does not have available on a regular basis;  
and

b. The fire department must pay rent or a fee for the use of such equipment, vehicle, labor or services.

(2) The use of additional equipment at a fire or emergency shall be at the discretion of the highest ranking officer in attendance at the fire or emergency.

(3) All fees or charges for additional equipment shall be billed to the property owner in the amount incurred by the Town. Any such charges not paid within 30 days of billing by the Town Clerk shall be added to the next property tax bill as a special assessment against the property.

(i) **Removal of Fire Hazards.**

(1) The Fire Chief shall have the authority to inspect, during reasonable hours, all buildings, structures, and premises within the Town of Turtle to determine whether they are in such a condition to expose anyone to danger from fire.

(2) If the Chief finds such exposure to a danger from fire, the Chief shall notify in writing the owner, occupant or person in charge of the building, structure or premises of such condition and direct the owner, occupant or person in charge to correct the condition. Any owner, occupant or person in charge who fails to correct such condition within 5 days of receiving the notice shall be subject to a forfeiture. Each day thereafter that the condition is not corrected shall be considered a separate offense.

## **Section 11.02 AUTHORIZATION FOR FIRE DEPARTMENT TO HOLD VOLUNTEER FUNDS**

(a) **Purpose and Authority.** This ordinance is enacted pursuant to the authority of Wisconsin Statute Section 66.0608 for the purpose of authorizing “volunteer funds” to be held in the name of the fire department. This ordinance is to be interpreted in conformance with that section as it may be amended from time to time.

(b) **Authorization.** The Town Board of the Town of Turtle does hereby authorize the Town Fire Chief to deposit volunteer funds of the department in an account in the name of the fire department in any public depository in which other town funds are being held by the Town Treasurer.

(c) **Control of Funds.** The fire department, through its Fire Chief, is granted exclusive control over the expenditure of funds of the department.

(d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

(1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of fire department members present at a duly noticed meeting of the department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the fire department to provide services for which it is organized.

(2) **Accountings.** The Fire Chief shall provide the Town Board with quarterly statements at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.

(3) **Audit.** Fire department accounts shall be included in the annual audit of town funds. They shall be audited in the same manner as other town funds.

(e) **Ownership of Funds.** Volunteer funds shall remain the property of the Town until the funds are disbursed.

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

State Law Reference: Section 66.0608, Wis. Stats.

## **Section 11.03 MUTUAL AID ALARM BOX SYSTEM**

### **Preamble**

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including a unit of local government from another state; and,

WHEREAS, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, the parties hereto are units of local government as defined by the constitution of the State of Illinois and the Intergovernmental Cooperation Act and the Town of Turtle is a municipality as defined in Section 66.0301(1)(a) of the Wisconsin Statutes; and,

WHEREAS, the Board of Supervisors of the Town of Turtle has determined that it is in the best interest of the Town and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster and to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

### **Ordinance**

(a) The Town Chairperson and the Town Clerk are authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System.

(b) This Agreement shall take effect upon approval of the Agreement by the Wisconsin Attorney General pursuant to section 66.0303(3) of the Wisconsin Statutes.

State Law Reference: Section 66.0303, Wis. Stats.



#### **Section 11.04 FIRE PREVENTION**

(a) **Purpose.** The purpose of this ordinance is to protect the public, employees, firefighters and property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings, structures and premises in the Town of Turtle.

(b) **Adoption of Fire Prevention Code.** The State of Wisconsin Fire Prevention Code contained in Chapter Comm. 14 of the Wisconsin Administrative Code including any subsequent amendments thereto is adopted by reference and incorporated herein as if fully set forth and made a part hereof.

#### **Section 11.05 FEES FOR FIRE DEPARTMENT RESPONSES**

(a) **Purpose.** The purpose of this ordinance is to provide for fees and reimbursements for the Fire Department emergency responses to transportation accidents, vehicle fires, and other incidents occurring within the jurisdiction of Town of Turtle Fire Department involving nonresidents of the Town of Turtle.

(b) **Definitions.** The following words and phrases shall have the meanings set forth next to them:

(1) “Engine Responses” means those responses requiring suppression or fire related activities.

(2) “Rescue Responses” means those responses required such as, but not limited to, ambulance assists, vehicle extrications, high angle rescue, confined space rescue, or trench rescue, where no fire suppression is involved.

(3) “Other Vehicles” means responses from other fire department vehicles, either to supply water or additional emergency equipment, or to transport additional personnel.

(c) **Emergency Service Response.** Emergency responses include, but are not limited to, engines, rescue vehicles, and additional fire department personnel. More complex incidents may require additional resources and personnel. The Incident Commander shall determine the number of apparatus and personnel required to operate safely at an incident.

(d) **Reimbursement.** Any person, sole proprietorship, partnership, corporation, limited liability company and also any responsible officer of responsible managing agent of a sale proprietorship, partnership, corporation or limited liability company involved in any of the incidents described in this ordinance shall be responsible for all fees and expenses incurred as a result of the incident.

(e) **Fee Assessments.**

(1) Fee assessment will be as follows:

- |  |                           |
|--|---------------------------|
| a. Engine per hour                             | Established by Town Board |
| b. Rescue per hour                             | Established by Town Board |
| c. Other Vehicles per hour                     | Established by Town Board |
| d. Additional Personnel<br>per hour per person | Established by Town Board |

(2) The “per person” fee shall cover personnel in addition to the three-person engine or rescue company.

(3) Any expenses incurred for one-time use of supplies or equipment that is damaged shall be billed at the Town of Turtle’s cost.

**Section 11.06 HAZARDOUS MATERIAL INCIDENT RESPONSE REIMBURSEMENT**

(a) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifer, or within the Town of Turtle, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

(b) **Emergency Services Response.** Emergency Services Response includes, but is not limited to, Fire Service, Emergency Medical Service, and Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses may include but shall not be limited to: replacement of equipment damaged by the hazardous material; cleaning, decontamination and maintenance of the equipment specific to the

incident; specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of the response; decontamination; costs incurred in the procurement and use of specialized equipment specific to the incident; clean up and medical surveillance; and costs incurred in future medical surveillance of response personnel as required by the responding agencies' medical advisor.

(c) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to the Town of Turtle Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(d) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is serious enough that immediate steps must be taken to protect the public, the Fire Chief, Police Chief, or Town Chairperson may order an evacuation of the area or take appropriate steps for a period of time until the Town Board can take appropriate action.

(e) **Enforcement.** The Fire Chief and the Police Chief shall have authority to issue citations under this section for violations of the Ordinance.

(f) **Civil Liability.** Any person, firm or corporation in violation of this Ordinance shall be liable to the Town of Turtle for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violation.

## **Section 11.07 OUTDOOR AND REFUSE BURNING**

(a) **Purpose.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Turtle due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

(b) **Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Turtle.

(1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in subsection (d)(10) of this ordinance.

(3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

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

(d) **Definitions.**

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

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

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

(4) “Exclusive Agricultural District One (A-1)” means property within an Exclusive Agricultural District One zoning district as set forth in the Town of Turtle Zoning Ordinance.

(5) “Fire Chief” means the Chief of the Town of Turtle Fire Department or other person authorized by the Fire Chief.

(6) “General Agricultural District Two (A-2)” means property within a General Agricultural District Two zoning district as set forth in the Town of Turtle Zoning Ordinance.

(7) “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.

(8) “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

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

(10) “Refuse” means any waste material except clean wood.

(11) “Rural Residential” zoning means property within a Rural Residential District (R-R) as set forth in the Town of Turtle Zoning Ordinance.

(12) “Small Scale Agricultural District Three (A-3)” means property within a Small Scale Agricultural District Three zoning district as set forth in the Town of Turtle Zoning Ordinance.

(13) “Subdivision” means a lot, parcel, or tract of land which has been divided into five (5) or more parcels or building sites for the purpose of sale or building development.

(e) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning are prohibited in the Town of Turtle unless the burning is specifically permitted by this ordinance.

(f) **Materials That May Not Be Burned.** Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

(1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(3) Asphalt and products containing asphalt.

(4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(6) Rubber including tires and synthetic rubber-like products.

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in subsection (i) of this ordinance.

(g) **Burning Leaves, Brush, Clean Wood and Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, or other vegetative debris is allowed only in accordance with the following provisions:

(1) All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(2) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

(3) Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

(4) Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

(5) Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(6) Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

(7) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. All such outdoor campfires and small bonfires shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize effects and not create a health hazard or a visibility hazard. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

(8) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

(9) In emergency situations such natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

(10) Except for campfires and permitted bonfires, open burning on land in subdivisions and in areas containing three (3) or more contiguous parcels zoned Rural Residential (R-R) shall only be conducted during the months of April, October and

November. The Fire Chief has the authority to extend the time for open burning in these areas.

(11) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(12) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.

(13) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

(14) No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town of Turtle.

(h) **Outdoor Furnaces.** Outdoor furnaces that are wood-fired or corn-fired are permitted in the Town of Turtle. Outdoor furnaces that burn other materials are not permitted in the Town of Turtle. An outdoor furnace may be installed and used in the Town of Turtle only in accordance with the following provisions:

(1) The outdoor furnace shall be installed and used only in an area zoned for Exclusive Agricultural District One (A-1), General Agricultural District Two (A-2), and Small Scale Agricultural District Three (A-3), provided the parcel of land is a minimum of 3 acres in size. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(2) The outdoor furnace shall not be used to burn any of the prohibited materials listed in Subsection (f) of this ordinance.

(3) The outdoor furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor furnace. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(4) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance to neighbors.

(5) The owner of the outdoor furnace shall obtain a permit from the Fire Chief in accordance with Subsection (k) of this ordinance when the furnace is first

installed. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(i) **Fire Department Practice Burns.** Notwithstanding Subsections (e) and (f) of this ordinance, the Town of Turtle Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources, including WISCONSIN ADMINISTRATIVE CODE sections NR 447.02(11), NR 447.06(1), NR 447.07(1), NR 447.08(10) and NR 502.11(2)(c), and by removing all asbestos prior to any practice burn.

(j) **Exemption For Burning Certain Papers.**

(1) Notwithstanding Subsection (f)(7) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(2) Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information.

(3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections (g)(1) to (g)(3) and (g)(6) and (g)(11) to (g)(13) of this ordinance.

(k) **Outdoor Furnace Permits.** The owner or occupant of the property shall obtain a permit for an outdoor furnace when the furnace is first installed. No outdoor furnace may be installed without obtaining a permit from the Town of Turtle and paying the permit fee established by the Turtle Town Board. This section, except for Subsection (k)(4), shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(1) A permit issued under this section shall require compliance with all applicable provisions of this ordinance.

(2) Installation of an outdoor furnace without first obtaining a permit shall be a violation of this ordinance.

(3) Any violation of this ordinance shall void the permit.

(4) An electrical permit and a plumbing permit must also be obtained, if required, before the outdoor furnace can be installed. This provision shall apply to outdoor furnaces installed prior to the effective date of this ordinance.



(l) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability from damage caused by the fire.

(m) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Town of Turtle who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with section 66.0119 of the Wisconsin Statutes.

(n) **Enforcement and Penalties.**

(1) The Fire Chief, Police Chief, and Building Inspector are authorized to enforce the provisions of this ordinance.

(2) The penalty for violation of any portion of this ordinance shall be a forfeiture.

#### **Section 11.08 CHARGES FOR FALSE FIRE ALARMS**

(a) **Repeated False Alarms.** If a privately owned fire alarm system malfunctions because of faulty equipment, improper installation, or improper operation, and a false alarm is generated requiring the Fire Department response, there shall be a charge for repeated false alarms.

(b) **Violation.** For any 3 responses to a premises where a false alarm has occurred within each calendar year, no charge will be made. Thereafter, \$100.00 shall be charged for each false alarm.

(c) **Exception.** The charge shall not be imposed when the false alarm is caused by fire, electrical system failure, or weather conditions as determined by the Fire Chief.

(d) **Liability.** The owner of the property shall be liable for these charges regardless of whether the owner was the occupant of the property at the time the false alarm was generated.

(e) **Payment of Charges.** All charges for false alarms shall be payable 30 days from the date of billing by the Town Treasurer.

## Chapter 12 - ROADS AND HIGHWAYS

### Section 12.01 MINIMUM HIGHWAY DESIGN STANDARDS

(a) **Definitions.** In order to clarify this ordinance, the following definitions shall apply:

(1) **Approach.** That portion of road extending 100 feet on each side of a culvert or bridge.

(2) **Base Course.** The supporting base material of the roadway including the shoulder.

(3) **Drainage.** The gradual drying of a highway by a system of ditches, trenches, channels or similar methods.

(4) **Grade.** The rate of ascent or descent of a roadway.

(5) **Highway.** The road or way over which the public generally has a right to pass and includes the complete right-of-way.

(6) **Road Bed.** The whole material laid in place and ready for travel.

(b) **Applicability.** This ordinance shall be applicable to all highways laid out by the Town Board after adoption of this ordinance, including any highways dedicated in plats for proposed subdivisions submitted for review pursuant to Chapter 236 of Wisconsin Statutes, any private highways being donated to the Town, and any other highways being accepted by the Town as public highways in the Town.

(c) **Minimum Road Design Standards.** The following minimum design standards shall apply under this ordinance: All Town highways shall be classified as local roads unless designated by the Town Board as collector or arterial. The classification of all roads under this ordinance shall be within the complete discretion of the Town Board considering such factors as traffic count, character of anticipated traffic, and relation of highway to traffic patterns within the Town and other highway systems. It is intended that local be the lowest traffic count, with access to private property as principal function. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the Town serving intra-regional or inter-area traffic movement. Unless otherwise indicated, all measurements are in feet.

	Residential		Commercial-Industrial	
	With Curb/Gutter	Without Curb/Gutter	With Curb/Gutter	Without Curb/Gutter
Minimum Right-of-Way	70	70	100	100
Minimum width of Base Course (including curb, gutter or shoulders)				
Local	30	34	32	32
Collector	32	36	40	50
Arterial	40	38	40	50
<u>Minimum Width of Surfacing</u>				
Local	30	24	32	24
Collector	32	26	40	30
Arterial	40	28	48	48
<u>Maximum Grade (percent)</u>				
Local	10%	10%	8%	8%
Collector	8%	8%	6%	6%
Arterial	6%	6%	6%	6%
(Minimum Grade .5)				
<u>Minimum Radius of Horizontal Curve</u>				
Local	100	100	200	200
Collector	100	100	200	200
Arterial	300	300	400	400
<u>Corner Radius at Intersections</u>				
	25	30	25	30
<u>Minimum Length of Vertical Curve</u>				
Local	-100 but not less than 20 for each algebraic difference in grade			
Collector	-200 but not less than 50 for each one percent			
Arterial	-300 but not less than 50 for each algebraic difference in grad			

Curb/Gutter	Residential		Commercial/Industrial	
	With Curb/Gutter	Without Curb/Gutter	With Curb/Gutter	Without Curb/Gutter
<u>Minimum Length of Tangents Between Reverse Curves</u>				
Local	100	100	200	200
Collector	100	100	200	200
Arterial	200	200	300	300

Minimum Sight Distance

Local	200	200	200	200
Collector	250	250	250	250
Arterial	300	300	300	300

Design Speed (miles per hour)

Local	30 mph	30 mph	30 mph	30 mph
Collector	35 mph	35 mph	35 mph	35 mph
Arterial	40 mph	40 mph	40 mph	40 mph

CUL-DE-SACS (Permanent)

Cul-de-sacs shall have a minimum 90-foot diameter pavement, a 5-foot wide shoulder and a 4:1 foreslope.

Maximum Length

Maximum desirable length of roads with cul-de-sacs is 1,000 feet. Through roads are most desirable.

Minimum Right-of-Way Radius at Cul-de-sacs

Local	70	70	70	70
-------	----	----	----	----

Minimum Base Course Radius

Local	48	48	48	48
-------	----	----	----	----

Minimum Pavement Radius

Local	45	45	45	45
-------	----	----	----	----

Hot Mixed Asphalt Pavement (HMA)

HMA pavement shall be 24 feet wide and 4 1/4 inches thick (after compaction). The cross-slope from the centerline to the edge of the pavement shall normally be 0.020 ft./ft. (2% slope). A minimum cross-slope of 0.015 ft./ft. (1.5%) shall be maintained at all times. HMA must be a current Wisconsin Department of Transportation approved mix design. A copy of the mix design and test results must be submitted with the plans for the highway. For new construction, no HMA may be placed until the underlying base and subgrade has been in place for at least one winter. The final 1 1/2 inch layer of HMA surface shall be placed no later than 5 years from the beginning of construction.

Base Aggregate Dense

A 10 inch thick base shall be installed consisting of 5 inches of 3-inch crushed limestone base aggregate dense, followed by 5 inches of 3/4-inch crushed limestone base aggregate dense. Shoulders shall also be 3/4-inch crushed limestone base aggregate dense and shall be 5 feet wide. All base materials shall conform to the requirements of the State of Wisconsin Department of Transportation Standard Specifications For

Highway and Structure Construction, latest edition. The cross-slope of the base shall conform to the pavement cross slope.

#### Sub-Base

Where suitable soil for road construction as described by Soil Survey of Rock County, Wisconsin is not present, unsuitable soils must be removed and replaced with pit run material meeting the requirements of the State of Wisconsin Department of Transportation Standard Specifications For Highway And Structure Construction, latest edition. All topsoil shall be stripped from the immediate construction area prior to any grading operations.

#### Proof Rolling

Proof rolling shall be performed on all aggregate courses and shall be witnessed by a representative from the Town of Turtle Highway Department.

#### Ditches

Ditches shall be installed to a minimum depth of 18 inches measured from the bottom outside edge of the base and shall be a minimum of 4 feet wide (either rounded or flat) on the bottom. All disturbed areas within the right of way shall be restored with a minimum of 4 inches of topsoil and shall be seeded, fertilized and mulched. A 4-foot wide strip of jute matting shall be placed in all ditch bottoms where the slope exceeds 4%. All ditch foreslopes shall be 4:1. Ditch backslopes shall normally be 4:1 but shall not exceed 2.5:1. Backslopes may extend beyond the right of way if necessary to maintain a minimum 2.5:1 backslope.

#### Culverts

Any culverts necessary for proper drainage shall be installed after elevation and location are obtained from the Town of Turtle Highway Superintendent or Town Engineer. The minimum length of any culvert installed in a road bed shall be at least 2 feet greater than the base course width. Apron end walls shall be used. The diameter and length will be subject to the approval of the Town of Turtle Highway Superintendent or Town Engineer, after the amount of the flowage is determined. In no case shall the culvert be less than 18 inches in diameter.

#### Bridges

All bridges shall meet the minimum requirements of state and federal law. In the event it is decided by the Town Board, that the construction of a bridge would be of a size and cost that it would create a hardship to the owner of land, then the Town Board may proceed to accept the road, complete as required above, except that part extending 100 feet on each side of the bridge. This portion of the road shall be known as the approach. The approach will be accepted uncomplete, with the reservation that the Town will bill to the owner a portion of the cost of construction of the bridge. The Town will proceed to build the bridge and approach with the help of bridge aid, if available. The balance not covered by the bridge aid shall be billed to the owner.

(d) **Authority for Higher Standards.** The road design standards in Subsection (c) of this ordinance are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

(e) **Application For Determination of Applicable Standards.** Any person may apply to the Town Board to determine what design standards should apply in a particular location, giving the description of the proposed highway and proposed design standards being requested to be approved for any proposed highway being proposed to be built. No person shall commence construction of any highway anticipated to be turned over to the Town without having written approval of the proposed highway design signed by the Town Board.

(f) **Final Inspection and Acceptance By Town Board.** The Design Engineer will be required to submit a report containing the following information upon completion of construction:

1. Centerline subgrade, outside edge and ditch bottom elevations at 50-foot intervals along the road alignment.
2. Centerline and outside edge elevations for each layer of base aggregate and for the 2<sup>nd</sup> layer of HMA pavement at 50-foot intervals along the road alignment.
3. Summary of the total tonnage used in each layer of HMA pavement.
4. Summary results of nuclear density tests taken for each layer of HMA pavement at approximately 500-foot intervals (minimum 3 tests per layer) along the road alignment.

Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the highway as the case may be in the discretion of the Town Board. If the highway is rejected, then corrections must be made as stated by the Town Board before final inspection will be made again. If final acceptance is made by the Town Board, the owner or owners will turn over to the Town, a warranty deed free and clear of any liens necessary to convey free and clear title to the Town for the highway, unless this is accomplished by plat dedication.

## **Section 12.02 USE OF RIGHT OF WAY BY UTILITIES AND OTHERS**

(a) **Definition.** As used in this ordinance, the term “construction work” means any construction, installation, repair, or maintenance work of any nature on or under the area included in the right of way of any Town road or highway.

(b) **Prior Grants Revoked.** All prior grants of authority to utility companies or others to install any devices or items within the right of way lines of Town roads or highways are revoked.

(c) **Application.** Any party desiring to perform any construction work on or under the area included in a right of way of a Town road or highway shall send a written application to the Superintendent of Highways of the Town of Turtle stating:

(1) The nature and extent of the use of the right of way;

(2) The approximate starting and completion dates of the construction work; and

(3) Detailed specifications of the construction work to be done.

(d) **Fee.** The applicant shall pay a fee with the application in such an amount as determined by the Town Board.

(e) **Approval of Application.** The Superintendent of Highways shall approve or deny the application and shall notify the applicant of this in writing. If the Superintendent of Highways approves the application, the Superintendent may impose conditions and restrictions on the proposed construction work which shall be in writing and sent to the applicant. The Superintendent of Highways shall confer with the Town Fire Chief before approving any application so as to plan for blocking any right of way on a Town road or highway.

(f) **Notice To Fire Chief.** At least 24 hours before blocking any part of a road or highway in the Town, the applicant shall notify the Fire Chief and obtain approval for blocking the road or highway.

(g) **Lights and Barricades.** All roads or highways containing any obstructions due to construction work shall be properly barricaded and lighted to effectively warn vehicular traffic and pedestrians of the obstructions.

(h) **Back Filling Trenches.** No trench shall be dug across a road or highway within the Town without the written permission of the Superintendent of Highways. Any permitted trench across a road or highway surface shall be properly back filled according to specifications established by the Superintendent of Highways. This must be done before replacing blacktop or crushed rock. If the area where the work was done settles, the party responsible for the work shall be liable to the Town for a period of 5 years from

the date the work was completed for any claim or expense for defective road or highway incurred by the Town by reason of the settling of the road or highway where the work was done.

(i) **Installation of Gas and Water Service.** Wherever possible, gas and water services shall be installed by boring.

(j) **Location of Shutoff Valves, Lateral Services and Utility Poles.** All shutoff valves, lateral services and utility poles in the right of way of any Town road or highway shall be located not more than 12 inches from the outer edge of the right of way.

(k) **Liability For Use of Right Of Way.** Any applicant who does construction work in the right of way of any Town road or highway shall be deemed to have agreed to indemnify and save harmless the Town for the repair of and liability for any defects in a road or highway caused by the work. Any applicant shall also restore all ditches, drainage systems, driveway entrances and drainage tile to the condition they were in before the work was done. This restoration shall be completed within the time specified in the application, or if no time is specified in the application, within a reasonable time of completion of the work.

(l) **Town Board Action.** If the road, highway, drainage ditches, or any other part of the right of way is not restored to its condition existing before the work was done, the Town Board may hire corrective work done by Town employees or others and the applicant shall be liable to pay the Town for the cost of the corrective work. If the Town hires the corrective work done, it shall give the applicant 10 days written notice of the Town's intention to do so.

(m) **Penalty.** Any person violating any of the provisions of this ordinance shall be subject to a forfeiture.

### **Section 12.03 MAILBOXES AND NEWSPAPER DELIVERY BOXES ON PUBLIC HIGHWAY RIGHT-OF-WAY**

(a) **Interference Prohibited.** No mailbox or newspaper delivery box (hereafter referred to as "mailbox") shall be allowed to exist on any street, road, or highway right-of-way within the Town of Turtle if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system.

(b) **Standards.** The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by this ordinance.

(c) **Location.** The location of mailboxes shall conform to the following requirements:



(1) No mailbox will be permitted where access is obtained from the lanes of a freeway or where access is otherwise prohibited by law or regulation.

(2) Mailboxes shall be located on the right-hand side of the roadway in the direction of the delivery route except on one-way streets where they may be placed on the left-hand side. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually between 3 feet 6 inches and 4 feet above the roadway surface. The roadside face of the box shall be offset from the edge of the traveled way a minimum distance of the greater of the following: 8 feet (where no paved shoulder exists), the width of the all-weather shoulder present plus 8 to 12 inches, or the width of an all-weather turnout plus 8 to 12 inches.

(3) Exceptions to the lateral placement criteria in Subsection (c)(2) will exist on residential streets and certain designated rural roads where the Town of Turtle deems it in the public interest to permit lesser clearances or to require greater clearances. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance between 6 and 12 inches. On residential streets without curbs or all-weather shoulders and that carry low-traffic volumes operating at low speeds, the roadside face of a mailbox shall be offset between 8 and 12 inches behind the edge of pavement.

(4) Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.

(5) Where a mailbox is located at an intersecting road, it shall be located a minimum of 100 feet beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 200 feet when the average daily traffic on the intersecting road exceeds 400 vehicles per day.

(d) **Structure.** The structure of mailboxes shall conform to the following requirements:

(1) Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

(2) No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.

(3) Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.

(4) A single 4-inch x 4-inch or 4 ½ -inch diameter wooden post or a metal post with a strength no greater than a 2-inch diameter standard strength steel pipe and

embedded no more than 24 inches into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface.

(5) The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle.

(6) The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above the groundline.

(e) **Shoulder and Parking Area Construction.** It shall be the responsibility of the owner of the mailbox to inform the Town of Turtle of any new or existing mailbox installation where shoulder construction is inadequate to permit all-weather vehicular access to the mailbox.

(f) **Removal of Nonconforming or Unsafe Mailboxes.** Any mailbox that is found to violate this ordinance shall be removed by the owner of the mailbox upon notification by the Town of Turtle. At the discretion of the Town of Turtle, based on an assessment of hazard to the public, the owner will be granted not less than 24 hours nor more than 30 days to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox will be removed by the Town of Turtle at the owner's expense.

## **Section 12.04 SPEED ZONES**

(a) A traffic investigation was made and the maximum permissible speed is herein established as reasonable and safe pursuant to section 349.11 of the Wisconsin Statutes on the following roads in the Town of Turtle, Rock County, Wisconsin:

### **Bradley Street**

Twenty-five miles per hour from its intersection with Vail Terrace southerly to its intersection with Crane Avenue

### **Buss Road**

Twenty-five miles per hour from its junction with Shopiere Road, southerly 0.5 of a mile

### **Butterfly Road**

Twenty-five miles per hour from its junction with Shopiere Road, southerly 0.6 of a mile

**Church Street**

Twenty-five miles per hour from the intersection with Butterfly Road northeasterly to the intersection with Buss Road

**Circlewood Drive**

Twenty-five miles per hour over its entire length

**Claremont Drive**

Twenty-five miles per hour over its entire length

**Colley Road**

(a) Thirty-five miles per hour from its junction with Brewster Road, easterly 0.7 of a mile

(b) Forty miles per hour between Turtle Town Hall Road and Riemer Road

(c) Thirty-five miles per hour from Beloit City Limits to Beloit City Limits on South Townhall Road

**Corene Avenue**

Twenty-five miles per hour from its intersection of Vail Terrace southerly to its intersection with Gorton Street

**Crane Avenue**

Twenty-five miles per hour from its intersection with Shopiere northerly to its intersection with Gorton Street

**Creek Road**

(a) Twenty-five miles per hour from its junction with the Chicago and Northwestern Railway tracks southwesterly 0.16 of a mile

(b) Twenty-five miles per hour from a point 1.0 mile northerly of its junction with Shopiere Road, southerly to its junction with Shopiere Road

(c) Forty-five miles per hour from a point 1.0 mile northeast of the intersection of County Highway J, southwesterly to the intersection with Lathers Road

(d) Forty-five miles per hour from the intersection of County Highway J east 0.5 of a mile

(e) Forty-five miles per hour from one quarter of a mile north of Huebbe Parkway to Lathers Road

**Deerwood Road**

Twenty-five miles per hour from the intersection with Beloit Road, southeasterly and southwesterly to the intersection with Foxhollow Road

**Easy Street**

Twenty-five miles per hour over its entire length

**Ehle Street**

Twenty-five miles per hour over its entire length

**Elise Drive**

Twenty-five miles per hour over its entire length

**Foxhollow Road**

Twenty-five miles per hour from the intersection with Beloit Road, southeasterly and northeasterly to the intersection with Starkwood Road

**Gorton Street**

Twenty-five miles per hour from its intersection with Vail Terrace westerly to its intersection with Crane Avenue

**Gustafson Road**

Forty miles per hour from County Highway X south to the railroad tracks

**Hart Court**

Twenty-five miles per hour over its entire length

**West Hart Road**

Twenty-five miles per hour from a point 0.7 of a mile west of the intersection with Hart Court, easterly to the intersection with Creek Road

**Hazelwood Drive**

Twenty-five miles per hour over its entire length

**East Huebbe Parkway**

Twenty-five miles per hour from Creek Road west .64 miles

**Lathers Road**

(a) Twenty-five miles per hour between Needham Road and Shopiere Road

(b) Twenty-five miles per hour between Shopiere Road and Creek Road

**Leona Drive**

Twenty-five miles per hour over its entire length

**Monarch Circle**

Twenty-five miles per hour over its entire length

**Monroe Avenue**

Twenty-five miles per hour from its intersection with Shopiere Road northerly to its intersection with Vail Terrace

**Murphy Woods Road**

Twenty-five miles per hour from its intersection with Shopiere Road westerly for a distance of 0.25 of a mile

**Patrick Road**

Forty-five miles per hour from the intersection of Creek and Philhower Roads to L-T Townline Road

**Petter Road**

Twenty-five miles per hour over its entire length

**Philhower Road**

Forty-five miles per hour from Prairie Avenue to Creek Road

**East Ridge Road**

Twenty-five miles per hour from its intersection with South Ridge Road westerly to its intersection with Milwaukee Road

**Schuster Drive**

Twenty-five miles per hour from its intersection with Shopiere Road westerly to its intersection with Prairie Avenue

**Suburban Drive**

Twenty-five miles per hour over its entire length

**Townhall Road**

Thirty-five miles per hour on South Townhall Road from Beloit City Limits to East Colley Road

**Townline Road**

Twenty-five miles per hour from Creek Road west on Townline Road for 1.0 mile

Forty-five miles per hour on the south side of Townline Road between County Road G and County Road J

**Vail Terrace**

Twenty-five miles per hour from its intersection with Prairie Avenue easterly to its intersection with Shopiere road

**Wood Trail**

Twenty-five miles per hour from the intersection with Lathers Road, northeasterly and northerly to the intersection with Shopiere Road

(b) The speed limits set forth in this ordinance are effective upon the erection of standard signs giving notice of the speed limit.

### **Section 12.05 DRAINAGE TILE**

(a) **Standard Tile Required.** It shall be unlawful for a person to install or cause to be installed in the Town of Turtle a drainage tile that does not comply with this ordinance in the right of way of a highway.

(b) **Permit Required.** Drainage tile cannot be installed in a highway right of way without a permit issued by the Town of Turtle. The permit shall be issued by the Building Inspector and approved by the Superintendent of Highways.

(c) **Drainage Tile Standards.** Drainage tile installed pursuant to this ordinance must comply with all of the following standards:

(1) The tile must be a minimum of 15 inches in diameter and must be an arched type.

(2) The tile must be at least 24 feet but not more than 48 feet in length. If the length is over 48 feet, approval must be obtained from the Town Board.

(3) The grade at the place where the tile is installed must be approved by the Superintendent of Highways.

(4) A minimum of #2 gradation No. 1 crushed rock must be used to cover the tile.

(5) If the driveway entrance is adjacent to a state highway, a permit must be obtained from the State of Wisconsin.

(d) **Special Assessments.** The Town Board may levy a special assessment for the cost of installing the drainage tile in the right of way pursuant to this ordinance. This cost may include the removal of any previously installed drainage tile that does not comply with this ordinance.

(e) **Installation.** All drainage tile installed pursuant to this ordinance shall be done by employees of the Town of Turtle except where the Town Board authorizes installation by a private installer.

(f) **Penalty.** Any person violating this ordinance shall pay a forfeiture. Each day of violation constitutes a separate offense under this ordinance.

## **Chapter 13 - BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE**

### **Section 13.01 BUILDING CODE**

(a) **Title.** This ordinance shall be known, cited and referred as the Town of Turtle Building Code.

(b) **Purpose.** The purpose of the Building Code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the general public, consumers, owners and occupants of residential, commercial, industrial and public buildings.

(c) **Scope.** This chapter shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment and appurtenances located in the Town of Turtle.

(d) **Adoption of Uniform Dwelling Code.**

(1) The State of Wisconsin Uniform Dwelling Code contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and Subchapter II of Chapter 101, Wis. Stats., including any subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(2) Chapter Comm. 20 through 25 Wis. Adm. Code, and Subchapter II, Ch. 101, Wis. Stats., shall apply to one- and 2-family dwellings whose initial construction is undertaken on or after the dates specified in those regulations.

(3) For the purposes of local regulation of one- and 2-family dwellings, the provisions of the Uniform Dwelling Code shall apply to additions and alterations to buildings whose initial construction was lawfully begun prior to June 1, 1980. Such provisions shall apply to additions being constructed or the work involved in the alterations or repairs and shall not be construed to apply to the existing building.

(e) **Adoption of State Building and Heating Code.** The State of Wisconsin Building, Heating, Ventilating, and Air-Conditioning Code contained in Chs. Comm. 50 through 64, Wis. Adm. Code, and subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(f) **Existing Buildings.** The following specified requirements shall apply to all existing buildings and structures which, for any reason, do not conform to the requirements of this ordinance:



(1) **Value.** Where the value of alterations and repairs to an existing building or structure is in excess of 50% of the assessed value of the building or structure divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments, not deducting from such value any loss caused by fire or any other reason, the entire building shall be made to conform to all of the requirements of this ordinance for new buildings or shall be entirely demolished.

(2) **Conformance.**

a. Every alteration or repair to any structural part of any existing building shall be made to conform to all of the requirements of this ordinance, and all of the requirements shall apply to such alterations and repairs.

b. Every addition to an existing building shall be made to conform to all of the requirements of this ordinance and all of the requirements of this ordinance shall apply to such additions.

c. When the use of an existing building or structure, whether built under this ordinance or a previous code or prior to the date of first building code, is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to conform with all the requirements for the new use as provided in this ordinance.

1. Where the use of only a portion or portions of such buildings or structures is changed, then only such portion or portions of the building or structure need conform to the requirements of this ordinance.

2. The Building Inspector may approve any change in use of an existing building or structure, even though the building is not made to fully conform to the requirements of this ordinance, when it is obvious that the change of use will not extend or increase any nonconformity or hazard.

d. The Building Inspector may require that an existing building be made to conform to the requirements of this ordinance regulating the number, location, lighting, widths, heights and means of exiting where, in his or her judgment, a hazard to the occupants, users, owners or the public exists.

e. The requirements of Comm. 21.03, Wis. Adm. Code, shall apply to exits in existing one- and 2-family buildings.

f. The requirements of Comm. 51.245 and 57.16, Wis. Adm. Code, shall apply to the installation and maintenance of smoke detectors.

(g) **Administration and Enforcement.**

(1) **Appointment.** A Building Inspector shall be appointed by the Town Board to administer and enforce all the provisions of this ordinance.

(2) **Records.** The Building Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(3) **Right To Entry.** The Building Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(h) **Violations and Penalties.**

(1) No person shall erect, alter, construct, enlarge, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, or part thereof, or cause or permit the same to be done contrary to or in violation of any of the provisions of this ordinance.

(2) Any violation of this ordinance constitutes a public nuisance and, in addition to any other remedies provided for its enforcement, the Town may bring civil suit to enjoin violations of any provision of this ordinance.

(3) Any person who shall violate any provision or any order made hereunder shall be subject to a forfeiture. This penalty shall be independent and exclusive of the right of the Town Board to revoke any license or permit.

(i) **Appeals.** An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision or action complained of by filing with the Town Clerk a notice of appeal, together with the required filing fee, specifying the grounds thereof. Appeals involving matters under the jurisdiction of Chs. Comm. 20 through 26, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.21, Wis. Adm. Code. Appeals involving raze orders issued under Section 16 of this Ordinance and sec. 66.0413, Wis. Stats., shall be made to the circuit court within the time provided by sec. 66.0413, Wis. Stats.

(j) **Variances.**

(1) Variances from the regulations of this ordinance, excepting variances from those regulations contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and sec. 66.0413, Wis. Stats., may be granted by the Board of Adjustment.

a. The conditions upon which the petition for variance is based are unique to the building or structure and are not generally applicable to other buildings or structures in the same use classification.

b. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

c. Granting of the variance will not be detrimental to public welfare or injurious to other properties in the area.

d. The variance will not, either to the property for which the variance is sought or neighboring properties, impair an adequate supply of light and air, increase the danger of fire, endanger the public safety or diminish or impair property values within the neighborhood.

e. Conformance with the provisions from which relief is sought will cause a particular hardship as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

(2) Applications for variances under sub. (1) shall be filed in writing, together with the required filing fee, with the Town Clerk.

(3) Variances from regulations under the jurisdiction of Chs. Comm. 20 through 25, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.19, Wis. Adm. Code.

(k) **Stop Orders.**

(1) Wherever any work is being done contrary to the provisions of this ordinance or before having obtained a permit authorized by the Building Inspector, the Building Inspector may order the work stopped by notice in writing served upon the permittee or the permittee's agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Building Inspector to proceed with the work.

(2) No person shall remove a stop order once posted or proceed with work after notice to stop work has been served or posted, and any person who shall remove such notice or continue work after such notice has been posted or served shall be subject to a forfeiture.

(l) **Permits.**

(1) **Required.** A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, using application forms prescribed and furnished by the Town Clerk. A separate permit is

required for each such building or structure. No permits shall be issued for multiple buildings or structures. If a driveway is required as part of the construction, alteration, repair, or improvement, a driveway permit shall be obtained from the Town prior to the issuance of a building permit.

(2) **Exceptions.** This ordinance shall not require a building permit for:

a. Minor repairs, maintenance or alterations whose value does not exceed \$2,500 and which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building or structure.

b. Installation of roof shingles, furnace replacements, and air conditioning replacements for one and two family dwellings provided in all cases the prior approval of the Building Inspector is obtained.

(3) **Failure To Obtain.** Failure of the owner, agent, lessee or sublessee, or other responsible parties to obtain a permit prior to commencement of the work, shall subject the owners or other responsible parties to a double fee. Such fee shall not deny the Town any other legal right or remedy it may otherwise have under this ordinance and other applicable codes and regulations.

(4) **Weather Resistant Card.** The Building Inspector shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work.

(5) **Work to Commence Within Six Months.** All building permits and plan approvals shall be void unless work has commenced within 6 months from original issue or approval. Where work has commenced within 6 months, the building permit shall expire by limitation two years from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(6) **Revocation.** If the Building Inspector shall find, at any time, that any of the ordinances of the Town or the plans and specifications are not being complied with, the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.

(7) **Reissuance.** If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Building Inspector may order done as a condition precedent to the reinstatement of the permit.

(m) **Permit Applications.**

(1) Applications for permits to originally construct one and 2 family dwellings shall be made in the manner provided by Comm. 20.09, Wis. Adm. Code.

(2) Applications for permits other than for original construction of one and 2 family dwellings shall be made upon a form prescribed by the Town Clerk and shall be signed by the owner or agent representing the owner. Each application, when deemed necessary by the Building Inspector, shall be accompanied by two sets of plans drawn of sufficient clarity to indicate the nature and extent of the proposed work and shall include a plot plan showing locations of existing and proposed buildings, property lines, adjacent grades, drainage facilities, easement, north arrow, street address and legal description.

(n) **Inspections.**

(1) Inspections of original construction of one and 2 family dwellings shall be conducted in the manner provided in Comm. 20.10, Wis. Adm. Code.

(2) For construction other than regulated by sub. (1) above, the Building Inspector shall, upon notification from the contractor or his agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this ordinance:

a. **Footing Inspection.** Footings shall be inspected after completion of excavation and all shoring and reinforcing is in place and prior to the placing of concrete. No concrete shall be placed until authorized by the Building Inspector or 3 work hours have elapsed after notification that the work is ready for inspection.

b. **Foundation.** The foundation wall shall be inspected after all forms, if any, have been removed, waterproofing, where required, has been applied and before backfilling. No backfilling shall be done until 2 working days have elapsed following notification or the inspection has been made and approved.

c. **Framing.** The framing inspection shall be made after all structural elements, framing, fire blocking, bracing, plumbing pipes and vents, electrical wiring and chimneys are in place and complete. No walls, ceilings or structural elements may be covered or concealed from view until the framing, rough plumbing, rough electrical and rough heating inspections have been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

d. **Insulation.** The insulation inspection shall be made after all insulation and vapor barriers required by this ordinance or included as a part of the plans and specifications, have been completely installed. The insulation and vapor barriers shall not be covered or concealed from view until the inspection has been made and

approved or 3 working days have elapsed following notification that the work is ready for inspection.

e. **Final.** Upon completion of all of the work to be done, but prior to occupancy, the Building Inspector shall make, or cause to be made, a final inspection to determine compliance with code and all other applicable regulations are found. If no violations of this ordinance or other applicable regulations are found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used, the maximum load and the maximum number of people who may be accommodated on each floor.

(o) **Occupancy Certificate.**

(1) No building or part thereof shall be occupied until the Building Inspector has issued a certificate of occupancy certifying that no violation of this ordinance or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy. The Building Inspector shall send a copy of the certificate of occupancy to the Town Clerk.

(2) When the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building, or any part thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

(3) The Building Inspector may permit the occupancy of buildings, or part thereof, prior to completion where, in his or her judgment and discretion, a particular hardship exists. Such permission shall be in writing and may not be issued until the Building Inspector has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in this Code of Ordinances and possible vacation of the building.

(p) **Unsafe Buildings.**

(1) Section 66.0413, Wis. Stats., is hereby adopted by reference and incorporated herein as if it were fully set forth and made a part hereof.

(2) The Building Inspector is empowered to act for the Town under sec. 66.0413, Wis. Stats., relating to condemnation and razing of buildings.

(q) **Maintenance of Buildings.** Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept in good repair and the roof shall be maintained to prevent leakage.

(r) **Cleanliness.** Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same or in yards, courts, passages, areas or alleys connected with or belonging to the same.

(s) **Alternate Materials and Methods.**

(1) The provisions of this ordinance are not intended to prevent the use of any material or method of construction not specifically prescribed by this ordinance, provided such alternate has been approved. The Building Inspector may approve any such alternate provided he or she finds that the proposed design is satisfactory and complies with accepted design criteria. The Building Inspector may require evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(2) Materials and methods used in the construction of dwellings regulated by the Uniform Dwelling Code shall comply with the requirements of Comm. 20.18, Wis. Adm. Code.

(t) **Definitions.** In addition to the definitions set forth in Comm. 20.07 and Comm. 51.01, Wis. Adm. Code, the following terms, phrases, words, abbreviations and their derivatives shall have the meaning indicated in this section unless otherwise expressly stated. Words used in the present tense include the future; words used in the masculine gender, the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

(1) **Accepted Engineering Practices.** That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

(2) **Curb Height or Levels.** The elevation of the established curb measured at right angles to the reference point. Where no curb is established, the grade at the centerline of the street shall be used.

(3) **Footing.** That portion of the foundation which spreads and transmits loads directly to soil or pilings.

(4) **Manufactured Dwelling.** A structure sometimes called a modular home or prefabricated home, which is regulated by the Wisconsin Uniform Dwelling Code, Chapters 20 to 25, or amendments thereto. A manufactured dwelling is identified with a red sticker called a "Wisconsin Insignia," imprinted with the outline of the State of Wisconsin and is manufactured in accordance with the requirements of Sections 101.60 to 101.66 and Sections 101.70 to 101.77 of the Wisconsin Statutes. When placed on the site, this structure is installed in accordance with the manufacturer's instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling.

(5) **Manufactured Home.** A structure that is certified and labeled as a manufactured home under 42 USC Sec. 5401 to 5426, which when placed on the site:

a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. Is installed in accordance with the manufacturer's instructions;  
and

c. Is properly connect to utilities.

(6) **Shall.** A term for mandatory use under the provisions of this Ordinance.

(7) **Single Family Dwelling.** A single-family dwelling unit may be site constructed housing, manufactured dwellings or manufactured homes. Such single-family dwelling units shall have the following required characteristics:

a. The structure is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV, and V, Wis. Adm. Code, or amendments thereto, or is set on a comparable enclosed foundation system approved by the Town Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. The structure is installed in accordance with the manufacturer's instructions;

c. The structure is properly connected to utilities in accordance with and to Code; and

d. The structure has a core living area which shall be a minimum of 24 feet in depth and have a length sufficient to meet the minimum square footage requirements of the particular zoning category in which the structure is located.

(8) **Site-Constructed Housing.** A structure built on-site in accordance with the State of Wisconsin Uniform Dwelling Code. When placed on the site, this structure is constructed and installed in accordance with the manufacturer's or builder's instructions, is properly connected to utilities and meets the other applicable standards and definition of a Single-Family Dwelling as found herein.



(9) **Value.** That price which the building or work will sell for on negotiations between a seller, willing but not obliged to sell, and a buyer, willing but not obliged to buy.

(10) **Writing.** Shall include handwriting, typewriting, printing, photo-offset or any other form of reproduction in legible symbols or characters.

(11) **Written Notice.** Notification in writing delivered in person to the individual or to the parties intended, or delivered at or sent by certified mail to the last business address known to the party giving notice.

(u) **Grading of Lots.**

(1) Lots and parcels shall be graded to provide for diversion of water away from buildings and structures and in such a manner as to prevent the accumulation of stagnant water.

(2) Where an existing lot grade is changed as a result of construction, regrading, filling or removal of soil, and paving, the grading shall be done in such a manner that water will not be diverted onto adjacent properties.

(v) **Precautions During Building Operations.**

(1) The provisions of this section shall apply to all construction operations in connection with the erection, alteration, repair, removal or demolition of buildings and structures. Nothing herein contained shall be construed to nullify any rules, regulations or statutes of State or Federal agencies governing the protection of the public or workers from health or other hazards.

(2) **Temporary Encroachments.** Subject to the approval of the Building Inspector, sidewalk sheds, underpinning and other protective guards and devices may project beyond street right-of-way lines where required to insure the safety of adjoining property and the public.

(3) **Loading.** No person shall load any structure, temporary support, scaffolding, sidewalk bridge or sidewalk shed or any other device during construction or demolition of any building or structure in excess of its safe working capacity.

(4) **Unsafe Equipment.** Whenever any doubt arises as to the structural quality or strength of scaffolding plank or construction equipment such material shall be replaced, provided the Building Inspector may accept a strength test to 2-1/2 times the superimposed live load to which the structural member is to be subjected. The use of suspect scaffolding or construction equipment shall be prohibited until tested or replaced.

(5) **Unsafe Conditions.** Where any unsafe or illegal condition exists the Building Inspector shall notify the owner and direct him or her to take necessary action to

remove the hazard or violation. Unless the owner shall take action to comply with the orders within 24 hours the Building Inspector shall have full power to correct the unsafe conditions and the expenses incurred shall be assessed and collected as a special tax upon the property.

**(6) Existing Buildings.**

a. All existing and adjoining public and private property shall be protected from damage incidental to the construction operations.

b. Whenever a building is hereafter erected, enlarged or increased in height so that a wall, along or within 3 feet of a lot line, extends above the top of an existing chimney or vent of an existing adjoining building, the owner of the building so erected, enlarged or increased in height shall carry up, at his or her own expense and with the consent of the adjoining property owner, either independently or within his or her own building, all chimneys and vents connected to liquid or solid fuel burning appliances. The construction of an extended chimney shall conform to the requirements of new chimneys.

c. The owner of the new or altered structure shall preserve all adjoining independent and party walls from damage and shall underpin where necessary and support the adjoining building or structure with approved foundations.

d. Wherever a party wall is exposed the owner of the new or altered property shall preserve the party wall from damage and support it at his or her own expense. The wall shall be made weatherproof and structurally safe by adequate bracing until such time as permanent structural supports have been provided. Beam holes in party walls, exposed as a result of the work, shall be bricked up and wall anchors bent over at beam ends at the expense of the owner of the building or structure under work. No party wall balcony or horizontal exit shall be destroyed or rendered useless until a substitute means of egress has been approved by the Building Inspector.

e. When a new building or demolition of an existing building is being prosecuted at a greater height, the roof, roof outlets and roof structure of adjoining buildings shall be protected with adequate safeguards by the person doing the work.

**(7) Protection of Public and Workmen.**

a. **Generally.** Whenever a building or structure is erected, altered, repaired, removed or demolished, the operation shall be conducted in a safe manner and suitable protection for the general public and workers employed thereon shall be provided.

b. **Fences.** Every construction operation located 5 feet or less from a street right-of-way line shall be enclosed with a fence not less than 8 feet in height. When located more than 5 feet from the street right-of-way line, a fence or other barrier

shall be erected when required by the Building Inspector. All fences shall be adequate in strength to withstand high winds.

c. **Sidewalk Bridges.** Whenever ground is excavated under a sidewalk, a sidewalk bridge shall be constructed not less than 4 feet wide, or a protected walkway of equal width shall be erected in the street, providing the Building Inspector has authorized the street occupancy.

**d. Sidewalk Sheds.**

1. Whenever any building or structure, or part thereof, which is located within 10 feet of the street right-of-way line is being erected or where a building 40 feet or more in height within 10 feet of the street right-of-way line is being demolished, a sidewalk shed shall be erected and maintained for the full length of the building on all street fronts for the entire time the work is performed on the exterior of the building.

2. An adequately lighted walkway not less than 4 feet wide and 8 feet in height in the clear shall be maintained under all sidewalk sheds for pedestrians. Where ramps are required, they shall not exceed a gradient of one in 10.

e. **Watchman.** Whenever a building is being demolished, erected or altered, a watchman shall be employed to warn the general public when intermittent hazardous operations are being conducted across the sidewalk or walkway.

**(8) Excavations.**

a. **Temporary Support.** Until permanent support has been provided, all excavations shall be safeguarded and protected by the person causing the excavation to be made. Where necessary, such excavations shall be retained by temporary retaining wall, sheet piling and bracing or other approved methods of supporting the adjacent earth.

**b. Adjoining Property.**

1. Before any excavation or demolition is undertaken, license shall be afforded, by the owner and tenants, to enter upon adjoining property to the person undertaking such work, prior to the commencement and at reasonable periods during the progress of the work.

2. The person doing the work shall, before starting the work, give at least one week's notice to the owners of each neighboring building, the safety of which may be affected. Having received consent to enter the buildings, he or she shall make the necessary provisions to protect the buildings structurally and to insure it against damage by the elements which may ensue from the work.

3. If license to enter is not afforded, then the adjoining owner shall have the entire responsibility of providing both temporary and permanent support of the premises at his or her own expense.

4. If the person who causes the work to be done has reason to believe that an adjoining building or structure is unsafe, he or she shall forthwith notify the Building Inspector in writing. The Building Inspector shall inspect such premises, and if the structure is found to be unsafe, he or she shall order it repaired or razed.

**c. Excavations Other Than For Construction Purposes.**

Excavations made for removing soil, earth, sand, gravel, rock or other materials shall be performed in such a manner as will prevent injury to neighboring properties or to the street which adjoins the lot where such materials are excavated, and to safeguard the general public health and welfare.

**(9) Regulations of Lots.**

a. **Grading.** When a building has been demolished and no building operation has been projected or approved, the foundation shall be removed to a level at least 3 feet below grade and the vacant lot shall be filled, graded and maintained in conformity to established street grades at curb level. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public. Provisions shall be made to prevent the accumulation of stagnant water and to prevent the diversion of water onto adjoining property.

1. The top 4 inches or more of finish grade shall be earth capable of supporting and nurturing grass. Grass seed shall be planted to prevent erosion and dusting.

2. In commercial and industrial areas where no building operation has been projected or approved and where the vacant lot will be used for approved parking, the lot shall be surfaced as required for parking areas as set forth in the Zoning Ordinance.

b. **Utility Connections.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

**(10) Storage of Materials.** All materials shall be stored and placed so as not to endanger the public, the workmen or adjoining property.

a. **Design Capacity.** Materials or equipment stored within the building, or on sidewalk sheds or scaffolds shall be so placed so as not to overload any part of the construction beyond its design capacity, nor to interfere with the safe prosecution of the work.

b. **Special Loading.** Unless the construction is designed for special loading, materials stored on sidewalk sheds and scaffolds shall not exceed one day's supply. All materials shall be arranged in an orderly manner and height to permit removal of individual pieces without endangering the stability of the pile.

c. **Pedestrian Walkways.** No material shall be stored on the street right-of-way without authorization from the Building Inspector. When so stored they shall not unduly interfere with vehicular or the orderly travel of pedestrians. Piles shall be arranged to afford a walkway not less than 4 feet wide, unobstructed for its full length and adequately lighted at night and at all times necessary for safe use by the public.

d. **Obstructions.** Material and equipment shall not be placed or stored so as to obstruct access to fire hydrants, stand pipes, fire or police alarm boxes, utility boxes, catch basins or manholes nor shall they be located nearer than 20 feet to an intersection or so placed as to obstruct normal observations of traffic signals.

(11) **Removal of Waste Material.** No material shall be dropped by gravity or thrown outside the exterior walls of a building during erection or demolition. Wood or metal chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent the creation of a nuisance.

(12) **Scaffolds.** All scaffolds shall be designed to support 2-1/2 times the superimposed live load to be placed thereon, but in no case less than 120 pounds per square foot.

(13) **Ladders.** Temporary ladders when permitted for access to floors before stairways are installed, or which are designed for other working purposes, shall extend not less than 42 inches above the floor level they serve.

(14) **Lighting.** All stairways and all parts of buildings under erection, repair or demolition shall be adequately lighted while persons are engaged at work.

(15) **Fire Hazards.**

a. **Temporary Heating.** Whenever salamanders or other heating devices are used for temporary heating, all regulations as to maximum temperature, distance from combustible materials, spark arrestors, removal of noxious gases and other requirements of the Building Inspector shall be fully observed. When the source of heat consists of salamanders or other open flame devices, temporary canvas enclosures shall be flame and fire retardant.

b. **Steam Boilers.** All temporary or permanent high pressure boilers shall be operated only by licensed operating engineers. When located within a building or within 10 feet thereof, all such boilers shall be enclosed in approved fire-rated construction.

c. **Storage of Flammables.** Storage of gasoline, oils, paints and other highly flammable materials shall be permitted only as permitted by the Building Inspector and when stored in safety containers. The storage of larger quantities may be approved by the Chief of the Fire Department when stored in separate containers, compartments or enclosures of noncombustible construction.

d. **Fire Extinguishing Equipment.** Fire extinguishers, auxiliary fire fighting tools or other portable extinguishing equipment shall be installed and maintained on all floors of a construction operation in accessible locations.

(16) **Health Hazards.**

a. Every construction or maintenance operation which results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health shall be safeguarded by means of local ventilation or other protective devices to insure the safety of the public and the workers.

b. Dust, sand blasts or other harmful agents when occurring in construction operations shall be disposed of at or near the point of origin to prevent their diffusion over adjoining premises or streets.

(w) **Garages and Accessory Structures.**

(1) **Purpose.** The provisions of this section shall control the design and construction of private garages and other accessory structures which are incidental to one and 2 family dwellings.

(2) **Attached Garages.**

a. **Location.** An attached garage shall be one which is constructed as an integral part of a dwelling unit, is in the basement of a dwelling unit, is intended to become an integral part of a dwelling unit or is within 6 feet of a dwelling unit, measuring from outside face of wall to outside face of wall, whether or not such garage is connected to the house in any manner at the time of construction.

b. **Size.** Private garages shall not exceed 1,000 square feet in area and shall house not more than 4 motor vehicles.

c. **Construction.** The foundation, walls, floor, ceiling and roof of an attached garage shall be designed and constructed as required for single and 2 family buildings.

d. **Fire Separation.** Attached garages shall be separated from the dwelling unit as provided in Comm. 21.08(1), Wis. Adm. Code.

(3) **Detached Garages.**

a. **Location.** A detached garage shall be one which is not connected, or intended to be connected, to a dwelling unit or other accessory structure and is not nearer to a dwelling unit or other accessory structure than 6 feet.

b. **Size.** The limitations of size of detached garages shall be the same as for attached garages.

c. **Foundation.** Detached garages may be built on a monolithic concrete slab not less than 4 inches thick with the edges thickened to not less than 8 inches for a distance not less than 12 inches from the edge of the entire perimeter of the slab inward.

d. **Walls.** Walls of detached garages may have 2 inch by 4 inch studs not more than 24 inches on center. The exterior walls shall have a covering of ½ inch fibre board sheathing and shall be sided with an approved material.

1. The sheathing may be omitted where 1 inch by 4 inch diagonal bracing or other approved methods of bracing are provided.

2. Top plates may be single, provided all rafters occur over studs and 2 inch by 4 inch collar ties are provided not less than 48 inches on center.

e. **Roof and Ceiling.** Roofs and ceilings shall conform to the requirements of Comm. 21.27 and Comm. 21.28, Wis. Adm. Code.

(4) **Headers.** Headers in garages and accessory structures shall be as set forth in Comm. 21.25(3), Wis. Adm. Code.

(5) **Sheds.**

a. **Freestanding Sheds.** Freestanding sheds not exceeding 70 square feet in area need not be built on a foundation, but shall be anchored to resist displacement and movement by wind, large animals and vandals. They shall be designed to resist all loads as set forth in Comm. 21.02, Wis. Adm. Code.

b. **Attached Sheds.** Sheds attached to dwelling units, other accessory structures or exceeding 70 square feet in area, shall be constructed according to the requirements of attached garages.

**(6) Patios and Carports.**

a. Patios and carports shall be designed and constructed to resist all loads as specified in Comm. 21.02, Wis. Adm. Code.

b. Freestanding patios or carports, or patios or carports attached to other detached accessory structures, may have foundations as required for detached garages.

c. Patios or carports which are attached to dwelling units or other attached accessory structures shall have foundations as required for attached garages.

d. Roofs of all patios and carports shall be firmly anchored to the foundation in an approved manner to avoid uplift or overturning by wind.

**(x) Moving and Demolition of Building.**

(1) **Purpose.** The provisions of this section shall control the demolition, removal and reduction in size of buildings or structures. The provisions of Subsection (v) of this ordinance shall be applied, in addition to this section, to all work done under this section.

**(2) Insurance and Bonding.**

a. **Required.** Before a permit to move, demolish or reduce the size of a building is granted, the party applying for the permit shall file with the Town Clerk liability insurance and surety bonds as set forth below.

b. **Insurance.** The insurance shall protect the Town against any claim, suit or judgment and costs and expenses, agreeing to save the Town harmless. The insurance shall provide minimum coverage as set forth herein.

Property Damage	\$ 500,000
Liability For Injury To One Person	\$1,000,000
Liability Arising Out Of One Accident	\$3,000,000

c. **Bonding.** In addition to required insurance, a surety bond in the amount of \$100,000, conditioned on paying for any damage which may be done to any Town street or Town property which may be damaged in connection with the work done, shall be filed.

d. **Board Approval.** Before a permit is issued, the required insurance and bond shall be forwarded to the Town Board, who shall approve or disapprove such insurance or bond upon its opinion of adequacy of protection.



e. **Additional Coverage.** Where the Town Board shall determine that the amounts of coverage provided in this section are insufficient, it may require additional coverage in amounts reasonable to protect public and private property.

(3) **Equipment.** All equipment used for work done under this section shall be maintained in a safe condition and shall be capable of doing the work by using the equipment according to its recommended and accepted normal operating procedure. Equipment designed to travel over the highway shall be licensed for the current year and shall carry insurance.

(4) **Moving Buildings.**

a. **Relocation.** Buildings or structures may not be moved into the Town or relocated from one lot to another lot within the Town unless the Building Inspector shall determine that the building is, or will be, in substantial compliance with this ordinance as it relates to new buildings.

b. **Route.** Every application to move a building or structure shall set forth, in detail, a description of the building proposed to be moved and the route to be followed in moving the building. No permit shall be issued until the Building Inspector and the Superintendent of Highways have approved the route to be followed, in writing. Where the Building Inspector or the Superintendent of Highways shall determine that the size of the building will cause damage to trees, streets, highways or other property, the permit may be conditioned upon a reduction in the size of the building prior to the moving of the building.

c. **Time of Moving.** The moving of buildings or structures along streets or alleys shall be done during daylight hours and shall continue during that period without interruption. No building shall be allowed to remain overnight on any street, highway or bridge. Where the Building Inspector shall determine that the moving will interfere with the orderly movement of traffic along busy streets he or she may require that the moving be done during the night time as well as during daylight, or that the entire operation be conducted during the night time.

d. **Warning to Public.** The person moving a building or structure shall employ such workers and devices as to give adequate warning to vehicles, pedestrians and the public along the way, both preceding and following the building being moved.

e. **Trimming of Trees.** Where it is necessary to trim or remove trees along the route such trimming or removal shall be under the supervision of the Superintendent of Highways.

f. **Completion.** The Building Inspector shall be notified when the building has reached its destination, or has been removed from the Town limits. Such

notification shall be given within 24 hours and shall cause the Building Inspector to survey the route taken to determine any damage.

(5) **Demolition and Reduction in Size.** No building shall be demolished or reduced in size until a permit has been issued for the work. Where the building or structure, or the reduction in size, is less than 500 square feet in area, is not more than 15 feet in height and the work does not endanger the public or adjoining property, the fee for the permit may be waived and required insurance and bonding may be waived by the Building Inspector.

(y) **Fee.** Before receiving any permit under this Ordinance, the owner or his or her agent shall pay to the Town Clerk a fee as set by the Town Board.

## **Section 13.02 ELECTRICAL CODE**

### **(a) Electrical Inspector.**

(1) **Appointment.** An Electrical Inspector shall be appointed by the Town Board to enforce the provisions of this ordinance.

#### **(2) Qualifications.**

a. The Electrical Inspector shall be Uniform Dwelling Code certified; be well versed in approved methods of electrical construction for the safety to life and property, the State Statutes relating to electrical work, the rules and regulations issued by the State of Wisconsin, the National Electrical Code of the National Board of Fire Underwriters and the National Safety Code of the Bureau of Standards; and shall be of good moral character.

b. The Electrical Inspector shall be in possession of or capable of obtaining immediate certification from the State of Wisconsin for commercial inspection and for Uniform Dwelling Code inspection.

(3) **Conditions of Appointment.** The Electrical Inspector shall have no financial interest in any concern engaged in electrical business in the Town at any time while holding the office of Electrical Inspector. Any violation of the provisions of this section by such Electrical Inspector shall be sufficient cause of his or her dismissal.

#### **(4) Duties.**

a. **Enforcement.** The Electrical Inspector shall enforce the provisions of this ordinance and the rules and regulations issued by the State of Wisconsin.

b. **Records.** The Electrical Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

**(5) Authority.**

a. The Electrical Inspector may enter any public or private buildings or business places in the discharge of his or her duties.

b. The Electrical Inspector may dismantle any dangerous and improper electrical installations. He or she may turn off all electrical currents to any equipment which he or she finds in an unsafe condition; cut or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property; or may interfere with the work of the Fire Department. When the Electrical Inspector disconnects or causes to be disconnected electrical current from electrical equipment, he or she shall attach an official notice, tag, lock or seal to such electrical equipment to prevent the use of electricity. No person shall reconnect any equipment thus cut off until written permission is given by the Electrical Inspector.

**(6) Inspections.** The Electrical Inspector may periodically inspect and check all the electrical installations and appliances on the premises above described within the Town and when such installations or appliances are found to be in a dangerous or unsafe condition, the Electrical Inspector shall notify the person owning, using, operating or installing the same to place them in a safe condition within 15 days after the receipt of such notice. The Electrical Inspector may order the discontinuance of electrical service to such defective wires or appliances until they have been repaired, removed or changed as directed by the Electrical Inspector, subject to the limitations of this ordinance.

**(7) Right To Entry.** The Electrical Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Electrical Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

**(8) Orders.**

a. Where the Electrical Inspector finds electrical installations that are dangerous, unsafe or not in compliance with codes relating to electrical work and installations, he or she shall issue written orders notifying the owner of the premises of the condition. Such orders shall fix a time by which repairs shall be made. The orders shall be served:

1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

2. By certified or registered mail addressed to the owner at his or her last known address with postage prepaid thereon; or

3. By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises.

b. Where the owner, after proper notice and expiration of the time for compliance, has failed or refused to make the required repairs, the Electrical Inspector may issue one or more citations for failure to make the repairs. The issuance of such citations may be in addition to any other remedies prescribed in this ordinance.

(b) **Prohibited Practices.** The owner, operator or occupant of any premises shall not employ any person to alter, install or repair electrical wires and apparatus for the utilization of electrical contractor or a licensed employee of the electrical contractor, except in the usual operation of a public utility company or manufacturing plant.

(c) **Electrical Permits.**

(1) **General.** A permit shall be issued by the Electrical Inspector to an electrician certified by the State of Wisconsin or to a qualified homeowner prior to any work started or caused to be started on new or remodeled installations, temporary or permanent, or for making extensions and/or changes to existing wiring systems for heat, light or power upon premises, inside or outside and/or attached to buildings or structures of any character. No person shall perform any electrical work without first obtaining such permit, except as provided in sub. (2).

(2) **Exceptions.**

a. This section shall not prohibit any bona fide owner from personally installing wiring in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

1. Submits plans and specifications to the Electrical Inspector for approval.

2. Satisfies the Electrical Inspector as to his ability and qualifications to install electrical wiring.

3. Makes application and secures an electric permit before commencing electrical work of any character.

4. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the wiring covered by the owner's permit.

5. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the electrical installation.

b. No permits shall be required for the usual operations of a local public utility company.

(3) **Work to Commence Within Six Months.** All electrical permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the electrical permit shall expire by limitation one year from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(4) **Electrical Permits, Fees.** Permit fees for electrical installations shall be set by the Town Board. If the licensee fails to obtain a permit before an electrical installation has been started, the total fees for such permit shall be double the regular fee. No further permits shall be issued to any licensee until all arrears in fees have been paid and all lawful orders of the Electrical Inspector have been complied with.

(5) **Payment of Fees to Town Clerk.** All permit fees shall be paid to the Town Clerk and no permit shall be issued or valid unless approved by the Electrical Inspector and the fee paid to the Town Clerk in the amount required for such permit.

(6) **Temporary Work Permit.** On applying for permit for temporary electrical work, a specified period of time for which such wiring is to remain in service shall be stated. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector.

(7) **Emergency Work Permit.** In emergency work, the person doing or causing work to be done shall report the same to the Electrical Inspector immediately after beginning work, on forms furnished by the Electrical Inspector and such work shall be in accordance with this ordinance.

(8) **Posting of Notice by Holder of Permit.** Red tags, furnished by the Town, bearing the electrician's name and the permit number and stating that the job has not been inspected, shall be displayed by the electrician, in a conspicuous place on all jobs that require an electrical permit and remain there until the work is complete and approved by the Electrical Inspector. They will then be removed by such Inspector and replaced by a white tag if the work is approved. The red tag shall not be removed by anyone except the Electrical Inspector.

(d) **Electrical Inspection Requirements.** Upon the completion of the wiring of any building on or before any wiring is to be hidden from view, the person doing the same shall notify the Electrical Inspector and he or she shall inspect the installation within 48 hours of the time such notice is received. If, upon inspection, it is found that

such installation is fully in compliance with this ordinance and does not constitute a hazard to life or property, the Inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this ordinance, the Inspector shall issue orders to the person installing the same to remove all hazards, and make necessary changes and additions within 10 days. Concealment of electrical work before inspection, or failure to comply with the orders of the Electrical Inspector shall constitute a violation of this ordinance.

(e) **Appeal.** When the Electrical Inspector condemns all or part of the electrical installation in any building, the owner and/or electrician, within 10 days after receiving written notice from the Electrical Inspector, may file a petition in writing for review of such action of the Electrical Inspector with the Board of Adjustment. Upon receipt of such notice, the Board shall at once proceed to determine whether such electrical construction complies with this ordinance, and within 14 days shall make a decision in accordance with its findings.

(f) **State Electrical Code.** The State of Wisconsin Electrical Code, Ch. Comm. 16, Wis. Adm. Code, and all amendments thereto, is adopted and incorporated in this ordinance by reference. By adoption of Ch. Comm. 16, this ordinance adopts the National Electrical Code and the Wisconsin omissions from, and changes or additions thereto, as set forth in Ch. Comm. 16.

(g) **Penalty.** Any person who violates any provision of this ordinance, or any order, rule or regulation made or adopted hereunder, shall be subject to a forfeiture.

### **Section 13.03 PLUMBING CODE**

(a) **Administration and Enforcement.**

(1) The design and installation of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal, shall comply with the requirements of this ordinance.

(2) To enforce the provisions of this ordinance, there is hereby authorized and established the position of Plumbing Inspector. The Plumbing Inspector shall, under the direction of the Town Board, be responsible for the inspection of plumbing, water supply and drainage installations in conformity with the requirements of this ordinance. The Plumbing Inspector shall also be responsible for:

a. The inspection of water and gas services as to their depth below grade, manner of construction materials and workmanship.

b. The supervision and inspection of replacing of earth, pavements and sidewalks made necessary by plumbing work in compliance with Town standards.

c. The inspection of installation and design of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm sewer and sewage disposal.

d. Such other duties as may be assigned to him or her by the Town Board.

(b) **Purpose and Intent.** It is the purpose and intent of this ordinance to establish minimum plumbing standards in terms of performance objectives, implemented by specific requirements, which will provide reasonable safeguards for sanitation to protect the public health against hazards of inadequate, defective or unsanitary plumbing installations.

(c) **Maintenance.** All plumbing and drainage systems, both new and existing, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices and safeguards which are required by this ordinance shall be maintained in good working order. The owner or his or her designated agent shall be responsible for the maintenance of plumbing and drainage systems.

(d) **State Plumbing Code Adopted.** The State of Wisconsin Plumbing Code, Chs. Comm. 82 to 87, Wis. Adm. Code, and Ch. 145, Wis. Stats., are hereby adopted by reference and incorporated into this ordinance.

(e) **Plumbing Permits.**

(1) **Required.** Any person desiring to do plumbing shall file a permit application with the Town before starting any work. The permit application shall be made on forms provided by the Town. All forms shall be properly, completely and legibly filled out and shall be signed by a person qualified as a licensed plumber registered with the State of Wisconsin. A permit is not required when minor repairs are made to part of an existing plumbing system. The applicant shall furnish drawings illustrating the work to be done when deemed necessary by the Plumbing Inspector.

(2) **Information Required.** The person responsible for the work shall sign the permit application and provide the name, address and telephone number of the person or firm and the plumber's license number in the space provided on the application form.

(3) **Issuance of Permit.** Permits for work shall be issued within 10 working days of receipt of the properly completed application to holders of qualified licenses issued by the State. The issuance of a permit shall not be construed as a plan approval or approval for noncode complying designs or installations. Where work is done before review, any noncode complying portions of the plumbing work shall be removed or replaced.

(4) **Work to Commence Within Six Months.** All plumbing permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the plumbing permit shall expire by limitation one year from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(f) **License Required.**

(1) **General.** No person shall perform any plumbing in the Town without holding a qualified license issued by the State of Wisconsin. All work done under a permit issued to a licensed plumber shall be under the control and supervision of the person to whom the permit is issued and that person shall be responsible for all of the work done under the permit.

(2) **Exceptions.** This section shall not prohibit any bona fide owner from personally installing plumbing in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

a. Submits plans and specifications to the Plumbing Inspector for approval.

b. Satisfies the Plumbing Inspector as to his ability and qualifications to install plumbing.

c. Makes application and secures a plumbing permit before commencing plumbing work of any character.

d. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the plumbing covered by the owner's permit.

e. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the plumbing installation.

(g) **Plan Review and Approval.** Plans and specifications for plumbing to be installed in the Town shall be submitted and approved pursuant to the provisions of Comm. 82.20 Wis. Adm. Code. No work shall commence until the plan review has been completed and written authorization to begin work has been issued.

(h) **Inspections.**

(1) **Required.** All plumbing work within buildings and exterior plumbing on private property within the Town shall be inspected.



(2) **Notification for Inspection.** The plumber to whom the permit has been issued, or his or her agent, shall notify the Plumbing Inspector when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. Unless otherwise permitted by the plumbing inspector, all plumbing work shall be left uncovered until inspected and approved. The person making the request for inspection shall make such arrangements as will enable the Plumbing Inspector to reach all parts of the building and shall provide the equipment and labor for making tests of the system.

(3) **Final Inspection.** The plumber to whom the permit is issued, or his or her agent, shall notify the Plumbing Inspector when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangements for entry into all parts of the building where the inspection is to be performed.

(4) **Right To Entry.** The Plumbing Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Plumbing Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(i) **Well Construction and Pump Installation.** Construction of wells and installation of pumps shall be done in accordance with Ch. NR 812, Wis. Adm. Code, which is adopted by reference and made a part of this ordinance.

(j) **Private Well Abandonment.** The permanent abandonment of unused or contaminated wells or drill holes and noncomplying water systems shall be done in accordance with NR 812.26, Wis. Adm. Code, which is adopted by reference and made a part of this ordinance.

(k) **Permit Fees.**

(1) **Required.** Permit fees shall be submitted with the plumbing permit application and shall be made payable to the Town. Any person who has failed to pay previous permit fees shall be denied the right to receive permits until all such previous fees are paid in full.

(2) **Fees.** Fees shall be established by the Town Board.

(l) **Penalty.**

(1) Any person who shall violate any provision of this ordinance shall be subject to a forfeiture.

(2) If it appears that any person is violating any provision of this ordinance, the Town may, in addition to, or in lieu of any other remedies provided by law, bring action against such person to enjoin such violation.

### **Section 13.04 ADDRESS SYSTEM**

(a) **Intent.** This ordinance is intended to establish a uniform address and numbering system for the Town of Turtle and to provide for the administration, control and enforcement of the Rock County (County-wide) Address System in the Town of Turtle.

(b) **Adoption of System.** The numbering and address system as adopted and administered by Rock County is hereby established as the address system for the Town of Turtle. All building numbering signs shall comply with the specifications of the Rock County ordinance as administered. Pre-existing posts may be used if approved by the Rock County Planning and Development Committee. As part of the County System, the City of Beloit System will be extended to part of the Town of Turtle.

(c) **Location of Signs.** Every residence farm and business with buildings shall install address signs by the road serving the building or buildings. Second signs may be permitted on the building. Address signs shall be installed so that the frame is parallel to the roadway and not less than three (3) feet from the top of the back slope of the ditch line of the road's right-of-way, and approximately ten (10) feet from the driveway serving the building or buildings. Address signs shall be installed approximately 48 inches above ground level on the post provided with the initial installation or on a replacement post as authorized by Town employees. For the benefit of emergency personnel and wherever the physical conditions will permit, all address signs shall be located to the right of the entrance driveway when facing the premises from the highway.

(d) **Damage to Signs:**

(1) No person shall wilfully damage or destroy any sign erected or maintained under the provisions of this Ordinance.

(2) Any person who damages or destroys an address sign by accident shall be required to immediately report this incident to the Town of Turtle. Wilful failure to report accidental damage or destruction is a violation of this Ordinance.

(3) Property owners shall have responsibility for new numbers and the replacement of damaged or destroyed signs on their property.

(4) Upon refusal to replace a sign, a written warning will be issued by the Building Inspector and the owner shall be given 30 days to replace the sign. For failure

to do so, the Town will replace the sign and charge the cost to the property owner as a lien on the real estate.

(5) No person shall interfere with or move an address sign as originally installed on the posts provided unless specific authorization has been given by a Town employee or representative of the Town Board.

## **Section 13.07 CONSTRUCTION OF PRIVATE SWIMMING POOLS**

(a) **Regulation.** It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Turtle except in compliance with all the provisions of this ordinance.

(b) **Definition.**

(1) The term “swimming pool” when used in this ordinance is defined as any body of water contained in a man-made receptacle or depression, above or below the surrounding grade, temporary or permanent, used or intended to be used for swimming or wading or bathing, and shall include all structures, equipment and appurtenances therefor.

(2) The term “private swimming pool” is hereby defined as any swimming pool which is not owned by a municipality or governmental organization and includes a temporary private swimming pool.

(3) The term “temporary private swimming pool” is hereby defined as an above ground swimming pool erected for part of the year and disassembled for part of the same year.

(c) **Location.** No portion of a private swimming pool, outside a building shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line or less than forty (40) feet from any front property line. Pumps, filters and water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side property line.

(d) **Permit Required.** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private swimming pool and appurtenances within the Town of Turtle unless a permit therefor shall have first been obtained from the Building Inspector. All private swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. However, a permit shall not be required for a temporary private swimming pool.

(e) **Fences.**

(1) All outdoor private swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into the pool, area enclosure shall be equipped with gate. The fence and gates shall be at least 4 ½ feet but not more than 6 feet in height above the grade level and shall be of sufficient strength to make the pool inaccessible to small children. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(2) The fence may be omitted where above ground pools are installed and have a sidewall around the entire perimeter of the pool which is a minimum of four and one-half feet above grade. Access shall be through self-closing and latching gates with a

locking device and shall be kept locked when pool is not in use. Where pool ladders are provided they shall be a type that can be removed when pool is not in use.

(f) **Electrical Requirements.**

(1) All electrical installations provided for, installed, and used in conjunction with private swimming pools shall conform with the electrical code and ordinances of the Town of Turtle, the County of Rock and the State of Wisconsin regulating the electrical installations.

(2) No current carrying electrical conductors shall cross private swimming pools either overhead or underground or within 15 feet of such pools.

(3) All metal fences, enclosures or railings near or adjacent to swimming pools which might become electrically charged as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

(g) **Inspections.** The Building Inspector shall periodically inspect all swimming pools, to determine whether they are in compliance with this ordinance. The inspection shall be by permission of the property owner or occupier or by Special Inspection Warrant in the event permission may not be obtained.

(h) **Permit Fee.** The fee for a permit for the construction of a swimming pool shall be determined by the Town Board. In addition, if the swimming pool has any electrical connections, an electrical permit must be obtained.

### **Section 13.08 FENCES AND HEDGES**

(a) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) A “fence” is a structure or partition made of wood, metal, or other materials erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous pieces of land.

(2) A “hedge” is a barrier formed by bushes, shrubs, small trees or similar plants closely planted together.

(b) **Height.** No person shall construct any fence more than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R). No person shall permit any hedge to grow taller than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) where such hedge is nearer than 150 feet from any occupied premises other than the owner of such hedge.

(c) **Barbed Wire and Electric Fences.** No person shall construct or maintain a barbed wire or any fence charged with electricity on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R).

(d) **Hedges and Fences Near Public Streets.** All hedges and fences parallel to a private driveway which leads to a public street and all hedges and fences along a public sidewalk in any area of the Town of Turtle shall not be higher than 3 feet for a distance of 30 feet from the sidewalk or 30 feet from the street entrance to the driveway.

(e) **Encroachments.** No portion of any fence or hedge in any area of the Town of Turtle may extend into or overhang any property line, public right-of-way or public land unless the owner has secured a written and recorded easement therefor.

(f) **Repair.** All fences on any property in the Town of Turtle zoned as Residential District One (R-1) or rural Residential (R-R) shall be maintained by the owner in structurally sound condition and in good repair.

(g) **Order to Comply.** Where a hedge or fence is higher than permitted in subsections (b) and (d), the Building Inspector shall order the owner or occupant of said premises to make such hedge or fence comply with those provisions. This order shall be in writing and sent to the owner or occupant of the premises. If the owner or occupant does not comply with the order, the Town Board may order employees of the Town of Turtle to enter upon the premises and alter the fence or trim the hedge to comply with the provisions of this ordinance. The expense to the Town of Turtle of making the hedge or fence comply with the ordinance shall be charged to the owner of the premises and collected as a special assessment against the premises.

(h) **Permits.** No person shall construct a fence on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) without a permit from the Building Inspector. The cost of the permit shall be established by the Town Board. The Building Inspector shall refuse to issue such permit if the proposed fence would render the use of streets and sidewalks unsafe, or if such fence would interfere with observation of pedestrian or vehicular traffic or would tend to depreciate adjacent property values.

### **Section 13.09 DRIVEWAYS**

(a) **Intent.** It is the intent of this ordinance to control the location and construction of all private driveways in the interest of protecting the health, safety and welfare of the motoring public, as well as pedestrians. It is recognized that the importance of this control is increased as the activity in the driveways increases, and with the importance of the affected streets as major traffic carriers.

(b) Permit Required. No person shall construct, reconstruct, or enlarge any private driveway within any public street under the control and the jurisdiction of the Town of Turtle without first obtaining a permit therefor as provided by this ordinance.

(c) Applications. Application for such permit shall be made to the Town Clerk on a form provided, together with the appropriate fee and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered, or enlarged, lying within the public street, the dimensions thereof and a statement of the materials proposed to be used. The Town may require other documents to be submitted with the application.

(d) Decision on Application. Upon receipt of the application, the accompanying documents and any additional documents required by the Town, the Building Inspector shall review the application within 30 days of submission and will approve, approve with modifications, or deny the application. If approved or approved with modifications, the Town will issue a Driveway Construction Permit.

(e) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.

(f) Renewal. The permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.

(g) Driveway Inspection. The applicant shall notify the Building Inspector within 30 days of completion of the construction or modification. Within 30 days of notification, the Building Inspector will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this ordinance.

(h) Building Permits. No building permit for new construction will be issued until the driveway is permitted according to the specifications of this ordinance.

(i) Application Fee. An application fee in an amount determined by the Town Board will be charged.

(j) Emergency Access. As a condition of the driveway construction permit, the driveway shall be constructed and maintained by the owner or occupant to ensure access by emergency vehicles.

(k) Disclaimer. The Town=s approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose. Approval of the driveway permit application does not establish future approval of the driveway as a public road.

(1) Location, Design, and Construction Requirements. The location, design and construction of such driveways shall be in accordance with the following:

(1) Private driveways shall be of such width and so located that all of such driveways are within the limits of the frontage abutting the street of the property served.

(2) The number of driveways to serve an individual property fronting on a street shall be the minimum deemed necessary by the Building Inspector for reasonable and adequate service to the property, considering the safety, convenience, dimensions and utility of the street.

(3) The minimum driveway width shall be 12 feet for a single residence and 18 feet for a shared driveway.

(4) The minimum driveway surface shall consist of 6" of crushed aggregate base course. Additional stone may be required based on actual soil conditions.

(5) Driveway side slopes shall be no steeper than 1' vertical in 2' horizontal (50%)

(6) Ditch back slopes shall be no steeper than 1' vertical in 2' horizontal (50%)

(7) The maximum finished driveway grade shall be 13%.

(8) A clear space 14 feet high and 20 feet wide for a single residence and 14 feet high and 26 feet wide for a shared driveway shall be maintained at all times for emergency vehicle access.

(9) Each driveway shall have a turnaround within 75 feet of the house.

(10) Driveway curves shall have a minimum radius of 36 feet.

(11) Each driveway shall be set back 10 feet from the nearest property line.

(12) All driveways shall be set away from any street intersection by a minimum distance of 650 feet as measured along the street right of way. The Building Inspector may require such additional separation from a street intersection as may be deemed necessary for the conditions of traffic or the physical features of the street, either existing or proposed.

(13) The surface of the driveway connecting with rural type street cross sections shall slope gradually downward and away from the highway shoulder back to the culvert or ditch line a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.



(14) Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall be of such size as directed by the Building Inspector, but not less than the equivalent of a 15 inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet.

(15) When the construction of a driveway requires the removal of a curb or gutter, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

(16) The grade of that portion of any private driveway located within the limits of any public road, highway, or street, shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(17) Any of the above requirements of this section may be varied in such instances where the peculiar nature of the property or design of the street may make the rigid adherence to the above requirements impossible or impractical.

(m) Special Requirements for Commercial Driveways. The following requirements shall be followed for driveways serving commercial or industrial property:

(1) No portion of a private driveway located within the dedicated portion of a public street shall, except as herein provided, have an effective width greater than 30 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii or flare. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Building Inspector may permit a driveway of additional width.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet and no greater than 15 feet. There shall be a concrete pavement with a minimum thickness of 6 inches.

(3) The angle between the centerline of a private driveway and the edge of the street right of way shall not be less than 75 degrees.

(4) Driveways serving the same premises shall be separated by a minimum distance of 30 feet as measured along the right of way.

(n) Special Requirements for Noncommercial Driveways. The following requirements shall be followed for driveways serving noncommercial property:

(1) No noncommercial driveway or combination of driveways within a dedicated portion of a public street shall have an effective width greater than 20 feet except as increased by permissible radii or flare.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet.

(3) The centerline of that part of the driveway lying within the street right of way shall, wherever possible, be approximately at right angles to the pavement.

(o) Existing Driveways.

(1) Hazardous Conditions. When washing, blockage of water flow, or other conditions created by any existing driveway that does not meet the specifications in this Ordinance obstruct or become a potential hazard to a public highway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the conditions. The property owner shall correct such conditions within 30 days after notice by the Building Inspector.

(2) Field Entrance. No field entrance may be used as a driveway to acquire access to a residential or commercial property unless the field road has been approved as a driveway according to the provisions of this Ordinance.

(p) Abrogation and Greater Restrictions. It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

(q) Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(r) Jurisdiction and Applicability. Jurisdiction of these regulations shall include all driveways on land within the Town of Turtle. New driveways and those existing driveways that undergo repairs involving changes in the existing slope and/or rerouting of the existing driveway are subject to the provisions of this Ordinance. Except as provided in section (o) of this Ordinance, the provisions of this Ordinance do not apply to field roads or to repairs to existing driveways where repair does not involve changes in the existing driveway slope and/or rerouting of the existing driveway.

(s) Definitions.

(1) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.

(2) Field Entrance. A road used only for agricultural or recreational purposes that does not connect with a public highway through an improve access point.

(3) Town. The Town of Turtle.

(4) Building Inspector. The individual or agent hired by the Town Board to act in this capacity.

State Law Reference: This Ordinance is adopted under the general police powers authority granted pursuant to sections 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to sections 83.027(10) and 84.25(10) and 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and section 236.45(2) of the Wisconsin Statutes.

### **Section 13.10 RAZING BUILDINGS**

(a) **Razing Buildings Statute Adopted.** The statutory provisions of section 66.0413 of the Wisconsin Statutes and any future amendments, revisions or modifications thereto are hereby adopted and by reference made a part of this ordinance as if fully set forth therein. Any act required to be performed or prohibited by this statute is required or prohibited by this ordinance.

(b) **Right to Entry.** The Building Inspector shall have the right to enter any building on public or private property during reasonable hours to make necessary inspections pursuant to section 66.0413 of the Wisconsin Statutes. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

(c) **Powers of Building Inspector.** The Building Inspector shall have the powers granted by section 66.0413 of the Wisconsin Statutes.

## Chapter 14 - OFFENSES AND NUISANCES

### Section 14.01 Traffic.

(a) **State Traffic Laws Adopted.** The statutory provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

(b) **Forfeitures.** Forfeitures of violations of any traffic regulations set forth in the Wisconsin Statutes adopted by reference in section (a) shall conform to the forfeiture penalty permitted to be imposed for violations of comparable Wisconsin Statutes including any variations or increases for subsequent offenses. However, this ordinance shall not be construed to permit prosecution for any offense described in Chapters 340 to 348 of the Wisconsin Statutes for which an imprisonment penalty or fine may be imposed upon the defendant.

### Section 14.02 Snowmobiles.

(a) **Purpose.** In order to promote the health, safety, welfare, and convenience of the public, the operation of snowmobiles in the Town of Turtle shall be permitted only as set forth in this ordinance.

(b) **Operation of Snowmobiles.** No person shall operate and no owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile within the Town of Turtle except as follows:

(1) Snowmobile operation as permitted by sections 350.02, 350.04, and 350.045 of the Wisconsin Statutes.

(2) The operation of a snowmobile on private property within the Town of Turtle shall not constitute a violation of this ordinance when the operation is with the consent of the owner, occupant, lessee, or other person in charge of such private property.

### **Section 14.03 Heavy Traffic.**

(a) No person shall operate a vehicle classified as a "heavy traffic" vehicle as defined in this ordinance on any streets or highways in the Town of Turtle on which heavy traffic is not permitted. Heavy traffic shall not be permitted on the following streets and highways which lie within the Town of Turtle:

- (1) Huebbe Parkway;
- (2) Vail Terrace;
- (3) Schuster Drive;
- (4) Murphy Woods Road;
- (5) West Hart Road between Creek Road and the city limits of the City of Beloit;
- (6) All of South Creek Road;
- (7) All of East Philhower Road;
- (8) East Creek Road from East Philhower Road to County Highway J.
- (9) South Lathers Road from East Creek Road to Hart Road.
- (10) Butterfly Road from Shopiere Road to Hart Road.
- (11) East Church Street.

(b) In this ordinance "heavy traffic" means all vehicles not operating on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designated or used for transporting property of any nature and having a gross weight of more than 20,000 pounds. In addition, no vehicles having a gross weight of more than 16,000 pounds shall use the Turtleville Bridge on South Lathers Road.

(c) Nothing herein shall prohibit heavy traffic from using a street or highway for the purpose of obtaining orders for supplies, moving or delivering supplies or commodities to or from any place of business or residence fronting on such street or highway, or going to or from the residence of the operator of the vehicle. Truck delivery or pickup of supplies from businesses or other addresses not on heavy traffic routes shall be by the shortest, most practical route.

(d) Nothing herein shall prohibit school buses, charter buses, or municipal buses from using a street or highway for the purpose of public transportation.

#### **14.04 Abandoned and Unregistered Vehicles**

(a) **Definitions.** In this ordinance, the following words have the designated meanings set forth in this section:

(1) “Person” shall mean any person, firm, partnership, corporation, company or organization of any kind.

(2) “Unregistered” means any vehicle which is subject to registration and is not registered under the applicable registration or licensing law. However, a vehicle permitted quarterly registration under section 341.30 of the Wisconsin Statutes shall not be considered unregistered if it was registered for at least one quarter of the 12 month period immediately preceding the date of violation. Unregistered vehicles used periodically in farm or business operations which are not driven on the highway shall be exempt from the provisions of this ordinance.

(3) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway. The term includes automobiles, trucks, buses, motorcycles, semi-tractors and similar vehicles.

(b) **Unregistered Vehicle.** No person in charge or control of any private property located in the Town of Turtle, whether as owner, tenant, occupant or otherwise, shall allow an unregistered vehicle to be parked for more than a period of 5 days on that property unless the vehicle is kept out of public view in an enclosed building.

(c) **Abandoned Vehicle.** No person shall leave unattended any vehicle on any private property in the Town of Turtle under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever a vehicle has been left unattended without the permission of the property owner for more than 5 days, the vehicle shall be deemed abandoned and is deemed to constitute a public nuisance. A vehicle kept out of public view in an enclosed building shall not be deemed an abandoned vehicle.

(d) **Removal of Abandoned Vehicle.** Any vehicle in violation of subsection (c) of this ordinance may be removed and impounded until lawfully claimed or disposed of pursuant to section 342.40 of the Wisconsin Statutes. The owner of the vehicle shall be responsible for the costs of removing, impounding and disposing of an abandoned vehicle, other than a stolen vehicle.

#### **Section 14.05 Snow Deposits On Highways.**

(a) No person shall deposit snow on any street or highway in the Town of Turtle where the snow has been removed from private property.

(b) No person shall obstruct or endanger traffic on any street or highway in the Town of Turtle with snow removed from private property.

#### **Section 14.06 Offenses Against State Laws.**

The following statutes, including any future amendments, revisions or modifications thereto, defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture.

<u>Section</u>	<u>Offense</u>
939.22	Words and Phrases Defined
940.19(1)	Battery
941.01	Negligent Operation of Vehicle
941.10	Negligent Handling of Burning Materials
941.12(2) and (3)	Interfering With Fire Fighting
941.13	False Alarms
941.20(1)	Reckless Use of Weapon
941.23	Carrying Concealed Weapon
941.235	Carrying Firearm in Public Building
941.237	Carrying Handgun Where Alcoholic Beverages May Be Sold or Consumed
941.24	Possession of Switchblade Knife
943.01(1)	Criminal Damage To Property
943.017	Graffiti
943.11	Entry Into Locked Vehicle
943.13	Trespass To Land
943.14	Criminal Trespass To Dwellings
943.15	Entry Into Construction Site Or Into A Locked Building, Dwelling or Room
943.20	Theft (Where Value of Property Does Not Exceed \$1,000)
943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator (Value of beverage, food, lodging, accommodation, transportation or other service is \$1,000 or less)
943.22	Use of Cheating Tokens
943.34	Receiving Stolen Property (Value of property does not exceed \$1,000)
943.50	Retail Theft (Value of merchandise does not exceed \$1,000)
944.20	Lewd and Lascivious Behavior
944.23	Making Lewd, Obscene or Indecent Drawings
946.06	Improper Use of Flag
946.40	Refusing To Aid Officer

946.41	Resisting or Obstructing Officer
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communication Systems
947.02	Vagrancy
947.04	Drinking in Common Carriers
947.06	Unlawful Assemblies and Their Suppression
951.02	Mistreating Animals
951.03	Dognapping and Catnapping
951.15	Animals; Neglected or Abandoned; Police Powers
961.573	Possession of Drug Paraphernalia
961.574	Manufacture or Delivery of Drug Paraphernalia
961.575	Delivery of Drug Paraphernalia To A Minor

**14.07 Storage of Junk and Debris Prohibited.**

(a) In this ordinance, the following words and phrases have the designated meanings set forth in this section:

(1) “Junk vehicle” means a vehicle which is incapable of operation or use upon a highway and has no resale value except as a source of parts or scrap.

(2) “Junk” means appliances and other devices, including parts thereof, which are incapable of operation or use for the purpose for which they were created and which have no resale value, except as a source of parts or scrap.

(3) “Debris” means rubbish or garbage.

(b) No owner or occupant of any premises shall store, or permit any other person to store, any junk, junk vehicle, debris, or other refuse upon the owner’s or occupant’s premises except in an enclosed building and out of public view. The Building Inspector may order the owner or the occupant violating this section to bring the premises into compliance. The order shall be in writing and shall:

(1) Be mailed to the responsible party at his or her last known address.

(2) Specify the action necessary to bring the premises into compliance.

(3) Specify the time for compliance which shall be within the discretion of the Building Inspector.

(4) Specify the consequences to the responsible party if the premises are not brought into compliance.



(c) If the order is not complied with, the Building Inspector may have the premises put into compliance and the cost thereof assessed as a special tax against the property. Such action shall not be taken without prior notice to the property owner.

(d) In addition, the Building Inspector may issue a citation to the person responsible for the violation of this section.

#### **Section 14.08 Public Nuisances.**

(a) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance in the Town of Turtle.

(b) **Definition.** As used in this ordinance, “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, repose of safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency; or

(4) Unlawfully or 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.

(c) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection (b) of this ordinance:

(1) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) **Breeding Places for Vermin.** Accumulation 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.

(4) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) **Garbage Cans.** Garbage cans which are not fly-tight.

(6) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed 8 inches, except in natural lawns where the land management plan has been approved by the Planning Commission.

(7) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(8) **Noxious Odors.** Any use of property, substances or things within the Town, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.

(9) **Air Pollution.** In the absence of local air pollution regulations, the state statutes and regulations of the Department of Natural Resources pertaining to air pollution shall apply.

**(d) Tree or Plant Insect Diseases, Infections and Other Hazardous Conditions Relating to Trees.**

(1) **Public Nuisance.** Any tree, shrub, plant, or part thereof, which:

- a. By reason of its condition interferes with the use of any public area; or
- b. Is infected with a plant disease or insect infestation which endangers life, health, safety and/or property on public and/or private premises; or
- c. For any other reason endangers the life, health, safety and/or property on public and/or private premises;

is hereby declared a public nuisance.

(2) **Examples of Public Nuisance.** Without limiting the generality of sec. 14.08(d)(1), public nuisances include:

- a. Any dead tree;
- b. Any part of a tree that endangers life, health, safety and/or property;

- c. Any elm tree or parts thereof infected with the Dutch Elm Disease fungus or which harbors any carrier of the same, such as elm bark beetles, *scolytus multistriatus* (Eichb) or *hylurgopinus rufipes* (Marsh);
- d. Any oak tree infected with the Oak Wilt fungus (*ceratocystis fagacearum*) or which harbors any carrier of the same; and
- e. Any ash tree which is infected with Emerald Ash Borer.

(3) **Inspection.** The Highway Superintendent, or his/her designee, shall inspect all premises and places with reasonable cause within the Town to determine whether any public nuisance exists. The Highway Superintendent, or his/her designee, shall also inspect or cause inspection of any trees, shrubs or plants reported or suspected to be infected with an injurious insect or disease.

(4) **Abatement.** If the Highway Superintendent, or his/her designee, determines that the dead or infested tree, shrub or plant is a public nuisance, he/she may issue a written notice and order the property owner and/or occupant to abate the public nuisance.

- a. The notice shall identify the public nuisance and order the property owner and/or occupant to abate the public nuisance, whether it is by means of removal, pruning part thereof, or other treatments.
- b. Notice shall be served upon the property owner and/or occupant by first class mail or by delivering the notice to him/her personally. When the property owner and/or occupant cannot be served personally or by first class mail, the notice may be served by posting the notice in a conspicuous place on the exterior of a building or structure on the property.
- c. The property owner and/or occupant shall have 30 days to abate the public nuisance, unless the Highway Superintendent, or his/her designee, determines that immediate action is necessary to preserve the health, safety and welfare, in which a lesser period of time for abatement shall be provided.
- d. In the event the public nuisance is not eliminated by the date specified in the notice, the Highway Superintendent, or his/her designee, may take actions necessary to eliminate the public nuisance and the cost thereof shall be imposed as a special charge against the real property pursuant to sec. 66.0627, Wis. Stats. If the special charge is not paid within 30 days, the special charge shall be 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 Ch. 74, Wis. Stats.

(5) **Failure to Abate.** No person shall fail to comply with a lawful order to abate a public nuisance issued pursuant to this section. Each day of noncompliance with a lawful order to abate issued pursuant to this section is a separate violation. Any person in violation of this section shall be subject to a penalty as provided in this Municipal Code.

#### **Section 14.09 No Shooting.**

(a) **Purpose.** The primary purpose of this ordinance is to further public health and safety by prohibiting of firearms in residential and populated areas of the Town of Turtle;

(b) **Shooting Prohibited.** No person shall discharge a firearm within the Town of Turtle on the following described land:

(1) All platted subdivisions. This paragraph shall apply to present and future subdivisions in the Town of Turtle;

(2) Land in the following zoning districts:

- a. Rural Residential District (R-R);
- b. Residential One District (R-1);
- c. Cluster Overlay District (COD);
- d. Mobile Home Park Overlay District (MHP);
- e. Commercial Highway Interchange District (CHI);
- f. Local Commercial District (B-1); and
- g. Light Industrial District (M-1).

(3) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. “Building” as used in this paragraph includes any house trailer or mobile home but does not include any tent, bus, truck, vehicle or similar portable unit.

(c) **Exceptions.** This ordinance shall not apply: (1) to a police officer in the lawful discharge of his or her duty; (2) to persons discharging firearms when necessary to protect their person or property, or the person or property of another; or (3) to persons who are hunting on land where hunting is permitted and they have written permission to hunt from the land owner.

### **Section 14.10 Animals At Large.**

(a) **General Rule.** No person who owns, harbors, or keeps any animal shall allow it to run at large in the Town of Turtle. An animal shall be considered running at large when it is found off the premises of its owner or keeper and not under restraint by leash, cord or chain and not within a vehicle.

#### **(b) Impoundment.**

(1) It shall be the duty of every police officer and humane officer to capture any animal found to be running at large. The officer may enter private premises and capture the animal by any reasonable means.

(2) If the owner or keeper of a captured animal is known or can be ascertained with reasonable effort, the owner or keeper shall be notified of the animal's capture.

(c) **Penalty.** Any person who violates this ordinance shall be subject to a forfeiture.

### **Section 14.11 Wild Animals.**

(a) **Definitions.** In this Ordinance, the following words have the designated meanings set forth in this section:

(1) **Animal.** Any mammal, bird, reptile, fish, insect or other non-human member of the animal kingdom, whether wild or domestic.

(2) **Domestic Animal.** Livestock, domesticated dogs and domesticated cats.

(3) **Livestock.** Any domesticated horse, bovine, sheep, goat, pig, rabbit, fowl, or other farm animal.

(4) **Officer.** Any peace officer, the Health Officer of the Town of Turtle or a Rock County Humane Society officer.

(5) **Owner.** Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling or having the care or custody, whether temporarily or permanently, of an animal.

(6) **Wild Animal.** A non-domestic animal (whether born or raised in captivity) which normally survives without human assistance in a state of nature in its native land; an animal whose ferocity is liable to be awakened at any moment, suddenly and unexpectedly, under some provocation; or an animal which is inclined to escape and

which must be confined or restrained for the protection of others or to prevent its escape. The term “wild animal” does not include: captive-bred species of caged birds, rodents, turtles, fish and non-poisonous, non-constricting snakes, or domestic animals.

**(b) Wild Animals Prohibited.**

(1) **Possession of a Wild Animal Prohibited.** No person shall own, keep, possess, or harbor a wild animal within the Town. This prohibition does not apply to circuses, zoos or other animal shows or exhibitions which are properly licensed.

(2) **Pre-trial Disposition.** Whenever a person is charged with owning, keeping, possessing or harboring a wild animal, the person shall, upon receipt of a summons or citation, remove the animal from the Town until the trial of the case. The owner shall provide the officer who issues the citation proof that the animal is removed from the Town. If the owner fails to remove the animal from the Town within 48 hours of the service of a summons or a citation, an officer shall order impoundment of the animal until the time of the trial. If the person charged is subsequently convicted of the violation, that person shall be required to pay, in addition to any forfeiture imposed, all fees and costs connected with impoundment of the animal.

(3) **Post-trial Disposition.** If the animal is determined by plea or by trial to be a wild animal, it shall not be returned to the Town.

(4) **Return of Wild Animal Prohibited.** No person shall return any animal, which the Municipal Court has determined to be wild, to the Town, and no person shall keep, harbor or possess the same within the Town.

(5) **Penalty.** Any person who keeps, possesses or harbors a wild animal within the Town shall, upon conviction, be subject to a forfeiture of not less than \$200 nor more than \$1,000. Any person who fails to obey the Municipal Court’s pre-trial order to remove an alleged wild animal from the Town shall, upon conviction, be subject to a forfeiture of not less than \$500 nor more than \$1,000. Any person who keeps, possesses, harbors, or returns any wild animal to the Town, after it has been determined as such by the Municipal Court, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.

(c) **Parental Responsibility.** The parent of any child who owns a wild animal shall be responsible for compliance with this Ordinance.

(d) **Citizen’s Petition for Court Declaration.** Any person may petition the Municipal Court to declare an animal wild. The petitioner shall file a sworn affidavit setting forth:

- (1) The name and address of the owner of the animal.

(2) A description of the animal, including species, color, approximate size and any other information that would tend to prove the identity of the animal.

(3) A description of the animal's actions giving rise to the charge of it being wild.

(4) The date and time when the animal engaged in such actions.

(5) The place where the animal engaged in such actions.

(6) The name, address and telephone number of any witness(es).

(7) The name, address and telephone number of the person signing the affidavit.

Upon receipt of the affidavit, the Municipal Court shall schedule a hearing for a determination of whether the animal is wild. The Municipal Court shall give notice of the hearing to the complainant and shall issue a summons and a copy of the petition to the owner of the alleged wild animal.

#### **Section 14.12 Banning Nude Dancing In Bars.**

WHEREAS, the Town Board of the Town of Turtle has explicit authority under section 125.10(1) of the Wisconsin Statutes to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in chapter 125 of the Wisconsin Statutes; and

WHEREAS, the Town Board has authority under its general police powers set forth in sections 60.22(3) and 61.34(1) of the Wisconsin Statutes to act for the good order of the municipality and for the health, safety and welfare of the public, and, may carry on its powers by regulation and suppression; and

WHEREAS, the Town Board recognizes it lacks authority to regulate obscenity in light of section 66.0107(3) of the Wisconsin Statutes and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

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

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

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

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses as well as other crimes and offenses; (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist; (c) health risks associated with the spread of sexually transmitted diseases; and (d) the potential for infiltration by organized crime for the purpose of unlawful activity; and

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

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

NOW, THEREFORE, The Town Board of Supervisors of the Town of Turtle does ordain as follows:

(a) **Nude Dancing In Licensed Establishments Prohibited.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(1) Shows his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a full opaque covering; or

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



(3) Shows the covered male genitals in a discernibly turgid state.

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

(c) **Definitions.** For the purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the Town Board of the Town of Turtle to sell alcohol beverages pursuant to chapter 125 of the Wisconsin Statutes. The term “licensee” means the holder of a retail Class A license for the sale of fermented malt beverages, Class B license for the sale of fermented malt beverages, Class A license for the retail sale of intoxicating liquor, Class B license for the retail sale of intoxicating liquor, or Class C license for the retail sale of wine granted by the Town Board pursuant to chapter 125 of the Wisconsin Statutes.

(d) **Penalties.** Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under section 125.12 of the Wisconsin Statutes.

### **Section 14.13 Fireworks.**

(a) **State Law Adopted.** Except as otherwise provided in this ordinance the provisions of section 167.10 of the Wisconsin Statutes, including any future amendments, revisions or modifications thereto, relating to the regulation of fireworks are hereby adopted by reference. Any act required to be performed or prohibited by this statute is required or prohibited by this ordinance. However, the penalty for any violation of this ordinance shall be limited to a forfeiture.

(b) **Fireworks Prohibited.** The sale, possession or use of fireworks is prohibited in the Town of Turtle except as permitted under a user's permit issued by the Town Chairperson.

(c) **User's Permit.**

(1) Permits shall be issued pursuant to the provisions of section 167.10(3) of the Wisconsin Statutes.

(2) Application to the Town Chairperson for a permit to display fireworks shall be made at least 30 days before the date for the proposed use of the fireworks.

#### **Section 14.14 Unnecessary Noise.**

(a) **Noise, Loud and Unnecessary Prohibited.** No person shall make any loud, disturbing or unnecessary sound or noise such as may tend to annoy or disturb another in or about any public street, alley, park or private residence. Without limitation because of enumeration, the following shall be prohibited under this section: Causing excessive noise in the operation of any radio or mechanical instrument; keeping any bird or animal which disturbs the peace and quiet of the neighborhood; using any amplification instrument in such a manner as to disturb the peace and quiet of the neighborhood; and operation of a motor vehicle so as to cause any unnecessarily loud sound or noise.

(b) **Commercial Advertising by Sound Truck or Aircraft Prohibited.** Commercial advertising by sound truck or aircraft is prohibited. No person shall operate, or cause to be operated, any sound truck or aircraft for commercial sound advertising purposes in or above the Town. A sound truck means any motor vehicle having mounted thereon, or attached thereto, any sound amplifying equipment.

#### **Section 14.15 Alcohol Regulations.**

Except as otherwise specifically provided in this code, the statutory provisions in Chapter 125 of the Wisconsin Statutes, relating to alcohol beverages, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of the sale of alcohol beverages.

#### **Section 14.16 Regulations of Parks.**

##### **(a) Regulation of Motor Vehicles.**

(1) No person shall drive a motor vehicle on any highway in any park in excess of 15 miles per hour.

(2) No person shall operate a motor vehicle in any park unless upon a highway, public way or thoroughfare.

(3) No person shall park, stop, or leave standing any motor vehicle, attended or unattended, in any park, except upon a duly designated parking area.

(b) **Regulation of Horses and Ponies.** No person having ownership, possession, custody, or control of any horse or pony shall permit the same to be in a park, except upon a duly designated bridle path, the extreme out limit of the left side of the highway, public way or thoroughfare, or in any duly designated parking area.

(c) **Park Closing Hours.** No person shall be in any park from the hours of eleven o'clock P.M. to five o'clock A.M. without the express written permission of the Town Board.

(d) **No Distribution of Advertising Matter.** No person shall distribute or post any handbills or other advertising matter of any type within any park, without the express written consent of the Town Board.

(e) **Noise Regulation.** No person shall operate or use any sound truck, loud speaker, microphone, or other mechanical device the primary purpose of which is to amplify voice, music, or other sound, in any park without the express written consent of the Town Board. Nothing in this subsection shall be construed to prohibit the reasonable use of radios, CD players, tape players, or similar devices.

(f) **Removal or Destruction of Property.** No person shall disturb, disfigure, deface, carve, injure, destroy or remove any of the following in any park:

(1) Any tree, tree stump, shrub, flower, or other natural plant growth, living, dormant, or dead.

(2) Any rock, stone, earth, or other natural mineral product.

(3) Any walk, sign, fence, table, building, or shelter or any structure of any kind.

(g) **Littering and Dumping Prohibited in Lakes, Rivers, or Streams.** No person shall dump, deposit, place, throw, or otherwise dispose of any paper, cans, bottles, debris, refuse, or other solid waste material in any lake, river or stream within the boundaries of the Town of Turtle, or leave the same upon the ice or in the water thereof.

(h) **Washing in Lakes, Rivers, or Streams Prohibited.** No person shall bathe, rinse, or wash, with or without soap or detergent, any dog or other animal, clothing, cooking utensils, bicycle, or motor vehicle in any lake, river or stream within or adjacent to any park.

(i) **Use of Soap or Detergents in Lakes, Rivers or Streams Prohibited.** No person shall use or place any soap or detergents in any lake, river, or stream within or adjacent to any park.

(j) **No Fires Permitted Except by Fireplaces or Grills.** No person shall build, light, or tend any fire in any park except in fireplaces or grills constructed for that purpose.

(k) **Cigarettes, Cigars, and Pipe Ash Must Be Extinguished.** No person shall dispose of any cigarette, cigar, or pipe ash in any park without completely extinguishing the same.

(l) **Firearms and the Like Prohibited.** No person shall have in his possession or control any firearm, bow and arrow, sling shot, or any other weapon from which a missile is projected in any park, unless the same is unloaded and within a carrying case, without the express written consent of the Town Board.

(m) **Hunting or Trapping Prohibited.** No person shall hunt, trap, poison, kill, injure, molest, disturb, or tease any wild animal, caged or uncaged, in any park. Nothing in this subsection shall be construed to prohibit the lawful taking of fish.

(n) **Releasing Caged Animals Prohibited.** No person shall release any caged wild animal found in any park.

(o) **Removing of Animals from Park Prohibited.** No person shall take or remove or cause to be taken or removed any wild animal, caged or uncaged, from any park. Nothing in this subsection shall be construed to prohibit the removal of any fish lawfully taken.

(p) **No Dogs in Parks.** No dogs shall be permitted in parks in the Town of Turtle.

(q) **Intoxicants Prohibited.** No person shall consume or possess any alcoholic beverage, in any park in the Town of Turtle, except as set forth in this ordinance. Consumption of alcoholic beverages in parks is allowed under temporary permit issued by the Town Board. Such temporary permit shall be subject to local licensing requirements and such other restrictions as the Town Board deems to be in the public interest.

(r) **Waste Receptacles.** No person shall dump, deposit, place, throw or otherwise deposit any paper, cans, bottles, debris, refuse or other solid or liquid waste in any part in the Town of Turtle. All such waste shall be placed in waste receptacles.

#### **Section 14.17 Littering.**

(a) No person shall throw any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid, or other litter or unwholesome substance upon the roads, alleys, highways, public parks or other property of the Town or upon any private property not owned by such person or upon the surfaces of any body of water within the Town.

(b) No person shall allow a member of his family, an independent contractor, an agent, an employee, or person engaged to dispose of trash, to throw or deposit any refuse, rubbish or garbage which originally belonged to said person, on any street or highway or upon any public grounds in the Town of Turtle or in Turtle Creek within the limits of the Town of Turtle, or on any private property without the owner's consent or upon any other property within the limits of the Town of Turtle.

(c) No person shall operate a vehicle carrying one of the following loads on a public thoroughfare in the Town of Turtle unless:

(1) The vehicle carrying trash, garbage, rubbish, paper, waste or other litter or unwholesome substances is so constructed and loaded to prevent its contents from escaping; and

(2) The load is covered.

(d) Any person who shall violate subsection (c), with the result that a road, alley, highway or sidewalk becomes littered or any person who shall operate a motor vehicle so that mud, dirt, stones and similar material become deposited on any road, alley, highway, or sidewalk from the wheels or other parts of such motor vehicle shall be responsible to clean such materials from such road, alley, highway or sidewalk and if such person does not do so the Town may cause such cleaning to be done and the cost charged to such person.

#### **Section 14.18 Weeds.**

(a) **Definitions.** For purposes of this ordinance, the following terms shall have the meaning given herein.

(1) The term "destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing stock, or any or all of these in effective combination, at such time and in such manner as will effectively prevent such plants from maturing to the bloom or flower stage.

(2) The term "noxious weeds" includes Canada thistle, leafy spurge, field bindweed (creeping Jenny) and any other such weeds as the Town Board by resolution or ordinance declares to be noxious within the Town of Turtle.

(b) **Noxious Weeds.** Every person shall destroy all noxious weeds on all lands which the person owns, occupies or controls in the Town of Turtle.

(c) **Other Weeds and Grasses.** No person shall permit weeds other than noxious weeds or grasses to grow to a height of more than 6 inches on any land the person owns, occupies or controls in the Town of Turtle. However, this provision shall not apply to:

- (1) Land zoned Agricultural District One (A-1).
- (2) Land zoned Agricultural District Two (A-2).
- (3) Land zoned Agricultural District Three (A-3).
- (4) Lands subject to an approved Land Management Plan.

(d) **Land Management Plan.**

(1) **Plan Authorized.** Any owner, occupant or person in control of land in the Town of Turtle may apply for the approval of a land management plan for a natural lawn where weeds other than noxious weeds and grasses exceed 6 inches in height. The application shall be made to the Planning Commission.

(2) **Contents of Plan.** A land management plan means a written plan relating to the management of the lawn which contains a legal description of the land upon which the weeds or grasses will exceed 6 inches in height, a statement of the purpose for the lawn, a general description of the vegetational types, plants and plan succession involved and the specific management and maintenance techniques to be employed. The land management plan must include provisions for cutting a 3 foot strip along all property lines at a height of 6 inches or less.

(3) **Revocation.** The land management plan may be revoked for failure to comply with the provisions of the approved plan.

(4) **Notice.** A copy of the application for a land management plan shall be mailed to each of the owners of record of land within 200 feet of the boundaries of the land for which the application is made. If, within 15 days of receipt of a copy of the application, at least 51% of such property owners file written objections to the application with the Town Clerk, the Planning Commission shall refer the application to the Town Board for hearing and decision.

(5) **Safety Hazard.** In case of a safety hazard as determined by the Weed Commissioner, the Town shall require cutting upon notice to the owner, occupant or person in charge of the land.

(6) **Lawn.** Each lawn subject to a land management plan shall be cut once each year.

(e) **Weed and Grass Removal.** If a person who owns, occupies or control lands in the Town of Turtle fails to destroy noxious weeds or permits other weeds or grasses to

grow to a height in excess of 6 inches, except as allowed by a land management plan, the Weed Commissioner shall send a 5 day written notice to the person who owns, occupies or controls such lands requiring such noxious weeds to be destroyed and other weeds and grasses to be cut to a height of not more than 8 inches immediately. If the person who owns, occupies or controls the lands fails to comply with the notice, the Weed Commissioner may arrange for the destruction of the noxious weeds and the cutting of other weeds and grasses, either by a commercial company or Town employees. The Town may collect this expense by a special assessment against the land. In addition, the person who owns, occupies or controls the lands is subject to a forfeiture for violation of this provision.

#### **Section 14.19 Walking/Bike Path Ordinance.**

(a) **Purpose.**

The Town of Turtle has created a 1-1/2 mile walking/bike path on 125 acres of property owned by the Town of Turtle located in part of the Northwest quarter and part of the Northeast quarter, Section 3, T.1N., R.13E. of the 4<sup>th</sup> P.M., Town of Turtle, Rock County, Wisconsin. The walking/bike path is open to the public. For the health, safety and welfare of the public, the walking/bike path is restricted to persons walking and riding bicycles.

(b) **Vehicles Prohibited.**

No person shall use or operate on the walking/bike path an all-terrain vehicle, snowmobile, moped, motor bicycle, motorcycle, or motor vehicle of any kind.

(c) **Horse Riding Prohibited.**

No person shall ride a horse on the walking/bike path.

(d) **Penalty.**

Any person who shall violate this ordinance shall be subject to a forfeiture.

**Section 14.20                    Nonresidents Dumping in Town Yard Waste Area**

(a)     **Purpose and Intent.** The Town of Turtle has created an area for residents of the Town to dump yard waste, brush and leaves which is located on land owned by the Town in part of the Northwest quarter and part of the Northeast quarter, Section 3, T.1N., R.13E. of the 4<sup>th</sup> P.M., Town of Turtle, Rock County, Wisconsin. For the health, safety and welfare of the public, the yard waste area is restricted to allow only residents of the Town of Turtle to dump yard waste, brush and leaves there.

(b)     **Dumping By Nonresidents Prohibited.** Persons who are nonresidents of the Town of Turtle shall not dump yard waste, brush, leaves, or any other material or objects in the Town yard waste disposal area.

(c)     **Penalty.** Any person who shall violate this section shall be subject to a forfeiture of \$500.00 plus costs.



## Chapter 15 - LICENSES AND PERMITS

### Section 15.01 WINE LICENSE

(a) **Purpose.** This ordinance provides for issuance of Class C alcohol licenses for wine sales under section 125.51(3m) of the Wisconsin Statutes.

(b) **Issuance Conditions.** The Town Board may approve issuance of a license when the following conditions are met:

(1) A reasonable expectation exists, after consideration of past practice and business plan of operation, that more than 50% of revenues by the applicant are received from non-alcohol sales, determined by gross receipts; and

(2) The premises description for license issuance does not include a barroom, as verified by one or more town officers, employees or agents; and

(3) A completed application form, containing all relevant information requested has been submitted to the clerk for Town Board review; and

(4) The Town Board has evaluated the applicant's arrest or conviction history which is found to be acceptable; and

(5) The applicant has resided in Wisconsin at least 90 days, or is a Wisconsin corporation with a resident agent; and

(6) The applicant is in compliance with other statutory and ordinance regulations affecting the business operation or person applying.

(c) **Fees.** Prior to actual license issuance by the clerk, the fees must be submitted by the applicant. Where past payment history or reputation justifies such action, the clerk, in the clerk's discretion, may require payment by cash, cashiers check, or money order. The fee is for a full license year, running July 1 to next June 30. Fees shall be pro rated to the nearest half month in the event an application is made during the license year, by calculating the first date of possible issuance. In no case will the annual fee exceed \$100.00.

(d) **Payment Deadline.** The license fee shall be submitted at the time of application delivery to the town.

(e) **Business Verification.** Where appropriate, the Town Board may require verification that the above conditions, or other conditions of statutory or ordinance laws are met, including, but not limited to, the proportion of gross receipts test. This may periodically occur by Town Board direction.

**Section 15.02 DOGS.**

(a) **Definitions.** In this ordinance:

- (1) “Collar means a band, strip, or chain placed around the neck of a dog.
- (2) “Harboring” a dog means to afford it lodging, to shelter it, or give it refuge.
- (3) “Kennel” means any establishment where dogs are kept for the purpose of breeding, sale, boarding, or sporting purposes.
- (4) “Owner” includes a person who owns, harbors, keeps, or controls a dog.

(b) **License Required.** Every person residing in the Town of Turtle who owns a dog of more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually, or on or before the date such dog becomes 5 months of age, obtain a license therefor. The provisions of this section do not apply to:

- (1) Dogs whose owners are nonresidents temporarily within the Town;
- (2) Dogs brought into the Town for the purposes of participating in dog shows;
- (3) Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons; or
- (4) Dogs kept only for educational or scientific purposes.

(c) **License Period.** The license period shall commence on January 1 and end the following December 31.

(d) **License Fees.** The license fee shall be the amount required by section 174.05(2) of the Wisconsin Statutes or such higher amount as may be adopted by resolution of the Town Board.

(e) **Late Fees.** All persons purchasing dog licenses after April 1 shall pay a late fee of \$5.00 per dog license.

(f) **Untagged Dog.** The owner shall attach the license tag to a collar and such collar with the tag attached shall be kept on the dog at all times. 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 security confined in a fenced area.

(g) **Vaccination Required.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or if no date is specified, within 3 years after the previous vaccination. This vaccination requirement shall not apply to dogs that are kept only for educational or scientific purposes pursuant to section 174.054 of the Wisconsin Statutes.

(h) **Rabies Certificate.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the United States Department of Health and Human Services and the city, village or town where the dog is required to be licensed.

(i) **Vaccination Records.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(j) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(k) **Tag To Be Displayed.** The owner shall attach the rabies vaccination tag to a collar and the collar with the tag shall be kept on the dog at all times. However, this requirement does not apply to:

- (1) A dog during competition or training;
- (2) A dog while hunting;
- (3) A dog securely confined indoors;
- (4) A dog securely confined in a fenced area; or
- (5) A dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.

(1) **Maximum Number of Dogs.** No person shall keep or harbor more than 3 dogs over 5 months of age on any premises within the Town of Turtle without first obtaining a kennel license from the Town.

### **Section 15.03 DOG KENNELS.**

#### **(a) Definitions.**

(1) “Dog Kennel” means any establishment, place or entity where four or more dogs are kept for the purpose of breeding, sale, training, boarding, grooming, or sporting purposes.

(2) “Dog” means any dog five months of age or older.

#### **(b) Permit.**

(1) There is created a Kennel Permit for the Town of Turtle.

(2) Applications for a Kennel Permit shall be obtained from the Town Clerk.

(3) All applications for a Kennel Permit shall be approved by the Town Board. If an application is approved by the Town Board, the applicant shall pay to the Town Clerk a non-refundable fee each year or portion thereof prior to the issuance of the permit. The Town Board shall establish the amount of the fee.

(4) Any Kennel Permit issued under this section shall be effective for a period of one year commencing April 1 and ending March 31.

(c) **Permit Required.** It shall be unlawful to own, operate or possess a dog kennel within the Town of Turtle without a valid Kennel Permit. Holders of Kennel Permits must comply at all times with the provisions of this Ordinance. Any violations of such provisions shall be grounds for revocation of the Kennel Permit by the Town Board in addition to the penalties specified herein.

#### **(d) Requirements of Kennel.**

(1) No dog kennel may house more than 12 dogs at one time.

(2) Dogs kept pursuant to a Kennel Permit must also be licensed pursuant to Chapter 174 of the Wisconsin Statutes and such keeping must be in compliance with Chapter 174 at all times.

(3) All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(4) The building in which the dogs are kept shall be maintained in a clean condition and a good state of repair. The building shall allow adequate protection against weather extremes.

(5) All dog pens or enclosures shall be sufficiently large to permit freedom of movement to the dogs confined therein.

(6) Food supplies shall be stored in rodent proof containers and be free from contamination. Food supplies shall also be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog.

(7) All dogs shall have potable water available at all times.

(8) Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.

(9) Yards, pens, and enclosures and the dogs themselves shall be kept free of insect infestation.

(10) No odor nuisance shall be permitted.

(11) No repeated or continual barking, such as constitutes a noise nuisance, shall be permitted.

(e) **Minimum Area Requirements.** A minimum of ten (10) contiguous acres either owned or rented by the applicant shall be required on which to locate each dog kennel in the Town of Turtle.

(f) **Location and Conditional Use.** Dog Kennels under this Ordinance may be located in the Exclusive Agricultural District One (A-1), the General Agricultural District Two (A-2), or the Small Scale Agricultural District Three (A-3), but the owner of the property must obtain a conditional use permit before placing a dog kennel on the property.

(g) **Right to Entry.** The Building Inspector shall have the right to enter upon private property where the dog kennels are located during reasonable hours to inspect the dog kennels to determine whether they are in compliance with this Ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

## **Section 15.04 TRANSIENT MERCHANTS**

(a) **Regulation.** No transient merchant shall engage in the sale of merchandise within the Town of Turtle without first obtaining a license from the Clerk in compliance with the provisions of this ordinance. A separate license shall be obtained for each type of business. The license shall be issued to the person by the Town Clerk prior to the person soliciting orders, offering sales, or engaging in business covered by this ordinance.

(b) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) “Sale of Merchandise” means the transfer or conveyance of goods, wares and commodities in exchange for money and includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a farmer who is a resident of the Town of Turtle of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of the Town of Turtle.

(2) “Transient Merchant” is a person who engages in the sale of merchandise at any place in the Town of Turtle temporarily and who does not intend to become and does not become a permanent merchant of the Town of Turtle.

(c) **Fee.** The fee for the license shall be established by resolution of the Town Board.

(d) **Exemptions.** This ordinance shall not apply to the following:

(1) Wholesalers selling person property at wholesale to dealers, distributors, or retainers.

(2) Newspaper, periodicals, fuel, dairy products or bakery goods delivery people.

(3) Children under 18 years of age.

(4) Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of Turtle.

(5) Farmers and truck gardeners offering for sale agricultural perishable products that were raised or cultivated by them.

(6) A veteran holding a state license under section 440.51 of the Wisconsin Statutes.

(7) Sales in the Town of Turtle required by statute or court order.

(8) Auction sales in the Town of Turtle conducted for public purchase under state law.

(9) Sales of services or property in the Town of Turtle conducted under another Town of Turtle license or permit.

(e) **Application.** An application for a license under this ordinance shall be completed by the applicant and filed with the Clerk and shall contain such information as the Clerk shall require. The license fee shall be paid to the Town Clerk at the time the application is filed.

(f) **License Not Transferable.** The license shall not be transferable to another person.

(g) **Display of License.** Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.

(h) **Compliance With Laws.** Any person subject to this ordinance shall comply with all federal, state, county and town laws and regulations, including this ordinance, regarding the sale of property and services in the Town of Turtle.

(i) **Expiration.** The Clerk shall date all licenses issued hereunder and shall specify thereon the date of expiration. Licenses shall be issued on a calendar year basis and expire December 31 of the year of issue.

(j) **Renewal.** Applications for renewals shall be handled in the same manner as original applications.

(k) **Penalty.** Any person who fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town may seek injunctive relief to enjoin further violations.

State Law Reference: This ordinance is adopted under the general police powers authority granted pursuant to sections 60.22 and 66.0423 of the Wisconsin Statutes.

## Section 15.05 FIREWORKS PERMITS

(1) DEFINITIONS. In this section, the following words and phrases shall have the meanings set forth below.

(a) “Class 1 Fireworks” means fireworks classified by the Federal Department of Transportation as Division 1.3 explosives as defined in 49 CFR 173.50 or any other fireworks for which a manufacturer or a dealer must obtain a license as required by 18 USC 843. “Class 1 Fireworks” are also known as “display” fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads “1.3G”.

(b) “Class 2 Fireworks” means fireworks as defined by §167.10(1), Wis. Stats., excluding Class 1 and Class 3 fireworks. Except as provided in paragraph (c)(7) and (8) below, “Class 2 Fireworks” are explosives classified by the Federal Department of Transportation as Division 1.4 explosives as defined in 49 CFR 173.50. “Class 2 Fireworks” are also known as “common” fireworks which must be shipped in cartons or packages having an orange, diamond-shaped label which reads “1.4G”.

(c) “Class 3 Fireworks” means:

1. A cap containing nor more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
2. A toy snake which contains no mercury.
3. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to project audible and visible effects.
4. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
5. A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
6. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
7. A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.



8. A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(d) “Fireworks” means Class 1, 2 and 3 fireworks.

(e) “Fireworks display” means a display of Class 1 or 2 fireworks by an entity holding a permit to use Class 1 or 2 fireworks.

(f) “Minor” means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated this section of the municipal code, “minor” does not include a person who has attained the age of 17 years. See §990.01(20), Wis. Stats.

## (2) SALE OF CLASS 3 FIREWORKS.

(a) Permit Required. No person may sell Class 3 fireworks or possess Class 3 fireworks with intent to sell the same without having first obtained a permit to do so from the Town Clerk. A separate permit is required for each location at which Class 3 fireworks are sold.

(b) Permit Fee. The fee for a seller’s Class 3 fireworks permit shall be established by the Town Board.

(c) Term of Class 3 Permit.

1. *Annual Class 3 permits.* An annual seller’s Class 3 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. Annual Class 3 fireworks permits may only be issued to entities which hold a Class 2 seller’s permit issued pursuant to subsection (3) of this section.

2. *Temporary permits.* A temporary Class 3 fireworks permit shall be issued for a 30-day period which shall commence not earlier than June 1 and shall end not later than August 1 in any calendar year. Temporary Class 3 fireworks permits may be issued for indoor or outdoor locations which comply with all Federal, State and local laws regulating the storage and handling of Class 3 fireworks.

(d) Contents of Application and Permit. The application for a seller’s Class 3 fireworks permit shall be made on the form furnished by the Town Clerk. The completed application shall be filed with the Clerk. The application and permit shall specify, at minimum:

1. The name and address of the applicant/permit holder.

2. The dates between which Class 3 fireworks may be sold.

3. The address at which the sale of Class 3 fireworks will be sold.
4. A detailed description of the premises where the licensed activities is authorized.
5. The applicant's Wisconsin sales tax identification number.
6. A description of the Class 3 fireworks that the applicant proposes to sell.

(e) Sale of Unlisted Fireworks Prohibited. No person holding a Class 3 fireworks permit may sell any Class 3 fireworks which are not listed on the seller's application for a Class 3 fireworks permit unless the application is amended to include all Class 3 fireworks the seller proposes to sell and such amendment is approved by the Fire Chief.

(f) Investigation. The Town Clerk may refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 3 fireworks license is filed with the Town Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and the Police Chief shall indicate, within 30 days of the date that the application is filed, whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason(s) for disapproval. The grounds for disapproving a permit include, but are not limited to, the following:

1. The applicant has been convicted of a violation of a State or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.
2. The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.
3. The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
4. The fireworks that the applicant proposes to sell are not Class 3 fireworks as defined in this section.

(g) Appeal. If a seller's application for a Class 3 fireworks permit is disapproved, the applicant may request a review of the decision or appeal the decision in the manner provided in Chapter 21 of the Town Ordinances.

(h) Seller's Tax Identification Number. No person shall be eligible for a seller's Class 3 fireworks permit unless the applicant has a Wisconsin sales tax identification number. The applicant shall provide the Wisconsin sales tax identification number on the license application form.

(3) SALE OF CLASS 2 FIREWORKS.

(a) Permit to Sell or Deal. No person may sell or deal in Class 2 fireworks in the Town of Turtle or possess Class 2 fireworks with intent to sell or deal in Class 2 fireworks in the Town of Turtle without first obtaining an annual Class 2 fireworks permit from the Town Clerk. A Class 2 fireworks permit authorizes a resident wholesaler or jobber to sell Class 2 fireworks from a permanent indoor location to:

- (1) A person outside of the State of Wisconsin; or
- (2) An entity holding a user's Class 1 fireworks permit issued pursuant to subsection (4) of this section and §167.10(3)(c)1-7, Wis. Stats.

(b) Rules Pertaining to Sales to Persons Outside of Wisconsin. No person holding a Class 2 fireworks permit may sell Class 2 fireworks to persons outside of Wisconsin unless:

- (1) The customer provides the permit holder proof that the customer is 18 years of age or older and a nonresident of the State of Wisconsin.
- (2) The customer completes an order form disclosing the customer's name, address, telephone number and a description of the identification presented to establish the customer's age and residency.
- (3) All order forms must be signed by the customer.
- (4) The Class 2 license holder must retain the order forms from each customer for a period of at least one year.

(c) Term of Permit; Permit Fee. The Class 2 fireworks permit shall be issued for a one-year period commencing on July 1 and ending on June 30. The annual permit fee shall be established by the Town Board.

(d) Contents of Application. The application for a Class 2 fireworks permit shall be on a form furnished by the Town Clerk which shall, at minimum, require the following information to be disclosed:

- (1) The name, address and phone number of the applicant and the name, address and phone number of the proposed permit holder, if different from the applicant.
- (2) The address at which Class 2 fireworks will be sold.
- (3) A detailed description of the premises where the licensed activities will occur.

- (4) The applicant's Wisconsin sales tax identification number.
- (5) A description of the Class 2 fireworks that the applicant proposes to sell.

(e) Approval or Disapproval of Applicant. The Town Clerk shall refer the application to the Fire Chief and the Chief of Police for investigation. If an application for a Class 2 fireworks license is filed with the Town Clerk on or before June 1, the Police Chief and Fire Chief shall approve or deny the application on or before the following July 1. In all other cases, the Fire Chief and Police Chief shall indicate within 30 days of the date the application is filed whether they approve or disapprove the application. If the Fire Chief or Police Chief disapproves the application, he or she shall state the reason for disapproval. The grounds for disapproving a permit include, but are not limited to the following:

- (1) The applicant has been convicted of a violation of a State law or local law pertaining to the manufacture, sale, use or possession of fireworks during the past 5 years.
- (2) The zoning for the licensed premises does not permit the sale, storage or handling of fireworks at the proposed location.
- (3) The storage, possession, handling or sale of fireworks at the proposed location will endanger public safety.
- (4) The fireworks that the applicant proposes to sell are not Class 2 fireworks as defined in this section.

(f) Appeal. If a seller's application for a Class 2 fireworks permit is disapproved, the applicant may request a review of the decision and/or may appeal the decision in the manner provided by Chapter 21 of the Town Ordinances.

#### (4) MANUFACTURE OF FIREWORKS; CLASS 1 FIREWORKS PERMIT.

(a) Manufacture of Fireworks. No person may manufacture Class 1, 2 or 3 fireworks in the Town of Turtle without first obtaining a Wisconsin manufacturer's license required by §167.10(6m), Wis. Stats., and a Federal manufacturer's license required by Title 18 USC 843.

(b) Sale and Possession of Class 1 Fireworks. No person may sell or possess Class 1 fireworks in the Town of Turtle without first obtaining a Federal license to do so as required by 18 USC 843.

(c) Use of Class 1 and Class 2 Fireworks. No person shall use Class 1 or 2 fireworks in the Town of Turtle without first obtaining a user's Class 1 fireworks permit from the Town Chairperson. The application for a user's Class 1 fireworks permit shall

be made on a form furnished by and filed with the Town Clerk. The application and permit shall specify, at minimum, the information required by §167.10(3)(f), Wis. Stats. The applicant shall also provide the name, address and telephone number of the person who will be supervising the operation of the fireworks display. A user's Class 1 fireworks permit may be issued by the Town Chairperson only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. Any individual or group of individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

The City Fire Chief and Police Chief shall be given a copy of the permit at least 5 days in advance of the date of authorized use. The Police Chief and the Fire Chief shall investigate the applicant and the location where the Class 1 and/or 2 fireworks will be used or displayed. The Fire Chief and the Police Chief shall indicate in writing his or her approval or disapproval of the application, stating the reasons if he or she should disapprove. The grounds for disapproval include, but are not limited to, the grounds for denial specified in subsection (2)(f)1.-3. above. The applicant may appeal the decision of the Police or Fire Chief to the Town Board.

#### (5) FEE FOR USER'S CLASS 1 FIREWORKS PERMIT.

The fee for a user's Class 1 fireworks permit shall be the fee established by the Town Board. The applicant shall pay a separate license fee for each day for which a user's Class 1 fireworks permit is issued.

#### (6) FIREWORKS DISPLAYS.

No person, other than the holder of a Class 1 user's permit, may use or possess any kind of fireworks, except sparklers described in subsection (1)(c)3., above while attending a fireworks display which is open to the public and for which a user's Class 1 fireworks permit has been issued pursuant to subsection (4) of this section.

(7) PARENTAL LIABILITY FOR ACTS OF MINORS.

A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for the damages caused by the minor's use of the fireworks.

(8) SELLING OR FURNISHING FIREWORKS TO A MINOR PROHIBITED.

(a) No person may sell or furnish Class 1 or 2 fireworks to any minor.

(b) No person may possess Class 1 or 2 fireworks with the intent to sell or furnish the same to a minor.

(c) No person shall permit a minor to use Class 1 or 2 fireworks.

(d) No person, except a minor's parent, legal guardian, foster parent or a family-operated group home parent, may sell or furnish Class 3 fireworks to a minor or permit a minor to use Class 3 fireworks.

(9) POSSESSION AND USE OF FIREWORKS BY MINORS PROHIBITED.

No minor shall:

(a) Use Class 1 or 2 fireworks.

(b) Possess Class 1 or 2 fireworks.

(c) Purchase Class 1, 2 or 3 fireworks.

(d) Falsely represent that he/she has attained the legal age to purchase, possess or use fireworks.

(10) STORAGE AND HANDLING OF FIREWORKS.

No person shall store or handle fireworks in the Town of Turtle in violation of any of the provisions of §167.10(6), Wis. Stats., which is incorporated herein by reference. Any person holding a Class 2 fireworks permit shall comply with the following handling and storage requirements:

(a) All Class 2 fireworks shall be displayed for sale behind a counter or other area inaccessible to customers or the public.

(b) No fireworks of any kind may be stored outside of any building, including the retail establishment.

(c) The building in which fireworks are stored and sold shall have a fire wall erected in accordance with the specifications of the Fire Department. The wall shall be placed between the area of the building open to customers and the public and the area used to store fireworks. The wall shall have a minimum 2-hour fire rating.

(d) Only one sample of each type of Class 2 fireworks may be displayed for public view in the permit holder's showroom.

(e) The storage area for Class 2 fireworks shall have:

1. No electric outlets or circuit breakers.
2. Only explosion-proof lighting.
3. Appropriate exits.
4. No windows.
5. No customer shall be permitted to have contact with Class 2 fireworks while the customer is in the retail establishment.
6. The holder of the Class 2 fireworks permit shall comply with all local, State and Federal regulations pertaining to the handling and storage of Class 2 fireworks. In addition, the holder of the Class 2 fireworks permit shall comply with any directives of the Fire Chief which the Fire Chief reasonably believes are necessary in order to protect the health, safety and welfare of citizens. Any person aggrieved by any directive or order of the Fire Chief may request review of the order or directive or appeal the Chief's order or directive in the manner provided by Chapter 21 of the Town Ordinances.

#### (11) SEIZURE OF FIREWORKS.

Fireworks which are stored, handled, sold, possessed or used by a person who violates this section may be seized and held as evidence of the violation. Except as provided in §968.20(4), Wis. Stats., only the fireworks that are the subject of the violation of this section may be destroyed after the person is convicted of the violation. Except as provided in §968.20(4), Wis. Stats., fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

#### (12) PENALTIES.

(a) Any person who sells Class 3 fireworks or possesses Class 3 fireworks with intent to sell the same in violation of subsection (2)(a) or (e) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.

(b) Any person who commits a violation of subsection (3) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.

(c) Any person who commits a violation of subsection (4) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$5,000.

(d) Any person who commits a violation of subsection (6) of this section shall be subject to a forfeiture of not less than \$25 nor more than \$500.

(e) Any person, other than the minor's parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian, who furnishes or sells Class 3 fireworks to a minor or permits a minor to use Class 3 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5,000.

(f) Any person who sells or furnishes Class 1 or 2 fireworks to a minor or permits a minor to use Class 1 or 2 fireworks in violation of subsection (8) of this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000.

(g) Any minor who uses or possesses fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

(h) Any minor who falsely represents that he has attained the legal age to purchase, possess or use fireworks in violation of subsection (9) of this section shall be subject to a forfeiture of not less than \$200 nor more than \$1,000.

(i) Any person who stores or handles fireworks in violation of subsection (10) of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

Section 2. Section 14.13 of the Town Ordinances is repealed.

Section 3. Fees. The fees to be charged for the permits are as follows:

- a. Annual Class 1 permit - \$25.00
- b. Annual Class 2 permit - \$20.00
- c. Annual Class 3 permit - \$500.00
- d. Temporary Class 3 permit - \$250.00 for each location.



## Chapter 16 - PUBLIC UTILITIES

### Section 16.01 CABLE TELEVISION FRANCHISE

(a) **Granting of Authority.** This ordinance authorizes the Town Board of the Town of Turtle to grant to a grantee, its successors and assignees a nonexclusive franchise to install, maintain and operate a cable television system for the distribution of television signals, radio signals, closed circuit television programs, data transmission and other forms of electronic entertainment and information which may now exist or may be developed in the future. This ordinance may be amended from time to time through the enactment of amendments thereto. The term of any franchise shall be a period of not more than 15 years. Specific starting and expiration dates shall be incorporated in a separate agreement with the grantee.

(b) **Interest on Late Payments.** If any payment, such as franchise fees, recomputed franchise fees, fines or other penalty, is not made within the time specified in this ordinance, the grantee shall pay interest on the amount which is overdue. The interest shall be calculated at the rate of 12% or the highest rate permitted by law, whichever is less.

(c) **Definitions.** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural.

(1) **Cable System.** Coaxial or other cables, wave guides or other conductors and equipment for providing entertainment and/or information services by cable or through other facilities as herein contemplated and may include closed circuit special event programs and educational television.

(2) **Channel.** A 6 MHZ frequency band, which is capable of carrying either one standard video signal, a number of audio, digital or other nonvideo signals or some combination of such signals.

(3) **Town.** The Town of Turtle, Rock County, Wisconsin.

(4) **Town Board.** The Town Board of Supervisors of the Town of Turtle.

(5) **Grantee.** The person or corporation to whom or which a franchise under this ordinance is granted by the Town Board and the lawful successors or assignees of such person or corporation.

(6) **Gross Revenues.** Any revenue derived by grantee, its affiliates, subsidiaries, parent and any person in which grantee has a financial interest of 5% or more from or in connection with the operation of the Town cable system including, but

not limited to, basic subscriber service monthly fees, pay cable fees, leased channel fees, collection fees, converter rentals, studio rental and production equipment. The term does not include installation or reconnection fees, advertising revenues or any taxes on services furnished by grantee and imposed directly upon any subscriber or used by the State, Town or other governmental unit or any revenues derived from activities not directly related to the cable system operation.

(7) **Street.** The surface of and the space above and below any public street, road, highway, freeway, lane, path, public way, alley, court, sidewalk, boulevard, parkway, drive or any easement or rights-of-way now or hereafter held by the Town which shall within its proper use and meaning in the sole opinion of the Town entitle grantee to the use thereof for the purpose of installing or transmitting over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a system.

(8) **Subscriber.** Any person or entity receiving for any purpose the services of the Grantee herein.

(d) **Renewal.**

(1) The grantee must file for renewal at least 30 months before the expiration of the franchise. The Town:

a. Must consider the renewal application within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application.

b. May not request, accept or consider any other franchise application until the grantee's application is denied or approved.

(2) The Town shall:

a. Negotiate in good faith with the grantee regarding franchise renewal within 60 days after the completion of proceedings pursuant to subsection (1).

b. Make a preliminary decision on granting or denying renewal within 4 months after receipt of an application.

c. In the case of denial of an application, notify the grantee by written statement within 7 days after such decision of the reasons for the denial.

(3) The grantee if adversely affected or aggrieved by a final decision of the Town made pursuant to subsection (2) may appeal such decision in any court of competent jurisdiction. The franchise shall remain in effect pending the completion of such appeal.

(4) Both the Town and grantee shall comply with all the provisions of the Cable Communications Policy Act of 1984, Public Law Number 98-549, 98 Stat. 2779, as amended, regarding renewal procedures. In the event that this Act changes, the Town shall conduct renewal procedures in accordance with then applicable law.

**(e) Removal or Purchase of Cable Assets on Termination or Expiration.**

(1) Should the grantee's franchise be terminated or expire and there is no judicial or administrative review of the termination or expiration taking place, the grantee shall begin removal within 90 days of termination or expiration of all property owned by the grantee and placed on a public right-of-way unless permitted by the Town to abandon such property or transfer it to a purchaser.

(2) In the event that a franchise has terminated by expiration or revocation, the Town shall have an option to the extent then permitted by existing law to either purchase the tangible assets of the grantee's cable television system previously governed by the franchise at fair market value as determined by any reasonable offer which the grantee has accepted or assign such rights to purchase or require removal of all grantee's property located within the public ways of the Town at the grantee's expense. Such an option must be exercised within one year from the date of the revocation of the franchise, the entry of a final judgment by a court reviewing the question of the revocation or termination or the entry of a final order upon appeal of the same, whichever is later.

**(f) Ownership Transfers.**

(1) **Binding Effect.** All of the rights and privileges and all the obligations, duties and liabilities created by this ordinance shall pass to and be binding upon the successors of the Town and the successors and assigns of the grantee and the same shall not be assigned or transferred without the written approval of the Town hereunder which approval shall not be unreasonably withheld provided, however, that this subsection shall not prevent the assignment of the franchise or the cable system by the grantee as security for debt without such approval and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least 51% of the beneficial ownership is held by the grantee or any parent corporation shall be permitted without the prior approval of the Town.

(2) **Assignment.** The sale, transfer or assignment of 10% or more of ownership of the cable system of the grantee to a single third party shall be considered an assignment subject to the provisions of this section.

**(3) Transfer Procedure.**

a. The parties to the sale or transfer of a franchise shall make a written request to the Town for its approval of a sale or transfer of a franchise.

b. The Town shall reply in writing within 30 days of the request and shall indicate approval of the request or its determination that a public hearing is necessary due to potential adverse effect on the grantee's subscribers.

c. If a public hearing is deemed necessary, such hearing shall be conducted within 30 days of such determination and notice of any such hearing shall be given 14 days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the area being served by the grantee. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the Town.

d. Within 30 days after the public hearing, the Town shall approve or deny in writing the sale or transfer request.

e. Grantee upon transfer shall within 30 days thereafter file with the Town a copy of the deed, agreement or other written instrument evidencing such sale, transfer of ownership or control or lease, certified and sworn to be correct by the grantee.

(g) **Franchise Territory.** The franchise is for the present territorial limits of the Town and for any area henceforth added thereto. The grantee must make services of the cable system available to all residences and commercial and institutional establishments within the Town equally, providing adequate and appropriate private and public easements and access can be reasonably acquired by the grantee and that at least 35 subscribers will be served for each mile of plat necessary to serve them. Upon renewal of a franchise, no currently served areas may be deleted.

(h) **Subscriber Privacy.**

(1) The grantee shall comply with all the provisions of the Cable Communications Policy Act of 1984, as amended, regarding protection of subscriber privacy.

(2) The subscriber or user shall retain the right to disconnect his or her terminal, but shall be responsible for charges until the grantee is notified to terminate service.

(i) **Technical Performance.** The cable system shall be operated to comply with all guidelines and standards set by the Federal Communications Commission for signal quality and leakage. The Town reserves the right to test the system and independently measure the signal quality. The cable system shall comply at all times with the applicable National Electrical Code of the National Fire Protection Association.

(j) **Open Books and Records.**

(1) The Town may request certification of receipts by the grantee to verify the accuracy of franchise fee payments. The Town may conduct an audit at Town

expense no more than once in a 12 month period of the financial records of the grantee, including financial statements to verify the accuracy of franchise fee payments.

(2) The authorized officers of the Town shall have the right to inspect at any time during normal business hours, upon 5 days' written notice, all books, records, maps, plans, financial statements, service complaint logs, performance test results, records of request for service and other like materials of grantee which relate to the operation of this franchise, but not more frequently than once annually.

(3) Any records or information received by the Town from the grantee relating to financial information, sales figures or to processes or production unique to the grantee or which would tend to adversely affect the competitive position of the grantee are only for the confidential use of the Town in the administration of this ordinance, unless the grantee expressly agrees to their publication or availability to the general public. Nothing in this subsection prevents the use of the records or information by the Town in compiling or publishing analyses or summaries relating to the information.

**(k) Subscriber Service.**

**(1) Cable System Office Hours and Telephone Availability.**

a. The grantee will maintain a local, toll-free telephone access line which will be available to its subscribers 24 hours a day, 7 days a week.

1. Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

2. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

b. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis.

c. The grantee will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

d. Under normal operating conditions, the customer will receive a busy signal less than 3% of the time.

e. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(2) **Installations, Outages and Service Calls.** Under normal operating conditions, each of the following 4 standards will be met no less than 95% of the time measured on a quarterly basis:

a. Standard installations will be performed within 7 business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

b. Excluding conditions beyond the control of the grantee, the grantee will begin working on the "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The grantee must begin actions to correct other service problems the next business day after notification of the service problem.

c. The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a 4-hour time block during normal business hours. The grantee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

d. The grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

e. If the grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(3) **Subscribers.**

a. **Notification to Subscribers.**

1. The grantee shall provide written information on each of the following areas at the time and installation of service, at least annually to all subscribers, and at any time upon request:

[a] Products and services offered;

[b] Prices and options for programming services and conditions of subscription to programming and other services;

[c] Installation and service maintenance policies;

[d] Instructions on how to use the cable service;

[e] Channel positions of programming carried on the system; and,

[f] Billing and complaint procedures.

2. Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of 30 days in advance of such a change if the change is within the control of the grantee. In addition, the grantee shall notify subscribers 30 days in advance of any significant changes in the other information required by the preceding paragraph.

**(b) Billing.**

1. Bills must be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

2. In case of a billing dispute, the grantee must respond to a written complaint from a subscriber within 30 days.

**(c) Refunds.** Refund checks will be issued promptly, but no later than either:

1. The customer's next billing cycle following resolution of the request or 30 days, whichever is earlier; or

2. The return of the equipment supplied by the grantee if service is terminated.

**(d) Credits.** Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

**(4) Definitions.**

a. **Normal Business Hours.** The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

b. **Normal Operating Conditions.** The term "normal operating conditions" means those service conditions which are within the control of the grantee. Those conditions which are not within the control of the grantee include, but are not limited to, natural disasters, civil disturbances, power outage, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within

the control of the grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the cable system.

c. **Service Interruption.** The term "service interruption" means the loss of picture or sound on one or more cable channels.

(5) **Amendments to Section.** It is intended that the provisions of this section fully and accurately set forth all relevant portions of 47 CFR, Part 76, Subpart H, pertaining to the Town's regulation of customer service. Future amendments to those sections of 47 CFR, Part 76, Subpart H, which pertain to the Town's regulation of customer service are hereby adopted by reference. Any provision in this section which is inconsistent with such future amendments shall not be enforced.

(1) **Description of System.** Within 60 days of the effective date of the grant of a franchise under this chapter, the grantee shall provide the Town with a map of the Town cable system. The map shall be updated at least annually thereafter.

(m) **Conditions of Street Occupancy.**

(1) **Use.** All transmission and distribution structures, lines and equipment erected by grantee within the Town shall be so located as not to cause interference with the proper use of streets, alleys and other public ways and places and not to cause interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways and places.

(2) **Street Use Not Exclusive.** The right to use and occupy such streets and roads for the purpose set forth shall not be exclusive and the Town reserves the right to grant a similar right or use of such streets and roads to any person at any time during the period of the franchise issued pursuant to this ordinance. The grantee has the duty and responsibility to obtain and/or establish the existence of a private easement or dedication for its use. The Town shall have no affirmative access to or perfect a private easement or dedication or expand any existing easement or dedication for use by grantee.

(3) **Restoration.** In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the grantee shall first give notice to the Town Board of any contemplated disturbances of pavement, sidewalk, driveway or other surfacing and shall at its own cost and expense and in a manner approved by the Town Board replace and restore all pavement, sidewalk, driveway or other surface of any street or alley disturbed in as good condition as before such work was commenced. The grantee shall otherwise comply with the Town ordinances relating to street openings.

(4) **Relocation.** If at any time during the period of this franchise the Town shall elect to alter or change the location or grade of any street, alley or other public way, the grantee upon reasonable notice by the Town shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other equipment at its own expense.



If any construction by the grantee is in violation of the provisions of subsection (1), the grantee shall likewise, upon reasonable notice by the Town, remove, relay and relocate its property in such a manner as to remedy such violation at its own expense.

(5) **Placement of Equipment.** The grantee shall not place poles or other equipment where the same will interfere with any gas, electric, telephone or other equipment, water hydrant or main and all such poles or other equipment placed in any street shall be placed between the outer edge of sidewalk and the curb line and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys and public ways. However, nothing in this ordinance shall prohibit the use by the grantee of existing public utility poles where practical, providing mutually satisfactory rental agreements can be entered into.

(6) **Temporary Removal of Wire for Building Move.** The grantee shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary removal, raising or lowering of the wires shall be paid by the person requesting the same and the grantee may require such payment in advance. The grantee shall be given not less than 72 hours advance notice to arrange for such temporary wire changes.

(7) **Tree Trimming.** The grantee may trim trees within the public rights-of-way or on private property to the extent permitted by law, subject to any rules in respect thereto established by the Public Service Commission of the State of Wisconsin for electric utilities.

(n) **Indemnify.**

(1) **Indemnification.** The grantee shall defend and save the Town, its agents and employees harmless from all claims, damages, losses and expenses, including attorney's fees sustained by the Town on account of any suit, judgment, execution, claim or demand whatsoever, arising out of the installation, operation or maintenance of the cable system, except for acts of the Town, its agents or employees, unless such acts are at the request of or under the direction or supervision of the grantee.

(2) **Notification.** The Town shall notify the grantee within 10 days after the presentation of any claim or demand, either by suit or otherwise, made against the Town. The grantee shall furnish to the Town before a franchise becomes effective satisfactory evidence in writing that the grantee has in force and will maintain in force public liability insurance during the term of this franchise.

(3) **Liability Insurance.** The grantee shall maintain throughout the term of a franchise a general liability insurance policy naming the Town, its officers, Town Board, agents and employees as additional insureds with a responsible company authorized to do business in the State of Wisconsin and in a form satisfactory to the

Town, protecting the Town and its officers, Town Board, agents and employees against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of grantee under any franchise granted hereunder in the amount of \$1,000,000 for bodily injury or death to any one person, with the limit, however, of \$3,000,000 for bodily injury or death resulting from any one accident and \$500,000 for property damage resulting from any one accident. Grantee shall provide to the Town a certificate of insurance.

(o) **Default.** The occurrence of any one or more of the following events (herein called "event of default") shall constitute default under this ordinance:

(1) Default by the grantee in the payment of any franchise fee or other charge payable by the grantee as and when the same becomes due and payable and such default continues for a period of 30 days after receipt of notice from the Town that such payment is due.

(2) Default by the grantee in the performance of any other term, covenant or condition under the franchise or the inaccuracy in any material respect of any representation or information submitted by the grantee or in any document or certificate furnished to the Town in connection herewith.

(3) The making of any assignment, transfer or sale by the grantee of the ownership without the prior consent of the Town as required by this ordinance.

(p) **Remedies.** Upon the occurrence of any one or more events of default, the Town shall notify the grantee of the default in writing and the grantee shall have 30 days to cure the default from the date of delivery of the notice to grantee. If grantee fails to cure the default within the 30 day period, the Town at its option may:

(1) Proceed by appropriate court action to enforce performance by the grantee of the applicable terms and conditions of this ordinance or to recover from grantee any and all damages and expenses, including attorney's fees, which the Town shall have sustained by reason of the grantee's default in such performance or on account of the Town enforcement of its remedies hereunder; or

(2) Declare a franchise forfeited upon failure or refusal by the grantee to observe the terms and conditions set forth herein. Forfeiture shall be exercised by written notice to the grantee of the failure to cure the default, followed by the grantee's refusal to eliminate or correct such failure or violation within 60 days. In the event of any default, the Town may sue in its own name in the manner provided by law for the forfeiture of the franchise. The exercise of such remedy of forfeiture shall not preclude exercise of any other right of remedy given to the Town by law for their exercise concurrently or subsequently.

**(q) Franchise Fee and Financial Reporting.**

(1) **Franchise Fee.** As compensation for permission to use the streets and public ways of the Town for construction, operation, maintenance, modification and reconstruction of a cable system, the grantee shall pay to the Town an amount equal to 5% of the grantee's gross revenues.

(2) **Payment.** The franchise fee shall be paid on a calendar quarterly basis as follows:

- a. January - March by May 15.
- b. April - June by August 15.
- c. July - September by November 15.
- d. October - December by February 15.

(3) **Effect of Acceptance.** Acceptance of any payment by the Town shall not be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a franchise fee or for the performance of any other obligation of grantee.

(4) **Report.** No later than April 15 of each year, grantee shall present to the Town an annual report of gross revenues. The franchise fee payment shall be reconciled with this report.

(r) **Town Rights.** The right is hereby reserved to the Town to adopt in addition to the provisions contained in this ordinance and existing applicable ordinances such additional regulations as it shall find necessary in the exercise of its police powers. Such regulations by ordinance or otherwise shall be reasonable and not be in conflict with the rights granted in this ordinance and shall not be in conflict with the laws of the State of Wisconsin.

**(s) Theft of Service and Tampering.**

(1) No person, whether or not a subscriber to the cable system, may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of grantee or commit any act with intent to cause such damage; tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus or appurtenances of grantee with the intent to obtain a signal or impulse from the cable system without authorization from the grantee; or obtain cable television or other communications service with intent to cheat or defraud grantee of any lawful charge to which it is entitled.

(2) No person shall, without the consent of the owner, willfully tamper with, remove or injure any cable, wires or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over the cable system serving the Town.

(t) **Acceptance by Grantee.** Any franchise granted under this ordinance shall be effective upon written acceptance of the franchise being filed with the Town Clerk within 30 days from the adoption hereof and the franchise shall continue in force for a period of not more than 15 years.

(u) **Incorporation of Amendments.** This franchise shall be amended to incorporate all amendments to the statutes, rules and regulations of the State of Wisconsin and the federal government as they are promulgated. Any provision herein in conflict with or preempted by such rules and regulations or statutes shall be superseded.

(v) **Protection of Nonsubscribers.** Grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by private receiver's sets owned by persons not subscribing to grantee's service.

(w) **Conditions of Required Line Extensions.**

(1) Grantee shall not be obligated to extend its cable network to additional subscribers unless the proposed subscribers shall be located within 30 feet of the existing network or unless at least 35 additional subscribers will be serviced per mile of cable extension required.

(2) In instances where the grantee is not required to provide service pursuant to this section, the grantee and subscriber may nevertheless contract to have service provided on terms and conditions agreeable to both the subscriber and grantee.

(x) **Grantee Rules.** The grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under this franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this ordinance or the laws of the State of Wisconsin or the federal government.

(y) **Waiver of Objections.** By the adoption of this ordinance, the Town expressly waives all objections it has or may have to the legal rights of the grantee to attach its cables, equipment and transmission lines to the poles of the Town, pursuant to an agreement or to the poles of the public utilities and the authority of such public utilities to grant such right to the grantee.

**(z) Grantee Without Recourse.**

(1) Grantee shall have no recourse whatsoever against the Town for any loss, cost or expense or damage arising out of any provisions or requirements of this franchise or because of the enforcement thereof by the Town.

(2) Grantee expressly acknowledges that in accepting this franchise it did so acknowledging that the Town has the power and authority to grant this franchise on the terms and conditions of this ordinance and waives any claim to the contrary.

(3) By acceptance of this franchise, grantee acknowledges that it has not been induced to enter into this franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the Town or by any other third person concerning any term or condition of this franchise not expressed herein.

(4) Grantee further acknowledges by acceptance of this franchise that it has carefully read the terms and conditions hereof and is willing to and does accept all the risks of the meeting of such terms and conditions.

**(aa) Work Performed By Others.**

(1) All provisions of this franchise remain the responsibility of grantee.

(2) All provisions of this franchise shall apply to any subcontractor or others performing any work or services pursuant to the provisions of this franchise.

**Section 16.02 TELECOMMUNICATIONS TOWERS**

(a) **Intent.** The purpose of this section of the ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(b) **Definitions.** As used in this ordinance, the following terms shall have the meanings set forth herein:

(1) **Alternative Tower Structure.** Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

(2) **Antenna.** Any exterior transmitting or receiving device and mounting appurtenances mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) **Co-Location.** Location of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

(4) **FAA.** Federal Aviation Administration.

(5) **FCC.** Federal Communications Commission.

(6) **Pre-Existing Tower/Antenna.** Any tower or antenna existing within the Town of Turtle before November 21, 1997.

(7) **Tower.** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(c) **Applicability.** The requirements of this section shall apply to all communication towers and antennas except that the ordinance shall not apply to towers and antennas owned and operated by federally licensed amateur radio station operators or are receive only antennas.

(d) **Antennas.** A permit is required from the Town of Turtle for the following permitted use:

(1) **Permitted Use.** Antennas shall be a permitted use and may be installed on a tower or alternative tower structure in the following zoning districts:

- Exclusive Agricultural District One (A-1)
- General Agricultural District Two (A-2)
- Small Scale Agricultural District Three (A-3)
- Local Commercial District (B-1)
- Highland Conservation District Two (C-2)

Light Industrial District (M-1)

a. If an antenna is installed on a tower, the placement of accessory buildings and other supporting equipment used in connection with the antenna may not exceed 314 square feet. If the accessory building and other supporting equipment exceed 314 square feet, a conditional use permit must be obtained before installation of the antenna, buildings and supporting equipment.

b. If an antenna is installed on an alternative tower structure, the antenna may add no more than 20 feet to the height of the structure and the placement of accessory buildings and other supporting equipment used in connection with the antenna may not exceed 314 square feet. If the antenna adds more than 20 feet to the height of the structure or the accessory buildings and other supporting equipment exceed 314 square feet, a conditional use permit must be obtained before the installation of the antenna, buildings and supporting equipment.

(2) **Design.** The antenna, accessory buildings and supporting equipment must be of neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

**(e) Communication Towers.**

(1) **Conditional Use.** Communication towers shall be a conditional use in the following zoning districts:

- Exclusive Agricultural District One (A-1)
- General Agricultural District Two (A-2)
- Small Scale Agricultural District Three (A-3)
- Local Commercial District (B-1)
- Highland Conservation District Two (C-2)
- Light Industrial District (M-1)

(2) **Utilizing Existing Structures.** No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event the Town determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Such demonstration may include one or more of the following reasons:

a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet the engineering requirements.

c. Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

d. The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.

e. The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.

(f) **General Requirements.** In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

(1) **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association.

(2) **State or Federal Requirements.** All towers and antennas shall meet or exceed applicable standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

(3) **Co-Location.** A proposed tower shall be structurally and electrically designed to accommodate one or more antennas.

(4) **Height Restrictions.** The maximum height of a proposed telecommunication tower shall be 200 feet. This shall include any structures or equipment placed on the top of the tower such as lightning rods. However, the Town Board may waive this height restriction for a pre-existing tower.

(5) **Setbacks.** A tower shall be located not closer than a distance equal to 100% of height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.

(6) **Design.** Proposed or modified towers shall blend in with the surrounding environment except as may be required by rules of the FAA or FCC. Any associated utility building shall also blend in with the character of the district in which it is located.



(7) **Separation Between Towers.** Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of a proposed tower. No proposed tower shall be permitted to be located within 2500 feet of an existing tower, unless for reasons beyond the applicant's control, such as unusual topography, no other option is available.

(8) **Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

(9) **Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.

(10) **Fencing.** A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

(11) **Landscaping.** A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(12) **Interference.** The tower shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. In the event any complaint of interference is received by the Town, and the interference is verified by a qualified engineer to be caused by the tower, the Town shall notify the owner and operator in writing and the owner and operator shall have a period of 30 days to investigate the complaint and respond to the Town. In the event it is determined that the tower is the source of the interference, the owner and operator shall take steps to correct the interference.

**(g) Removal of Abandoned Antennas and Towers.**

(1) **Abandonment.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. If there are two or more users of a

single tower, then this provision shall not become effective until all users cease using the tower.

(2) **Removal By Town.** Failure to remove an abandoned tower or antenna within such 90 day period shall be grounds for the Town to remove the tower or antenna at the owner's expense. The Town may place a lien upon the property on which the tower is located for the costs of removal.

(h) **Permit Required.**

(1) No tower shall be installed unless a permit is first obtained by the owner from the Town. The following shall be required as part of the application submittal:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Town to be necessary to assess compliance with this ordinance;

b. The setback distance between the proposed tower and the nearest residential unit, and residentially zoned properties;

c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;

d. Landscape plan showing specific plant materials;

e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening; and

f. Description of compliance with Section (f).

g. If a conditional use permit is also required, the application shall meet the requirements for applications for conditional use permits and the procedure for granting conditional use permits as set forth in the Town of Turtle Zoning Ordinance shall be followed.

(2) The applicant shall pay a fee to the Town with the application in an amount established by the Town Board.

## Chapter 17 - HEALTH AND SANITATION

### Section 17.01 Mandatory Recycling.

(a) **Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11 of the Wisconsin Statutes and Chapter NR544 of the Wisconsin Administrative Code.

(b) **Statutory Authority.** This ordinance is adopted as authorized under Section 287.09(3)(b) of the Wisconsin Statutes.

(c) **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 imposes greater restrictions, the provisions of this ordinance shall apply.

(d) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR544 of the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter 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.

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

(f) **Applicability.** The requirements of this ordinance apply to all persons within the Town of Turtle.

(g) **Administration.** The provisions of this ordinance shall be administered by the Town Board of the Town of Turtle.

(h) **Definitions.** For the purposes of this ordinance:

(1) “Bi-metal container” means a container for beverages that is made primarily of a combination of steel and aluminum.

(2) “Container board” means corrugated paperboard used in the manufacturing or 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 and beverages.

b. consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

c. consists of rigid materials shaped to hold and cushion the packed article in a shipping container.

(4) “Glass container” means bottles, jars and other similar containers but shall exclude drinking glasses, window panes, pyrex or any other similar glass item.

(5) “HDPE” means high density polyethylene, labeled by the SPI Code #2.

(6) “LDPE” means low density polyethylene, labeled by the SPI Code #4.

(7) “Magazines” means magazines and other materials printed on similar paper.

(8) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(9) “Multiple-family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.

(10) “Newspaper” means a newspaper and other materials printed on newsprint.

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

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

(13) “Other resins or multiple resins” means plastic resins labeled by the SPI Code #7.

(14) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in Section 66.0131(1)(a) of the Wisconsin Statutes, state agency or authority or federal agency.

(15) “PETE” means polyethylene terephthalate, labeled by the SPI Code #1.

(16) “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.

(17) “Post Consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01(17) of the Wisconsin Statutes.

(18) “PP” means polypropylene, labeled by the SPI Code #5.

(19) “PS” means polystyrene, labeled by the SPI Code #6.

(20) “PVC” means polyvinyl chloride, labeled by the SPI Code #3.

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

(22) “Solid waste” has the meaning specified in Section 289.01(33) of the Wisconsin Statutes.

(23) “Solid waste facility” has the meaning specified in Section 289.01(35) of the Wisconsin Statutes.

(24) “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

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

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

(i) **Separation of Recyclable Materials.** Occupants of single family and two to four 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.

(j) **Separation Exceptions.** The separation requirements of Subsection (i) of this ordinance do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection (i) of this ordinance from solid waste in as pure of form as is technically feasible.

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

(3) A recyclable material for which a variance has been granted by the Department of Natural Resources under the Wisconsin Statutes or the Wisconsin Administrative Code.

(k) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (i) of this ordinance shall be clean and 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.

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

(1) Lead acid batteries shall be managed as follows:

a. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall place any car and truck lead acid batteries with undamaged casings adjacent to such occupants' recycling bin for collection by the Town's designated hauler; and

b. All other occupants as well as all occupants with other than car and truck lead acid batteries or with lead acid batteries with damaged casings shall take such lead acid batteries to an area retail business that sells vehicle batteries or to the appropriate disposal area at the Rock County Landfill.

(2) Major appliances shall be managed as follows:

a. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall arrange for the collection of major appliances by the Town's designated hauler; and

b. All other occupants shall arrange for the collection of such items by a licensed hauler or shall take such items to the appropriate area of the Rock County Landfill.

(3) Waste oil shall be managed as follows:

a. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall store waste oil in leak-proof containers with a maximum volume of one gallon and shall place the containers adjacent to such occupants' recycling bin for collection by the Town's designated hauler; and

b. All other occupants shall arrange for the collection of waste oil by a licensed hauler or shall take such waste oil to a licensed waste oil collection site.

(4) Yard waste shall be managed as follows:

a. All occupants of properties within the Town of Turtle shall keep yard waste out of the trash and shall either take the material to the composting site at the Rock County Landfill or shall manage it on-site.

(m) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town Board of the Town of Turtle, occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall do the following for the preparation and collection of the separated materials specified in Subsection (i)(5) through (15) of this ordinance:

(1) Aluminum containers shall be rinsed free of product residue, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(2) Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(3) Corrugated cardboard and all other corrugated paper or other container board, shall be free of debris, flattened, cut into squares not greater than 2' x 2', stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(4) Foam polystyrene packaging shall be contained in an open paper bag or an open corrugated box free of debris, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(5) Clear, brown and green glass containers and all other glass containers, shall be rinsed free of product residue with all caps removed and discarded. The glass containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.



(6) Magazines shall be free of debris, stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(7) Newspaper shall be free of debris, stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(8) Office paper shall be free of debris, stacked and tied or contained in an open paper bag or an open corrugated cardboard box, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

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

a. Plastic containers made of PETE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

b. Plastic containers made of HDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

c. Unless excluded by specific variances from DNR, plastic containers made of PVC shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

d. Unless excluded by specific variances from DNR, plastic containers made of LDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

e. Unless excluded by specific variances from DNR, plastic containers made of PP shall be rinsed free of product residue and caps shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

f. Unless excluded by specific variances from DNR, plastic containers made of PS shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

g. Unless excluded by specific variances from DNR, plastic containers made of other resins or multiple resins shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(10) Steel containers shall be rinsed free of product residue, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(11) Waste tires shall be placed upon the curb on the day designated for collection adjacent to the approved recycling bin.

**(n) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

(1) Owners or designated agents of multiple-family dwellings which are not service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Subsection (i)(5) through (15) of this ordinance:

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 recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

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

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

**(o) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

(1) Owners or designated agents of non-residential facilities and properties which are not service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Subsection (i)(5) through (15) of this ordinance:

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 recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.

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

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

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

**(q) Anti-scavenging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

**(r) No Dumping.**

(1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Turtle or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

(2) No person shall place for collection any garbage at the curb not owned or occupied by such person.

**(s) Non-disposable Materials.** It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses and medical

wastes. All such wastes shall be taken to a licensed disposal facility for proper disposition.

(t) **Garbage from Outside of Municipality.** It shall be unlawful to bring refuse for disposal (and recyclables) from outside the municipal limits into the Town of Turtle unless authorized by agreement with the municipality.

(u) **Hauler Licensing.** No person shall engage in the business of hauling recyclables within the Town of Turtle without being licensed by the Wisconsin Department of Natural Resources.

(v) **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Turtle that have been separated for recycling. In addition, haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall keep materials in marketable condition.

(w) **Right to Reject Materials.** Haulers who collect solid waste or recyclables in the Town of Turtle shall have the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance or in educational material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection. Haulers also have the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items in writing. Haulers shall also keep a list of such occurrences and provide it to the Town of Turtle quarterly.

(x) **Hauler Permits.** Haulers who collect solid waste or recyclables in the Town of Turtle for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Turtle.

(y) **Hauler Records.** The recycling haulers and processors operating in the Town of Turtle shall be required to maintain records and report in writing to the Town Clerk at least twice each year, at such times as shall be designated by the Town Board. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town of Turtle; the amount of solid waste and recyclables processed and/or marketed by item type from the Town of Turtle; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

(z) **Processing Facilities.** Any hauler operating in the Town of Turtle shall not transport for processing any recyclables to a processing facility unless the hauler notifies the Town of Turtle which facility the hauler is using and the facility has self certified with the Wisconsin Department of Natural Resources.

(aa) **Fees for Service Recipients.** The Town Board of the Town of Turtle shall establish fees for service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per unit basis and be charged as a line item on taxes pursuant to Section 66.0627 of the Wisconsin Statutes on a yearly basis.

(bb) **Ownership of Recyclables and Refuse.** Recyclable materials and refuse, upon placement at the roadside, shall remain the property and responsibility of the service recipient. Recyclable materials and solid waste, upon collection by any permitted hauler, shall become the property of the hauler.

(cc) **Additions and Exemptions to Recyclables.** The Town Board of the Town of Turtle reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclables in accordance with state law and to either add or delete them from any collection services provided by the municipality or its haulers. The municipality shall provide written notice to its service recipients of this declaration.

(dd) **Collection Schedule.** The Town of Turtle shall establish the time of collection of solid waste and recyclables for all service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program and the Town Clerk or the designated hauler shall provide written notice of the collection schedule to all service recipients at least once in the spring and fall of each year and at any time when the collection schedule is changed.

(ee) **Specified Containers.** All service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall comply with the following requirements:

(1) Solid waste shall be placed for collection in plastic bags and/or standard garbage cans, not to exceed 50 pounds per container or 30 gallons, and contained in a manner to avoid litter.

(2) Recyclables shall be placed in the approved recycling bin except for lead acid batteries and waste oil which shall be placed immediately adjacent to such bin. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials shall be placed in an open paper bag or an open corrugated cardboard box and set out on top of or adjacent to the recycling bin, clearly separated from the non-recyclable solid waste.

(3) All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the roadside longer than 12 hours thereafter.

(ff) **Placement of Recyclables and Solid Waste for Collection.** Except as otherwise specifically directed or authorized by the Town Board of the Town of Turtle, all service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall place solid waste and recycling containers at the mailbox adjacent to the premises owned or occupied by the person. Materials shall be placed out for collection according to the scheduled days established by the Town of Turtle.

(gg) **Provide Space for Recycling.** A person in the Town of Turtle owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

(hh) **Special Materials.** Service recipients under the Town of Turtle's Roadside Recycling and Refuse Collection Program shall contact the designated hauler when they have couches and bulky items and arrangements for collections will be made. Small quantities of building materials (lumber, plaster board, etc.) from household remodeling or repair shall be accepted by the designated hauler if placed in standard garbage cans and if the weight per container does not exceed 50 pounds. All lumber must be cut in lengths not to exceed four feet. Loose building materials shall not be subject to collection by the designated hauler.

(ii) **Enforcement.**

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Turtle may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, and any records related 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 Turtle who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

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

## **Section 17.02 REGULATION OF RECLAMATION HAULERS**

(a) **Purpose.** The purpose of this ordinance is to prevent the uncontrolled transportation and application or dumping of garbage, sludge, septage or other refuse

which can interfere with the enjoyment of and reduce the value of private property, create safety or health hazards to the residents of the Town, interfere with the comfort and well-being of the people, constitute a public nuisance, and cause damage to the Town's roadways.

(b) **Definitions.** In this ordinance, the following words or phrases have the designated meanings set forth in this section:

(1) "Application" includes, but is not limited to, unloading, throwing away, discarding, emptying, spraying, abandoning, discharging, burying waste, garbage, refuse, septage, or sludge on, into or under any property or lands, whether publicly or privately owned, within the Town of Turtle.

(2) "Garbage" is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

(3) "Municipality" is any city, village, town or sanitary district.

(4) "Reclamation hauler" is any person or other legal entity who applies waste, garbage, refuse, sludge or septage in the Town of Turtle and who is licensed by the State of Wisconsin for the application of these materials.

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

(6) "Septage" is a wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms as those terms are defined in Chapter NR113 of the Wisconsin Administrative Code or its successors.

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

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

(c) **Permit Required.** No reclamation hauler shall apply waste, garbage, refuse, sludge or septage or allow such application within the Town of Turtle unless a permit to engage in such application is first obtained from the Town of Turtle under the conditions prescribed herein. The permit shall be for the calendar year unless otherwise directed by the Town Board. Renewal must be obtained for at least one month before expiration.

(d) **Permit.** A permit to apply garbage, sludge, septage waste, or other refuse within the Town of Turtle shall be obtained from the Town Clerk. The applicant shall supply the following information:

- (1) A description of the material to be transported, applied or dumped;
- (2) The quantity of material to be transported, applied or dumped; and
- (3) A description of the lands on which it will be applied or dumped.

(e) **Notice and Public Hearing.** Before issuing a permit, the Town Board shall hold a public hearing. Notice of such hearing, specifying the time, place and the matter to come before the Town Board shall be given as a Class 2 notice pursuant to Ch. 985 of the Wisconsin Statutes. In addition, if the hearing is in connection with a permit for the application of sludge or treated septage on land within the Town of Turtle, the Town Clerk shall give notice of the hearing in writing to all property owners within 1000 feet of the land in question at least ten days prior to the hearing. Such notice may be given by first class mail, and shall be deemed given when placed in the mail.

(f) **General Regulations.** Reclamation Haulers who are permitted to engage in application operations shall be subject to the following regulations:

(1) The application operations must be conducted in such a way as to not constitute a public or private nuisance.

(2) Reclamation Haulers engaged in application operations must conduct the operations in such a way that dust, dirt, debris, or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for application operations.

(3) Reclamation Haulers engaged in application operations shall observe all applicable state laws and administrative regulations of any state agency which pertain to the subject of this ordinance. No material disposed of on land in the Town of Turtle shall contain hazardous materials as defined by the Federal Conservation and Recovery Act.

(4) Reclamation Haulers must obtain all necessary permits from the Wisconsin Department of Natural Resources including, but not limited to, those required under Chapter NR113 of the Wisconsin Administrative Code or its successors.

(5) No application of garbage, sludge, septage, waste or other refuse shall occur within 500 feet of a residence unless the Reclamation Hauler has the permission of the owner or occupant for application closer to the residence.



(6) Any vehicles used for transportation of garbage, waste, sludge, septage or other refuse must be so designed as to prevent the dropping of any of said materials on the highways or roadways within the Town.

(7) Any garbage, sludge, septage, waste or other refuse dropped on a highway or road within the Town must be removed by the Reclamation Hauler within four hours of the time such material was dropped.

(g) **Permit Fee.** Any reclamation hauler granted a permit under this ordinance shall pay a fee to be determined by the Town Board. Such fee shall be sufficient to compensate the Town for its expenses incurred in administering this ordinance and for any reasonably anticipated road damage resulting from the hauling of garbage, sludge, septage, waste and other refuse.

(h) **Penalties.** Any person, firm, corporation or municipality who shall violate any provision of this ordinance shall be fined by a fine of not less than \$100.00 nor more than \$5,000.00 for each day that the violation continues, or by imprisonment in the County Jail, or by both such fine and imprisonment. The Town may also seek injunctive relief to prevent the continuation of any such violation.

(i) **Enforcement.** In the event the building inspector of the Town of Turtle finds that this ordinance has been violated in any way, he or she shall have the authority to suspend any permit granted hereunder pending review by the Town Board at its next regular meeting.

(j) **Revocation.** Any permit issued hereunder may be revoked after public hearing held upon the publication of a Class 1 notice by the Town Board. Such revocation may occur if any of the conditions necessary for the issuance of the permit or any terms of this ordinance are violated by the person, firm, corporation or municipality holding the permit.

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

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

## Section 17.03

## MINERAL AND MINE ORDINANCE

(a) **Statement of Purpose.** In order to protect the health, safety, and general welfare of the citizens of Rock County, the Town of Turtle does hereby enact this ordinance to reserve and protect the mineral deposits of the Town of Turtle and to provide methods for the regulation of mineral extraction.

This ordinance recognizes that minerals are fixed in location, are rare, and are nonrenewable in nature. In order to prevent noncompatible land uses from denying the benefits of these materials to the citizens of the Town of Turtle, to protect mineral deposits near urban centers, to prevent unwise patterns of development, to assure growth opportunities and environmental management techniques available, this ordinance is enacted.

(b) **Definitions:**

- (1) Mineral shall mean a naturally occurring element or combination of elements that occur in the earth in a solid state, but shall not include soil.
- (2) Mining shall mean all or part of the processes involved in the extraction and processing of mineral materials.
- (3) Operator shall mean any person or agency either public or private, engaged in or who has applied for a permit to engage in mining, whether individually, jointly, or through subsidiaries, agents, employees, or any person engaged in managing or controlling a mining operation.
- (4) Structure shall mean any building, whether for human habitation or not.
- (5) Board shall mean the Town Board of the Town of Turtle.
- (6) Waste shall mean all accumulation of waste mined material and overburden placed on the land surface, whether above or below water.
- (7) Person shall mean an individual, partnership, cooperative, corporation or agency, either public or private, or any group of persons, whether incorporated or not.
- (8) Reclamation Plan shall mean the operator's proposal for the reclamation of the project site which must be approved by the Town Board under this ordinance prior to the issuance of the mining permit.

(9) Mining Permit shall mean the Town mining permit required by this ordinance. It does not replace or otherwise eliminate the need to apply for state mining permits such as are required under the Wisconsin Statutes.

(c) **Mining Districts.** Mineral extraction or mining shall only be conducted in a Special Purpose District (SP) as provided by the Town of Turtle Zoning Ordinance.

(d) **Mining Permit Required.** In order to assure that mineral deposits are protected from noncompatible adjacent land uses and that mineral extraction operations are properly controlled, mineral extraction or mining shall only be permitted in a mining district and then only pursuant to a mining permit issued by the Town Board of the Town of Turtle.

(e) **Application for a Regular and Temporary Mining Permit.**

(1) The application for a regular mining permit shall be accompanied by information which shall include the following:

a) The names and addresses of the applicant, operator, and principal officers, and resident agent of the business if other than a single proprietor.

b) A legal description and map and/or aerial photograph of the tract or tracts of land to be involved and affected by the proposed operation.

c) The map and/or aerial photograph and accompanying materials shall indicate:

(i) Boundaries of the affected and adjacent lands;

(ii) Surface drainage of the affected land;

(iii) Location and names of all streams, roads, railroads, utility lines and pipelines on or immediately adjacent to the area;

(iv) Location of all structures within one thousand feet of the outer perimeter of the area, present owners and occupants of such structures;

(v) Names of the owners of the affected and adjacent lands;

(vi) Proposed location, area extent, and depth of intended mine excavation;

(vii) Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining;

(viii) Estimated depth to groundwater;

- d) A description of the mining and processing equipment to be used;
- e) A description of measures to be taken to control noise and vibrations from the operations;
- f) A description of the anticipated hours of operation;
- g) A description of measures to be taken to screen the operation from view;
- h) Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property;
- i) A description of the plans for topsoil storage;
- j) A reclamation plan which shall include:
  - (i) A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and revegetation where applicable, and erosion control, and alternative future land uses;
  - (ii) Description of topsoil stripping and conservation during storage and replacement;
  - (iii) Plan and description of anticipated final topography water impoundments and artificial lakes on the property;
  - (iv) Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining;
  - (v) A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations;
  - (vi) The estimated cost of reclamation for the total project.

- k) The duration of the lease, if any, on the land;
  - l) A timetable of the commencement, duration, and cessation of the mining operations;
  - m) Any and all mining permits held by the applicant within the state;
  - n) Such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area, including the mining reclamation plan;
  - o) The signature of the applicant and date of signature;
  - p) The application shall be accompanied by a fee, the amount of which shall be determined by the Town Board.
- (2) The Board may vote to waive or modify any requirement for information requested under the terms of this Section.
- (3) Unless the Board votes to waive or modify any requirements of this Section, the Application shall not be accepted or deemed to be accepted unless all of the information required by this section is supplied by the applicant. In the case of an incomplete application, the review and decision on the application shall not commence and no mining permit shall be issued.

(f) **Review and Decision on the Application for a Mining Permit.** A permit for mineral extraction may be approved by the Town Board pursuant to the following procedures:

- (1) Upon receipt of the application and support information, the Board shall:
  - (a) Review the application for completeness and accuracy. The Board may request assistance from the Planning Commission of the Town of Turtle.
  - (b) The Town Board shall hold a public hearing within 90 days of the date a complete application is filed with the Town. Notice of the public hearing shall be published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes. Notice of the time, place, and purpose of such public hearing shall also be sent to the applicant. If the proposed mining operation is within one-fourth mile of any other jurisdiction, the clerk of that governmental unit shall also be notified. All owners of land, as determined

by owners of record in the current tax description records, within 1000 feet of the proposed site shall also be notified.

(c) The public hearing may be recessed for a reasonable amount of time, as determined by the Board, if the Board feels that additional information or study is needed. The hearing shall be conducted and a record of the proceedings shall be made according to procedures as the Board shall prescribe.

(2) The Board may approve an application for a mining permit when the application, in addition to all other requirements, meets the following standards listed below:

(a) That the establishment, maintenance, or operation of the mining operation shall not endanger the public health, safety or general welfare;

(b) That the establishment, maintenance, or operation of the mining operation will not substantially affect the existing use of adjacent property, and will not have a substantially adverse effect on the long-term future use of the adjacent property.

(c) That adequate utilities, access roads, drainage, traffic plans, and other site improvements will be provided;

(d) That the mining operation shall conform to all governmental regulations;

(e) That the mining operation shall conform to applicable air and water quality standards;

(f) That the noise, vibration, and dust levels at the property lines be within the levels determined by the Board;

(g) That an undeveloped buffer zone be provided, commencing not less than 20 feet from the property line of the mining site or such other distance as the Board finds necessary for the protection and safety of adjacent property from mining;

(h) Where deemed practicable and necessary by the Board, an earth bank or vegetative screen shall be erected and/or maintained to screen the mining operation from view;

(i) Each mining operation shall install a security gate or gates at entrances with warning signs as deemed necessary by the Board.

- (j) Such other standards that the Board deems necessary.
- (3) The Board may grant, grant with conditions attached, or deny the application for a mining permit within a reasonable time after the public hearing. Prior to granting, granting with conditions attached, or denying the mining permit, the Board shall make findings of fact based upon the evidence presented that the standards of this ordinance will or will not be met.

(a) Upon approval of the application, the Board shall notify the applicant in writing of the decision and establish the amount of bond necessary to assure reclamation of the affected land according to the reclamation plan. Upon receipt of the established bond from the applicant, the Board shall issue a mining permit. Whenever the Board has a reasonable basis to find that a permit holder may have committed a violation of this permit or this ordinance, it may proceed with 1) forfeiture action in Municipal Court, 2) Circuit Court action for injunction, forfeiture, or compliance, 3) revocation of the permit; and/or 4) any combination of the three actions above. No permit may be revoked without a public hearing after reasonable notice to the public and the permit holder.

The applicant shall commence significant development of mining operations within two years of the date of issuance of such permit. At the written request of the Board the applicant shall submit proof in writing of the significant development of mining operations.

(b) The Board may approve the mining permit with conditions attached to the permit in writing. Such conditions may cover such subjects as control of operations, bonding and surety mechanisms, periods of operation, access, and any other standard or requirement listed under the terms of this ordinance. A violation of the conditions attached to this permit shall be a violation of this ordinance and shall be subject to the penalty provisions contained in this ordinance. Any conditions attached to the mining permit shall apply to heirs, assigns, transferees, or successors in interest to the applicant for such permit.

(c) No application which has been denied may be resubmitted for six months from the date of denial, except for new evidence, change of conditions, or such other reason as the Board may accept.

(g) **Bonding and Other Security Mechanisms.**

- (1) Prior to the issuance of a mining permit, the operator, if required by the Board, shall deposit with the Board a bond conditioned on faithful performance of all the requirements of this ordinance and all the rules of the Board. The bond shall be in an amount and of a kind to be determined by the Board and shall cover the costs of reclamation.
- (2) Any operator who obtains a mining permit from the Board on more than one project site within the Town may elect, at the time the second or any subsequent site is approved, to post a single bond in lieu of separate bonds on each site. A single bond so posted shall be in an amount equal to the estimated cost of reclaiming all sites the operator has under each of the operator's mining permits. When an operator elects to post a single bond in lieu of separate bonds for individual sites, the separate bonds shall not be released until the new bond has been accepted by the Town Board.
- (3) The Board shall review the bond from time to time and may request the operator to increase the amount of the bond if the Board does not believe it is sufficient.
- (4) The operator may file with the Board a request for release of bond at such time as the operator feels that all reclamation has been satisfactorily completed on any or all of the affected lands. Such request for release of bond shall include the name and address of the operator, the permit number, a legal description of the area, and a final reclamation report on the area for which the release of bond is requested. The final reclamation report shall contain the following information:
  - (a) Name and address of the operator, permit number, and legal description of the land;
  - (b) A map and/or aerial photograph on which the operator shall indicate the final contours, slope angles of the affected land, surface water drainage and ponds, and the locations of any remaining structures and roads;
  - (c) A description of reclamation activities leading to completion of the approved reclamation requirements including: topsoil disposition and thickness, revegetation practices, disposition of waste dumps, tailing ponds, and surface structures, haulage and access roads, sediment control practices, and maximum depth of artificial lakes or ponds;



(d) Operators of all underground mineral extraction operations shall also submit a complete plan of all entries, workings, and levels as well as a description of the sloping and ground support methods at the cessation of operations;

(e) Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the advisability of returning the operator's bond.

Final release of the bond shall not occur until the operator files a final reclamation plan under the terms of this ordinance.

(5) Upon receipt of a request for release of the bond, the Board shall:

(a) Inspect the designated lands;

(b) Publish a Class 2 notice under Chapter 985 of the Wisconsin Statutes that the release of bond application is pending and specify a 30-day period for filing of complaints with the Board against the release of bond;

(c) Publish a Class 2 notice under Chapter 985 of the Wisconsin Statutes of a public hearing at such time and place as the Board determines to consider the request for release of bond and make a determination on the validity of complaints. The notice required in part (5)(b) of this section and this subsection may be published at the same time, but in all cases the public hearing shall be held at least 30 days after the notice required in part (5)(b) of this section;

(d) If the reclamation is found to be satisfactory and all valid complaints have been satisfied, the Board shall release the appropriate amount of bond 30 days after the public hearing.

(e) If the reclamation is found to be unsatisfactory, the Board shall so notify the operator by registered mail setting forth the reasons for denial of release of bond and the corrective action necessary for release of bond.

(6) Nothing in this section shall be construed to infringe upon the Board's authority to take appropriate action on bonds, including forfeiture of all or part of the bond for cause. Forfeiture shall not be approved by the Board unless there has been publication of notice and a public hearing held consistent with the terms of this ordinance.

- (7) The mining operator shall maintain a public liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin which affords personal injury and property damage protection for any individual and for adjacent property for the term of the permit or permit renewal. The total amount of the insurance shall be determined by the Board.
  - (8) Each operator shall notify the Board of cessation of all mining activity at the project site no later than 60 days before operations are to cease. Such notice shall indicate the operator's name, address, and permit number.
  - (9) The requirements of this section shall apply to the successor in interest to the operator upon the sale or transfer of assets of the mining operation.
- (h) **Existing Mining Operations and Expansion of Mining Activities.**
- (1) Any operator producing mineral materials from a mining operation at the date of enactment of this ordinance shall not need a mining permit to continue mining.
  - (2) Any operator who holds any mining permit issued under the terms of this ordinance or who operates a pre-existing mine under paragraph (1) of this section shall apply for a mining permit if:
    - (a) the mining and processing equipment used in the operation changes substantially; or
    - (b) the normal hours of operation increase substantially; or
    - (c) the amount of noise, vibration, and dust from the operation increases substantially; or
    - (d) the extent of the area of the mining operation increases beyond the limits of land designated or held for that purpose at the time of adoption of this ordinance; or
    - (e) any other substantial increase in the mining or method of operations at the mining site, as determined by the formal decision of the Board.
  - (3) The Board, when considering the application for a mining permit, shall consider the effect of the total mining operation, including reclamation of the entire site, to the extent feasible.

(i) **Change, Renewal, and Transfer of Mining Permits.**

(1) An operator holding a mining permit may at any time apply to the Board for amendment, cancellation, renewal, transfer or change in a the mining permit or reclamation plan, provided that:

(a) This section shall not include an expansion of a mining operation which is subject to another section of this ordinance.

(b) This section shall not include a removal of mined land from an approved permit, which is subject to another section of this ordinance.

(c) This section shall not include a release of a bond or other security mechanism, which is subject to another section of this ordinance.

(2) The application for the amendment, cancellation, or change shall be submitted to the Board which shall approve, approve conditionally, or deny the application subject to the following standards:

(a) The operator shall identify the tract of land and shall supply the permit number of the project to be removed from the project site or to be affected by any change in the mining operation or reclamation plan;

(b) If the application is to change a permit for a tract of land which has had no mining operations conducted upon it, the Board shall ascertain by inspection that no mining has occurred. After so finding, the Board shall order the release of any bond or security instrument and shall amend the mining permit to reflect the removal of the unmined land from the project site;

(c) Such other standards consistent with the terms of this ordinance which provide for proper amendment, cancellation, and change to the permit.

(3) No operation shall assign, sell, lease or transfer in any manner any rights granted under a mining permit until the succeeding operator has complied with all the requirements of this ordinance, including all requirements of the reclamation plan and the filing of a bond of like amount with the Board. Upon compliance with the requirements of this ordinance, the Board shall release the first operator from the requirements of this ordinance, including any bond, and transfer the permit to the successor operator.

- (4) Any application granted with conditions attached under the terms of this section shall have the conditions attached in writing to the document of approval. Such conditions may cover any standard or requirement listed in this ordinance. A violation of the conditions shall constitute a violation of this ordinance, subject to penalties listed in this ordinance.

(j) **Inspections.**

- (1) Upon issuance of a mining permit, the Board or its approved agents may inspect the project site to determine compliance with the requirements of this ordinance. Inspections may also include the required records of a mining operation.
- (2) Such inspection shall be at reasonable times with notice provided to the operator.

(k) **Penalties.**

- (1) Whenever the Board finds a violation of this ordinance at a mining operation in the Town of Turtle, including unapproved deviation from the reclamation plan, it shall be recorded and the Board shall send the operator by registered mail an order specifying the nature of the violation, time of violation, and corrective steps necessary to achieve compliance with this ordinance.
- (2) The Board shall cancel the mining permit held by a mining operator who fails to comply with the order within 30 days after the order is served or such longer time as is contained in the order.
- (3) Any person, firm, corporation, cooperative, operator, or any other group of persons convicted in a court of law of engaging in a mining operation without a valid permit from this jurisdiction shall be required to forfeit not less than \$250.00 nor more than \$500.00 per day for each and every day the operation is found to be in violation of this ordinance.
- (4) Compliance with the terms of this ordinance may also be enforced by injunctive order at the suit of the Turtle Town Board.

(l) **Explosives and Blasting Agents.** The storage, handling and transportation of explosives, as defined in Chapter Ind. 5 of the Wisconsin Administrative Code, on the site of the mine shall be governed by Wisconsin Administrative Code Ind. 5. All persons preparing explosive charges or conducting blasting operations must be licensed pursuant to Section Ind. 5.12.

(m) **Bonding Roadways.** All persons licensed to conduct mining operations in the Town of Turtle shall furnish to the Town, on request, a bond for road repair or replacement which will indemnify the Town from damages to Town roads from mining operations of the permit holder. The amount of the bond shall be determined by the Town Board. Such a roadway bond may be in addition to any other bond furnished under this ordinance. The road repair indemnification may also be taken from any other bond filed under this ordinance.

(n) **Modifications.** Any future amendments, revisions or modifications of the Wisconsin Statutes and Wisconsin Administrative Code incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of the activities defined herein.

(o) **Conformity.** The Town Board in adopting this ordinance has the intention of drafting its provisions to be in strict conformity with the state statutes. It is the intention of the Town Board that courts will construe this ordinance to be in strict conformity unless the language compels a different construction.

(p) **Severability.** It is the intention of the Town Board that each section, paragraph, sentence, clause and provision of this ordinance is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the ordinance nor any part thereof other than that affected by such

## Chapter 18 - LAND REGULATIONS

### Section 18.01 LAND DIVISION REGULATIONS

#### (a) Policy and Purpose.

(1) **Policy.** The Town Board of Supervisors of the Town of Turtle (hereafter called "Town") does ordain as follows: to have lands put to appropriate uses, respecting the physical characteristics of sites and areas, and to have development occur in an orderly, planned, efficient and environmentally sound manner. The Town of Turtle Land Division Regulations are adopted to achieve these policies.

(2) **Purposes.** The specific purposes of these regulations are the following:

a. To prevent or limit, as appropriate, the land division of sites that are physically unsuited to the intended use for reasons of hazard from fire, flood, poor drainage, instability or other similar hazard.

b. To gear land division and resulting land use change to the physical character of sites.

c. To identify the needs of proposed land divisions for public services, such as streets, sewage and water supply service, drainage facilities, park and recreation facilities, and the like, and to assure that such services will be available if and when the development occurs.

d. To guide the design of land divisions so that lots are usable for their intended purpose, streets are designed and constructed to perform their functions safely and efficiently, drainage and similar problems are anticipated and responsibly addressed prior to project development.

e. To assure that land divisions and associated land use changes conform to the duly adopted Town of Turtle Land Use Plan.

f. To afford flexibility, principally through planned unit development provisions, for adaptation of designs to new public concerns such as clustering, energy conservation, and protection of open space in land layout.

g. To accomplish the following additional purposes:

1. to promote the public health, safety, convenience and general welfare of the Town and its residents;

2. to lessen congestion in the streets and highways and to further the orderly layout and use of land;

3. to secure safety from flood, fire, panic and other dangers, and to provide adequate light;

4. to prevent the overcrowding of land and to avoid undue concentration of population;

5. to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, and other public facilities with sufficient capacity to serve proposed developments;

6. to adequately facilitate the further resubdivision of larger tracts into smaller parcels of land;

7. to establish reasonable design and procedural standards that will promote the character of the Town with a view to conserving the value of the buildings placed on the land;

8. to provide a quality environment for human habitation and for encouraging the most appropriate use of land throughout the Town;

9. to encourage planned and orderly development and to protect property values and the property tax base;

10. to encourage the design of land divisions in accordance with the character and adaptability of the natural resources;

11. to protect the beauty and amenities of landscape and man-made developments and to provide healthy surroundings for family life;

12. to promote the efficient and economical use of public funds and avoid hazards of soils and topographic conditions;

13. to provide for the proper location and width of street and building lines and the circulation of traffic throughout the Town;

14. to provide for safe ingress and egress from lots and ensure proper description and monumenting of divided land;

15. to prevent the pollution of air, streams and ponds and manage drainage facilities for the immediate development as well as those downhill;

16. to minimize the costs of providing public facilities necessary to serve additional needs created by the people brought into the community by new land divisions; and

17. to accomplish the purposes identified in sections 236.01 and 236.45 of the Wisconsin Statutes.

**(b) Interpretation.** The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**(c) Authority, Jurisdiction and Applicability.**

**(1) Authority.** This Ordinance is adopted pursuant to legislation contained in sections 60.22(3), 61.34(1), 66.55, 236.03, 236.45 and 703.27(1) of the Wisconsin Statutes.

**(2) Jurisdiction.** This Ordinance applies to new land divisions that are created for the purpose of sale, transfer, development or conduct of business in the Town.

**(3) Applicability.**

a. This Ordinance applies to all lands in the Town. The Town Board shall be responsible to administer this Ordinance.

b. No person, unless exempt from this Ordinance, shall divide or create a land division of any land in the Town unless the final land division, plat or map shall be approved by the Town Board.

c. In no instance shall the provisions of this Ordinance apply to:

1. cemetery plats made under section 157.07, Wis. Stats.
2. transfers of interests in land by will or pursuant to court order.
3. assessor's plats made under section 70.27, Wis. Stats.
4. leases for a term not to exceed 10 years, mortgages or easements.
5. the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or other applicable laws or ordinances.



d. No Building Site Permit shall be issued for any lot if the lot or parcel is not in conformity with the Ordinance, applicable State Land Division Statutes, or Administrative Codes. Building Site Permits shall be denied if conditions of approval are not met. Building Site Permits shall be withheld until erosion control measures are in place as provided in the erosion control plan for the land division. No excavation or construction of any public or private improvements shall take place except in conformity with these regulations and with all conditions imposed hereunder.

e. In the case of a lot split, or sale of land between adjoining owners, the Town Board may waive the certified survey map requirement if it is not in conflict with the purpose of this Ordinance. In addition, where there is a proposed lot split or a sale between adjoining owners, the Town Board may waive the requirements of a certified survey map if the land being transferred is less than fifty feet wide and if the resulting lots are not reduced below the minimum lot size required by this Ordinance, providing that evidence is given to the Town Board that the new lot line has been staked by a registered surveyor. This evidence shall be in the form of a plat of survey marked to show the new lot line and stamped by a registered land surveyor, and such evidence shall be submitted to the Town Board for review and approval, prior to the recording of the instrument which transfers the land. The criteria used to determine the appropriateness of a waiver are as follows:

1. The parcel being increased in size has previously been platted or surveyed.
2. The land to be transferred will be part of a lot with minimum road frontage.
3. The land to be transferred is a size and configuration that does not easily lend itself to becoming a buildable parcel.
4. The following restriction is attached to the deed and plat of survey associated with the proposed transfer: "This parcel cannot be used as a separate building site or for buildings which produce wastewater."

Existing lots recorded prior to the date of the adoption of the Ordinance shall be issued a Building Site Permit upon approval of a Sanitary Permit. The building site permit shall have a drawing showing proper setbacks, lot lines, lot size and that the proposed building is located in accordance with these respective Land Regulations.

f. The Town Board may waive the Certified Survey Map requirement for the sale, gift or trade of land between adjoining land owners when no new lot is created and when both lots after the transfer are within minimum lot size requirements if evidence is given to the Town Board that;

1. the new lot line has been staked by a registered land surveyor.

2. a plat of survey containing a deed restriction shall be filed with the deed in the Register of Deeds Office with a restriction on the transferred land permanently prohibiting the grantee and successors in interest from transferring said land separately from the adjoining parcel owned by the grantee.

(d) **Amendments.** The Town Board may from time to time amend the provisions imposed by these Land Division Regulations. A public hearing on all proposed amendments shall be held by the Town Board as provided in section 236.45 of the Wisconsin Statutes.

(e) **Abrogation, Greater Restrictions, Severability and Repeal.**

(1) **Conflict with Public Provisions.** This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provisions of law. Where any provision of these regulations imposes a restriction similar to those imposed by any other provision of these regulations or any other ordinance, rule, regulation, whichever provision is more restrictive or imposes higher standards shall control.

(2) **Conflict with Covenants.** These regulations are not intended to abrogate any easement, covenant, private agreement or restriction. Where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, private agreement or restriction, the more restrictive shall control.

(3) **Severability.** Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any provision is held unconstitutional or invalid for any reason, such determination shall not affect the remainder of this Ordinance.

(4) **Repeal.** All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

(f) **Title and Effective Date.**

(1) **Title.** The Ordinance shall hereafter be known, cited, and referred to as the Town of Turtle Land Division Regulations.

(2) **Effective Date.** This Ordinance shall be effective October 15, 2005, after adoption by the Town Board.

(g) **Enforcement.**

(1) **Violation.** It shall be unlawful:

a. for any building or structure to be erected, constructed, placed or moved in violation of the provisions of this Ordinance;

b. to fail to comply with any provision of this Ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted under this Ordinance;

c. for any land to be divided except in compliance with the terms of this Ordinance and with the terms of applicable state laws;

d. for any person to create any land division or to offer or contract to convey or to convey any land division or any lot or parcel within a land division without first having the land division reviewed, duly approved by the Town pursuant to this Ordinance and recorded with the Register of Deeds, except that an offer or contract to convey may be made or entered into if the offer or contract to convey states on its face that it is contingent upon final Town approval of all land divisions necessary to effect the transaction and that it shall be void if such approvals are not granted;

e. for any person to cause to be recorded with the Register of Deeds a subdivision plat or certified survey map of a land division without having the map or plat approved by the Town pursuant to this Ordinance; or

f. for the owner of lands in a land division approved by the Town to fail to place monuments or construct improvements of the land division as prescribed in the approved map or plat.

**(2) Responsibility.**

a. Owners of lands or properties, occupiers of land or premises, and agents of owners or occupiers including without limitation because of enumeration, building contractors, surveyors, engineers, architects, planners, plumbers, installers, soils technicians, road builders, grading and excavating contractors and their agents, and lending institutions and insurers and their agents are responsible for compliance with all provisions of this Ordinance which bear upon their area of competency and responsibility.

b. Any such party who violates or aids or abets in a violation shall be liable to prosecution or remedial actions.

c. This Ordinance applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by state or federal law.

### (3) Compliance.

a. The Town Board is responsible for inspecting and investigating compliance of land division activities with the terms of this Ordinance.

b. If, upon such inspection or investigation, the Town Board becomes aware of a condition which it concludes is or is likely to become unlawful as defined in Section 18.01(g)(1), the Town Board shall immediately notify the parties who it deems to be responsible and potentially liable for the violation, pursuant to Section 18.01(g)(2). Such notice shall include:

1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or

2. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Town attorney, district attorney and/or to other enforcement officials.

c. If any enforcement demand is issued under Section 18.01(g)(3)b. of this Ordinance, is not complied with, the Town Board shall forthwith file a complaint and demand for prosecution, unless an administrative appeal has been commenced and a stay order has been issued.

d. If an enforcement demand is issued under Section 18.01(g)(3)b. of this Ordinance, and is not complied with, an injunction restraining the responsible parties from a continuance of the condition shall be requested from the Circuit Court.

### (4) Penalties.

a. **Improper Recording.** Any person causing his or her final plat to be recorded without submitting such plat for approval as required by this Ordinance, or who shall fail to present the plat for record within the time prescribed after approval, shall forfeit not less than \$100 nor more than \$1,000.

b. **Transfer of Lots Without Recorded Plat.** Any subdivider or the subdivider's agent who offers or contracts to convey, or conveys, any subdivision or lot or parcel which lies in a subdivision knowing that the final plat thereof has not been recorded shall forfeit no more than \$500. However, where the preliminary or final plat of the subdivision has been filed for approval with the Town, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.

c. **Disturbing or Not Placing Monuments.** Any of the following shall receive a forfeiture of not more than \$250:

1. Any owner, surveyor or subdivider who fails to place monuments as prescribed by this Ordinance and Chapter 236 of the Wisconsin Statutes when subdividing land.

2. Any person who knowingly removes or disturbs any such monument without the permission of the Town Board or fails to report such disturbance or removal of it.

3. Any person who fails to replace properly any monuments which have been removed or disturbed when ordered to do so by the Town Board.

**d. Other Violations.** Any land divider or his or her agent who fails to comply with any other requirements or standards of this Ordinance or with conditions of approval or to provide or maintain improvements shall forfeit not less than \$100 nor more than \$5,000. In addition, the land divider shall be responsible for the provision or maintenance of those improvements and for meeting the conditions of approval until they are accepted by the Town or homeowners association.

**(gm) Modifications.**

(1) Authority, application.

(i) Wherein the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(ii) Application for any such modification or waiver shall be made in writing, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data that may aid the Town in the analysis of the requested modification or waiver.

(2) Conditions for granting. The Town Board shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

(i) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.

(ii) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.

(iii) A particular hardship to the owner would result if the strict letter of the ordinance were carried out.

(iv) Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

(3) Granting by Town Board.

(i) The Town Board, if it approves of the modification to this ordinance, shall do so by motion or resolution and shall instruct the Town Clerk to notify the petitioner.

(ii) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town consistent with the Town Comprehensive Plan.

(iii) Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

(h) **Fees.**

(1) **Preliminary Application Fee.** At the time of Preliminary Application the land divider shall pay a fee to assist in defraying the cost of the review. The fee shall be in an amount determined by the Town Board.

(2) **Fees for Requested Variances and Appeals.** The fee for requested variances and appeals shall be an amount determined by the Town Board.

(3) **Building Site Approval.** The fee for building site approval shall be an amount determined by the Town Board.

(4) **Other Fees.** All reasonable costs incurred by the Town or its agents to properly review each land division shall be the responsibility of the land divider who shall timely pay or reimburse the Town for engineering, inspection, legal and administrative costs incurred by the Town in connection with the land division. The Town may require that all or a portion of the costs be paid in advance.

(i) **Land Division Procedures.**

(j) **Consultation.** It is recommended that prior to filing of an application for the approval of land division, the land divider consult with the Planning Commission in order to obtain an understanding of local planning procedures, regulations, and other pertinent information that may help him or her secure approval of his or her application. This consultation is neither formal nor mandatory, but is intended to help the land divider and

Planning Commission reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community.

**(k) Preliminary Application for Land Divisions.**

(1) **Application.** Prior to submitting a final land division for approval the land divider shall submit a preliminary land division application. The application shall:

a. be made on official forms available at the office of the Town Clerk; and

b. include all land which the applicant proposes to divide and the name of the owners.

**(2) Preliminary Application Map.**

a. The Preliminary Application Map shall be prepared by a licensed land surveyor at a convenient scale which shall not exceed two hundred (200) feet to the inch and must be numbered in sequence if more than one (1) sheet is used.

b. The Preliminary Application Map shall show the following:

1. Location of property by section, town name, all adjacent property parcel sizes, adjacent road right-of-way dimensions, the names of adjacent roads, current and requested zoning districts.

2. Location and dimensions of all boundary lines of the property to be expressed in feet. Subdivisions shall show topography lines at two (2) foot contour intervals.

3. The approximate location and width of existing streets, soil boring data, (if required by the Town Board), existing and proposed water bodies, regional floodplain, wetlands, railroads, cemeteries, drainage ditches, surface drainageways, detention or retention areas, bridges, rock outcroppings, areas in excess of 20% slope, and other information required by the Town Board. Subdivisions also require topography with two (2) foot contour interval.

4. The approximate location and width of all proposed streets, alleys and other public ways, and proposed street right-of-ways including proposed names, and the approximate location of existing buildings, water wells, and/or sewerage system.

5. The approximate location, dimensions, and areas of all proposed or existing lots or units. All lots, units and blocks shall be numbered for reference.

6. The approximate location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation. The location of proposed easements for such things as utilities, drainageways, and pedestrian ways shall also be shown.

7. The name and address of the owner or owners of land to be divided; the name and address of the land divider if other than the owners; and the name, address and telephone number of the land surveyor; and the proposed name of land division and signature of owner or agent.

8. The date of drawing of the maps, scale, and north arrow properly indicated.

9. The name and location of any existing or proposed lake, pond or stream.

10. An indication of the use of lots, units, outlots, and other parcels other than single-family residential.

11. The preliminary concept for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

12. The proposed time schedule for submission of construction plans and actual construction of improvements.

13. Development of lands with slopes greater than 20% shall be prohibited by a restrictive covenant to be placed on the survey map. The locations of areas with slopes ranging between 12% and 20% on proposed parcels are to be shaded as part of the preliminary land division map. These parcels shall show "Pre-Planned Lot" indicated on the final land division map. In addition, a Preliminary Pre-Planned Lot Plan shall be prepared by the applicant. The Town Board shall review and approve the Preliminary Pre-Planned Lot Plan prior to final approval of the land division.

14. The Preliminary Pre-Planned Lot Plan shall be a map prepared at a scale of one (1) inch equals fifty (50) feet. The plan shall be in accord with standards that address erosion control and minimum lot/building area requirements. It shall also indicate the location of existing buildings, building setbacks, lot configuration with approximate bearing and distances, road right-of-way locations, names of abutting roads, septic system location and reserve field systems, well locations and distribution systems, drainage easements and holding ponds, driveway location, vegetation removal, cut and fill areas to assure an adequate building site/envelope location and safe access for the future residence and emergency vehicles.



c. The lack of information under any item specified herein, or inaccurate information supplied by the applicant, may be cause of disapproval of preliminary land division. The time limits shall not commence until all information is supplied.

(3) **Reviewing Agencies.** The land divider shall submit the original plat to the Department of Administration pursuant to section 236.12(6) of the Wisconsin Statutes.

(4) **Action on Preliminary Application.**

(a) Within 90 days of receiving the Preliminary Application, the Town Board shall take action to approve, approve conditionally, or reject the Preliminary Application and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the land divider. The Town Board shall approve or conditionally approve the time schedule for submission of construction plans and the construction of improvements as part of the Preliminary Application. If the Town Board denies approval, the reasons for this denial shall be in writing and forwarded to the land divider or his agent within five (5) working days.

(b) Approval of the preliminary plat shall be conditioned upon compliance with:

(i) The provisions of Chapter 236 of the Wisconsin Statutes;

(ii) All applicable Town ordinances that are in effect when the preliminary plat is submitted;

(iii) The Town's comprehensive plan under section 66.1001 of the Wisconsin Statutes'

(iv) The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provisions for public sewer have not been made; and

(v) The rules of the Department of Transportation relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.

(5) **Construction Plan Specifications.** Construction plans and drainage plans shall be submitted as a condition of preliminary approval and prepared for all required public and quasi-public improvements at the developer's expense. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be 24" x 36". The following shall be shown:

a. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road, the elevation along the centerline of the existing road within six hundred (600) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.

b. Cross-sections of all proposed streets at one hundred (100) foot stations shall be shown superimposed on existing topography. The Commission may require cross-sections every fifty (50) feet in areas in excess of nine (9) percent slope.

c. Plans and profiles as showing the locations and typical cross-section of street pavements including drainage easements, right-of-ways, and street signs, the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, showing connection to any existing or proposed utility systems; and location and size of all water, gas, or other underground utilities or structures.

d. All specifications and references required by the Town's construction standards and specifications;

(6) **Public Improvements.** The Town Board shall require the applicant to indicate on the plan all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be extended and any other special requirements deemed necessary by the Town Board in order to conform the land division to the Town of Turtle Land Use Plan.

(7) **Covenants and Restrictions.** The Town Board shall require submission of covenants and/or restrictions when the land divider intends to create a homeowners association in conjunction with the land division. The covenants and/or restrictions are a condition of approval and shall be submitted to the Town Board a minimum of fourteen (14) days before final approval.

(8) **Effective Period of Preliminary Approval.** The approval of a preliminary land division shall be effective for a period of one (1) year at the end of which time final approval on the land division must have been obtained from the Town Board. Final land division approval by all approving agencies entitles the land division to be filed in the Register of Deeds Office and the transfer of property ownership may occur by reference to the plat or map. Any land division not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for preliminary approval. Extensions may be applied for and may be granted at the discretion of the Town Board upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur.

(9) **Environment Assessment.** The Town Board may require the developer to have a complete or partial environmental assessment prepared of the

proposed land division area, if the Town Board believes the parent parcel contains an environmentally sensitive area. No physical work shall be started on the land division improvements until the Town Board has approved the consultant and environmental assessment. The developer may be required by the Town Board to have an independent third party consultant prepare the environmental assessment to identify any environmentally significant areas and their significance, in a written report provided directly to the Town Board. The consultant shall prepare an environmental assessment of the area of concern. The developer shall submit the professional credentials of the consultant to the Town Board. The Town Board may require the design of the land division around these areas as part of the land division and may require they be left in their natural state.

**(l) Final Land Division.**

(1) **Procedure and Requirements.** Following the approval of the preliminary application, if the applicant wishes to proceed the applicant shall submit the proposed final land division to the Town Board for review and consideration. The final plat must be submitted within 36 months after the last required approval of the preliminary plat. If it is submitted later than 36 months, the Town Board may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. The land division shall:

a. Conform with the conditions of approval and provisions of sections 236.20 and 236.34 of the Wisconsin Statutes and be submitted to the Town Board;

b. Include the entire land division, or section thereof, which derives access from an existing state, county or local highway;

c. Be accompanied by one (1) copy of the land division and the final construction plans, as described in these regulations;

d. Substantially comply with approved preliminary land division;

e. Be accompanied by a written financial agreement, if required, in a form satisfactory to the Town Attorney in amounts approved by the Town Board for improvements required by the Town. The method of financing shall comply with all the terms of final approval and shall assure the performance of all required improvements. All offers of dedication shall be irrevocable and shall offer title free and clear of all liens and encumbrances; and

f. Be accompanied by written assurance from the public utility companies that necessary utilities shall be installed or proof that the applicant has submitted petitions in writing for the extension of any utility districts. The utility

company or its agent shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities within a reasonable time after completion of installation.

**(2) Certified Survey Map or Subdivision Plat Requirements.**

a. The land divider may plat or map by certified survey all or only part of the area required in Section 18.01(k) of this Ordinance.

b. The certified survey map or plat shall be at a scale that shall not exceed two hundred (200) feet to the inch and show (in addition to that required by sections 236.20 and 236.34 of the Wisconsin Statutes) the following:

1. railroad right-of-way or easements along, within or abutting the map or plat;

2. all lands reserved for future public acquisition or reserved for the common use of property owners within the area;

3. special restrictions required by the Town Board related to access control along public ways;

4. proposed utility easements identified with the notation “U.E.”;

5. the regional flood line when this information is available;

6. the exact location of the land division indicated by distances and bearings with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the land division is situated and a corner established in the U.S. Public Land Survey that establishes one end of this line;

7. a notarized certificate by the owner of the land in substantially the form found in section 236.21(2)(a) of the Wisconsin Statutes that indicates the rightful owner(s) have caused the land to be surveyed, divided, mapped, and/or dedicated; and

8. covenants and restrictions previously reviewed and approved by the Town Board.

**(3) Final Review.**

a. The Town Board shall review the final land division as to meeting the requirements of these regulations and the conditions of preliminary approval.

b. If the final plat substantially conforms to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.

c. A professional engineer, a planner, or another person charged with the responsibility to review plats, shall provide the Town Board with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation or approval of the final plat. The conclusions and recommendation shall be made part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing. The cost of the professional engineer, planner, or other person charged with the responsibility to review plats, shall be paid by the Developer.

d. The Town Board may employ a surveyor to make field checks according to state standards for the accuracy of survey, proper kind and location of monuments, legality and completeness of the drawings, and may check and compare the certified survey map or final plat with the preliminary subdivision which received tentative approval. The cost of the surveyor shall be paid by the Developer.

(4) **Zoning Regulations.** Every land division shall conform to existing zoning regulations. The dimensions of all lots shall meet the minimum standards of the zoning district in which the property is located.

(5) **Approval and Objecting Agencies.** To entitle a final land division to be recorded at the Register of Deeds Office, the land divider must obtain all approvals from approving agencies and all objections from objecting agencies shall be eliminated by the land divider prior to final approval of the Town Board.

a. Approving agencies are:

1. Any municipalities where the land division lies within the extraterritorial plat approval jurisdiction of the municipality; and

2. Rock County Planning and Development Agency.

3. Objecting Agencies are:

i. State of Wisconsin Department of Commerce if the subdivision is not served by public sewer and provision for public sewer has not been made;

ii. State of Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting highway; and

iii. State of Wisconsin Department of Natural Resources when the lands included in the plat lie within 500 feet of the ordinary high

water mark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in section 236.16 of the Wisconsin Statutes.

**(6) Approval or Denial.**

a. The Town Board shall approve the certified survey map, subdivision, or condominium plat if it substantially complies with the preliminary approval or conditions of approval set forth on the Preliminary Application.

b. Approval of the final plat shall be conditioned upon compliance with:

(i) The provisions of Chapter 236 of the Wisconsin Statutes;

(ii) All applicable Town ordinances that are in effect when the subdivider submits a preliminary plat, or a final plat if no preliminary plat is submitted;

(iii) The Town's comprehensive plat under section 66.1001 of the Wisconsin Statutes;

(iv) The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provisions for public sewer have not been made; and

(v) The rules of the Department of Transportation relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.

c. The subdivider may construct the project in such phases as the Town Board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Town Board shall be limited to the phase of the project that is currently being constructed. The Town Board may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the public improvements.

d. If the Town Board denies approval, the reasons for this denial shall be put on written record and forwarded to the land divider or his agent within five (5) work days.

e. Where lands in a certified survey map have physical limitations, the Town Board may require the words printed across the lot “Not Approved For Residential, Commercial, or Industrial Building”.

f. Where lands have difficult topography, or soil problems which may be overcome, the Town Board may require the words “Special Building Conditions” printed on the specific lots of the final land division.

g. The Town Board shall approve or deny the plat or the certified survey map within sixty (60) days after date of final application. If the Town Board fails to act within sixty (60) days and the time has not been extended by agreement, and if no unsatisfied objections have been filed, within that period, the final land division application shall be deemed approved.

(7) **Recording.** The final approved certified survey map, subdivision plat, or condominium plat shall be recorded in the Register of Deeds Office within twelve (12) months after the last final approval of the plat and within thirty six (36) months of preliminary approval by the Town Board.

(8) **Land Parcels Indicated as Pre-planned Lots.** All land parcels required to be “Pre-planned Lots” shall be so indicated on the final survey map. Prior to the issue of any permit, the preliminary pre-planned lot plan shall be updated and finalized. The final pre-planned lot plan shall use the preliminary pre-planned lot plan as a starting point. It shall indicate the location of: areas to be left undisturbed, existing buildings, proposed buildings, building additions, the finished grades, site specific grading plans, permanent erosion control measures, and temporary erosion controls during construction. The final pre-planned lot plan is to be submitted, reviewed and approved by the Town Board before any permit is issued or any construction takes place.

(9) **County Treasurer’s Certification.** The Rock County Treasurer shall review all land divisions prior to the surveyor submitting the land division to the Town Board for final review, approval, and signature. The surveyor shall provide the following text as part of the final land division:

“County Treasurer  
I hereby certify that the property taxes on the parent parcel are current and have been paid as of \_\_\_\_\_, 2xxx.

\_\_\_\_\_  
xxxxxxxxxxxxxxxx, Rock County Treasurer”

**(Im) Certified Survey Map Procedure**

(1) **Minor Land Divisions.** No person, firm, or corporation shall divide any land located within the limits of the Town of Turtle which shall result in a land division of four (4) or fewer parcels or building sites without first receiving approval of

the Town Board and then recording with the Rock County Register of Deeds a certified survey map of the land division that complies with section 236.34 of the Wisconsin Statutes and with all requirements of the Town of Turtle Code of Ordinances.

(2) **Planning Commission Review.** The Town of Turtle Planning Commission shall review the proposed land division within 45 days of the date the application for land division was filed with the Town. However, this time period may be extended by mutual agreement of the applicant and the Planning Commission. The Planning Commission shall make a recommendation to the Town Board.

(3) **Town Board Approval.** Within 90 days of the filing of the land division application with the Town, the Town Board shall take action to approve, approve with conditions, or reject the application. However, this time period may be extended by mutual agreement of the applicant and the Town Board. The Town Board shall state in writing any conditions of approval or reasons for rejection.

(4) **Copy of Recorded Certified Survey Map to Town.** A copy of the recorded certified survey map shall be filed with the Town Clerk within 6 months of the date of approval or conditional approval by the Town Board. Failure to do so shall require a new review and reapproval of the certified survey map by the Town Board.

(5) **Building Permit Issuance.** No building permits will be issued for any of the parcels created by the land division unless the requirements of this subsection have been met.

**(m) Completion and Maintenance of Improvements.**

(1) **Improvements and Methods of Finance.** After preliminary approval has been obtained construction plans, where required, shall be submitted to the Town Board as specified in Section 18.01(k)(5) of this Ordinance. The Town Board shall review, approve or provide the applicant with changes that have to be made prior to approval.

a. Improvements shall be constructed in accordance with the approved time schedule and construction plans prior to final approval. However, for improvements other than streets, drainage, erosion control, utilities, and sanitary facilities the Town Board may allow delayed construction as provided in the approved time schedule.

b. Financial guarantees shall be provided and approved by the Town Board for all proposed improvements within the area of final plat that are not constructed at the time of final approval. The road pavement may be deferred by the Town Board for up to one (1) year when the applicant provides a financial guarantee satisfactory to the Town Board for the cost of construction. The applicant shall provide one of the following types of financial guarantee in the sum sufficient to pay the costs of improvements:



1. Performance Bond. An insurance contract by which a bonding company guarantees that they will pay for the construction of certain public or quasi-public improvements if the developer fails to complete the improvements.

2. Irrevocable Letter of Credit. A written document from a financial institution authorized to do business in Wisconsin stating that a sum sufficient is available to the Town for the completion of certain improvements if the developer fails to complete the improvements; and

3. Escrow Account. An account in a financial institution authorized to do business in Wisconsin with an approved sum of money available to the Town for the completion of certain improvements if the developer fails to complete the improvements.

c. The improvements must be completely installed within a maximum period of one (1) year from the date of final approval of the land division. Extensions may be applied for and may be granted at the discretion of the Town Board upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur. Extensions for final surface coating of roads may be granted by the Town Board.

(2) **Inspection of Improvements**. The Town Board shall provide for inspection of improvements during construction and insure their satisfactory completion. The Town Board may appoint a designee to do the inspection. If the Town Board finds that the improvements have not been constructed in accordance with the approved construction plans, the developer shall be responsible for taking corrective measures to complete the improvements to the satisfaction of the Town Board.

(3) **Maintenance of Improvements**. The developer shall be required to maintain all improvements until acceptance of said improvements by the Town Board or homeowners association. This includes snow removal on roads. The Town may on notice plow the street or effect emergency repairs and charge same to the developer.

(4) **Monumenting Public Land**. Where lands in natural waterways or park land are dedicated to the public a three (3) inch fiberglass right-of-way post extending three (3) feet above the ground and at a depth of three (3) feet which shall be set within a one (1) foot radius of all intersecting property lines.

(5) **Monumenting Lot Corners**. The external monuments of each lot required by Chapter 236 of the Wisconsin Statutes and this ordinance shall be witnessed by a non-organic stake:

a. The stake shall be a minimum of 31 inches long and can be either white with a colored top, painted metal, or earth-toned color;

b. A minimum of one (1) inch by one (1) inch wide “T” formed metal stake, or a two (2) inch wide flat with 0.6 wide ridged sides and a solid web connecting each side; and

c. Be set within a six (6) inch radius of each external monument driven to a minimum depth of eighteen (18) inches, and extended a minimum of twelve (12) inches above ground.

**(n) Altering Land Divisions.**

(1) **Alteration.** A recorded land division may be altered when such alteration does not effect any area dedicated to the public. Alterations shall be processed in the same procedure as land divisions.

(2) **Procedure.** The procedures for vacating or altering an approved and recorded land division or parts thereof shall be as set forth in Sections 236.36 through 236.445 of the Wisconsin Statutes.

(3) **Recording.** Upon approval, the altered land division shall be recorded in the Register of Deeds Office with a copy of the original land division showing the part that has been altered.

(4) **Procedure for Future Re-division.** Whenever a parcel of land is divided and the land division plat shows one or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be re-divided into small building sites, the Town Board may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Reservations or dedications providing for the future opening and extension of such streets may be made by the Town Board.

**(o) Building Site Permit.**

(1) **Approval.** Prior to commencing construction of a building on a plot of land the property owner or his agent shall obtain a building site permit from the Town. In issuing a building site permit, the Town Board shall require that the building is built on a part of the lot which will still provide adequate areas for health and safety provisions of this Ordinance.

(2) **Requirements.** The Town may issue a building site permit after a sanitary permit has been issued by the Rock County Health Department, or a public sewer connection has been approved, and the requirements of this Ordinance are complied with. The standards of Section 18.01(c)(3)d. shall be applied to requests for approval of building site permits.

(3) **Action.** If the Town Board denies approval, the reasons for this denial shall be in writing and sent to the land owner or his agent within five (5) working days.

(p) **Assessor's Plat.** An Assessor's Plat made under section 70.27 of the Wisconsin Statutes may be ordered by the Town Board when a subdivision is created by successive divisions.

(q) **Dedication of Land for Public and Quasi-Public Uses.**

(r) **Land for Public Recreation and Open Space.**

**(1) Dedication of Lands or Money In-Lieu of Dedication:**

a. The Town Board shall require that land or monies in lieu of land be dedicated to a public agency for parks, stream or lake access, drainageways, and similar public purposes.

b. Dedication of land to a property owners association may, at the discretion of the Town Board, meet the requirements of this section.

c. Money-in-lieu of land dedication shall be required where land dedication is not called for on the Town Land Use Plan and where land dedication is otherwise deemed inappropriate.

d. When land is to be dedicated to the property owners, the Town Board shall require that a property owners association be established for all lots within the land division. The covenants shall contain acceptable methods of governing the commonly owned property, maintenance of land and improvements, assessments of taxes and maintenance costs, an assurance that additional lots will not be created in commonly-owned open space, and a mechanism to amend the covenants by the membership of the association.

e. Where a preliminary land division application is submitted and the Town Land Use Plan indicates a proposed park, playground, recreation trail, open space area, environmental corridor, or environmentally sensitive area on the proposed parcel to be divided, a minimum area of dedication of five percent (5%) of total immediately adjacent acreage owned by the developer shall be dedicated to the public.

f. Where a preliminary land division application is submitted and the Town Land Use Plan indicates a proposed park, playground, recreation trail, open space area, environmental corridor, environmentally sensitive area, on the proposed land parcel to be divided, and the Land Use Plan's recreation and open space areas exceed the minimum area of dedication of five percent (5%) of total adjacent acreage owned by the developer, the final land division map shall indicate that land area is "Reserved for Future Public Park and Open Space" that is to be set aside and subject to future dedication and/or acquisition by the public.

g. Where a preliminary land division application is submitted and the Town Land Use Plan indicates an open space area, environmental corridor, or

environmentally sensitive area on the proposed parcel to be divided, the final land division map shall indicate that area as having an “Open Space” and/or “Conservation Easement”.

h. The Town Board shall not require that land or money in lieu of land be dedicated to a public agency for park and recreation where the land division is zoned as a restrictive commercial or industrial zoning classification. Dedications for roads, utilities and stormwater shall be as provided in other land divisions under this Ordinance.

i. The Town Board shall not require land or money in lieu of land to be dedicated to the Town for park and recreation purposes where there is an existing residential dwelling.

## **(2) Characteristics of Dedicated Lands.**

a. The dedicated land shall form a single parcel of land except where the Town Board determines that two (2) parcels or more would be in the public interest. A connecting strip of land not less than thirty (30) feet wide may be required between two (2) or more parcels.

b. In general, land dedicated for recreation purposes shall be equal to five percent (5%) of the total land in the land division but not less than four (4) acres. Where the five percent (5%) land dedication requirement would create less than four (4) acres, the Town Board may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be dedicated for recreation purposes if it is impractical or impossible to secure additional lands in order to increase its area.

c. Land dedicated for public purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreational purposes. All land to be dedicated shall abut a public road for at least fifty (50) feet. All land to be dedicated for park purposes shall have prior approval of the Town Board, and shall be marked on the plat “Dedicated for Park, Recreation, and/or Open Space.”

d. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

## **(3) Money In-Lieu of Parkland Dedications.**

a. When money is required in lieu of land dedication, the Town Board shall require a money-in-lieu of land fee approximately equal to the value of land that would be required to be dedicated. The sum of which is to be made payable to the

Town on a one thousand dollar (\$1,000.00) per lot basis by the developer and submitted to the Town prior to final approval of the division.

b. Revenues from money-in lieu of land fees shall be placed in a segregated interest bearing account and shall be accounted for separately from the other funds of the Town.

c. Money-in-lieu of land fees that are imposed and collected, but are not used within a reasonable period of time after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the fees were imposed. Fees collected shall be spent or refunded under this subsection within three years of collection.

d. Appeal Process.

1. A developer may appeal and contest the amount, collection or use of the money-in-lieu of land fee to the Town Board within 30 days of the imposition of the fee.

2. An appeal shall be commenced by filing a notice of appeal with the Town Clerk specifying the grounds for the appeal and the relief requested. Upon receipt of the notice, the Town Clerk shall immediately notify the Town Board and the appeal shall be heard at the next available Town Board meeting.

3. Following a hearing, the Town Board shall decide the matter upon whether the amount, collection or use of the fee is in error. The Town Board may alter the amount, collection or use of the fee appealed from and may make such amendments or modifications as are appropriate considering the intent of section 66.55 of the Wisconsin Statutes and this Ordinance.

**(s) Dedication of Land For Roads, Construction of Roads at Developer's Expense.** When public streets are established, the land divider shall dedicate land for and improve public streets. The land divider shall provide grading, base course, surface course, marking and signing, drainage work, landscaping and erosion control as provided in this Ordinance, and any other applicable Town Ordinances.

(1) The Developer shall come to an agreement with the Town Board on a method of financing to assure that the surface course is applied to the road. The surface course is to be applied approximately one (1) year after the base course is constructed. The surface course shall be a condition of approval.

(2) Bridges of primary benefit to the applicant shall be constructed at the expense of the applicant without reimbursement from the Town. The sharing of expenses for the construction of bridges not of primary benefit to the applicant can be fixed by special agreement between the Town and the applicant as a condition of approval. Said

cost shall be charged to the applicant pro-rata as the acreage of his land developed so served.

(3) Construction of all improvements shall be the total financial responsibility of the developer.

(t) **Access to Waterways and Lakes.** Where the Town Board determines that a navigable lake or a river or stream has a serious lack of public access facilities, a land division that includes at least five hundred (500) feet of frontage on such water body may be required to dedicate lands for a public access facility at a width of at least seventy (70) feet connecting the low water mark to the nearest public road. The provisions of Section 236.26(4) of the Wisconsin Statutes are included herein by reference. This provision does not apply to non-navigable water bodies or to newly created water bodies located entirely within new developments.

(u) **Drainageways.** Where natural drainageways traverse the land division or the drainage plan indicates there is a need for a drainage channel the land divider shall dedicate and make the necessary improvements as provided in the approved plan. The Town Board, in its discretion, may decide whether the drainageway is to be dedicated as park land or designated as a drainage easement.

(v) **Easements.** The Town Board may require dedication of easements for utilities, drainageways, walkways, scenic and other public purposes. Easements do not constitute park land dedication unless they are on public or quasi-public property owned by a local governmental unit or a property owners association. Easements shall not be considered in calculating setback lines.

(w) **Design Standards.** The following standards shall be met on preliminary and final land divisions:

(1) **General Criteria for Location of Site.**

a. Those areas which are subject to hazards of life, or property as may arise from fire, disease, noise, or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards. Land which the Town Board finds to be unsuitable for division or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health, and general welfare of the present or future inhabitants of the land division and/or its surrounding areas, shall not be divided or developed unless adequate methods are formulated by the developer and approved by the Town Board to solve the problems created by the unsuitable land conditions.

b. Land division is prohibited in areas with the following soil map units as indicated in the United States Soil Conservation Services Publication entitled

Soil Survey of Rock County, Wisconsin unless an intensive soil investigation determines that the minimum requirements of the Rock County Sanitary Code are met. These soil units have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, storm water runoff, bedrock, or excessive slopes.

Ad	E1A	KeD2	P1A	SaA	WeC2
Aw	EmA	KeE	P1B	SaB	WfA
AzA	EoA	LkA	P1C2	SaC2	WfB2
BmA	EvB	LoD	PmA	SaD	WfC2
Br	EvC2	Ma	PmB	SbA	WhB2
CaD2	EvD	Mb	PnA	SbB	WhC2
CaE	EvE	Mc	PnB	SbC2	W1A
Co	GoD	Md	Ro	Se	W1B2
Da	GpB2	Me	RpB	SoB	W1C2
DrD2	GpC2	Mf	RpC2	SoC2	W1D2
DuA	GrD2	Na	RpD2	SoD	WnA
DuB2	Ha	OoD2	RrE	SoF	WnB2
DuC2	HeA	Ot	PrF	TrA	WnC2
EdB2	Ho	Pa	Rs	Wb	WoA
EdC2	JuA	PeA	RtD	WcA	ZuA
EdD2	KaA	PeB2	RuE	WeA	ZuB
EdE	KdD	PeC2	RuF	WeB	ZuC2

c. If the applicant disagrees with the decision he may do more research, obtain better data and appeal the decision to the Town Board.

d. A land division shall be coordinated with existing nearby development or neighborhoods so that the areas as a whole shall be developed harmoniously in a coordinated manner.

e. All land division plats shall comply with applicable state highway regulations if any lot contained therein abuts a state or federal highway.

f. Approval may be withheld if a land division is not in conformity with the policy and purpose of this Ordinance set forth in Section 18.01(a)(2) of these regulations.

g. The Town Land Use Plan shall serve as a guide for public and private actions and decisions to assure the development of public and private property in appropriate relationships. In reviewing and acting on preliminary and final land divisions, the Town Board should consider the way in which the parcels are divided in relation to the type of development indicated in the Town Land Use Plan.

**(2) Natural Features.**

a. In all divisions of land, care shall be taken to preserve all natural features such as trees, watercourses and views, and historic features such as buildings which will add attractiveness and value to the remainder of the land being divided.

b. The damming, filling, relocation or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Town Board, and pursuant to Chapter 30 of the Wisconsin Statutes.

c. All earth moving operations undertaken to install or make improvements shall be done in such a manner as to minimize erosion and silting of adjacent streams or ponds. Silt basins or other erosion control devices may be required by the Town Board.

**(3) Planned Features.** Those areas, which are shown on the Town Land Use Plan, shall be made a part of the subdivision design. Consideration shall also be given in the design of the subdivision to the preservation of scenic and historic sites, marshes, wetlands, lakes and ponds, water sources and ravines.

**(4) Subdivision Name.** The proposed name of the land division shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the Town. The Town Board shall have final authority to designate the name of the land division which shall be determined at preliminary approval.

**(5) Ingress and Egress.** All subdivisions shall have at least two (2) streets for ingress and egress into and out of the subdivision.

**(x) Monuments.** The land divider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Board.

**(y) Lots and Blocks.**

**(1) General.** The lot size, width, depth, shape, orientation, and minimum building lines shall be appropriate for the location of the land division and the type of development proposed.

**(2) Minimum Lot Sizes.** Minimum lot sizes shall be appropriately increased to accommodate a marketable building envelope area with the application of front, rear, and side yard area setbacks, zoning district lot size, private sewage system area requirements, useable open space area and physical characteristics.



(3) **Percolation Tests.** Before final approval of a land division each lot designed for private sewage system shall have adequate soil boring and percolation tests which comply with the requirements of all applicable statutes and regulations.

(4) **Lots.** Lots shall comply with applicable zoning ordinance requirements. Consideration shall be given to solar orientation and energy conservation with the lot length being north to south and block length being east to west where applicable. Lot lines shall be radial to road right-of-way lines. Dimensions of corner lots shall observe minimum front-yard setbacks from both roads. Depth and width of property for commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated.

(5) **Lot Arrangement.** The lot configuration shall provide that there will be no foreseeable difficulties because of topography or other physical conditions. Lots shall abut a public road for at least 100 feet except lots on a cul-de-sac bulb where the minimum frontage of a lot located on the bulb portion shall be 50 feet at the road right-of-way with the minimum front yard setback line established where the minimum lot width of 100 feet is obtained. Double frontage lots in are encouraged on corner lots, arterial highways, collector highways, on existing local roads with speed limits of more than 40 miles per hour, and areas where topographic disadvantages need to be overcome. Driveway access on double frontage lots shall be on the road with the lowest functional classification.

(6) **Restricted Lots.** Lots restricted by soil and/or slope problems shall be replanned with a copy of the lot layout placed on file with the Town.

(7) **Rural Residential Lots.** Rural residential lots shall have a minimum lot size 40,000 square feet for single family structures, and 55,000 square feet for two (2) family structures. Each residential unit shall utilize its own private sewer system and fresh water well. The minimum lot size shall be appropriately increased to meet minimum lot requirements when any of the provisions of this section cannot be met. Each lot shall contain a buildable area of 2,000 square feet that does not encroach upon setback requirements and is not located closer than twenty five (25) feet from any part of the area proposed for the private sewage system. The lot shall contain an area for a private sewer system (a primary area and replacement area). Each lot shall contain a useable open space area of not less than seventy percent (70%) of the gross land area of the lot. The useable open space area is the gross lot area, less 3,000 square feet for potential structural, driveway, parking use, less 50% of the square footage of the private sewage system. The lot design shall be oriented to obtain maximum solar access.

(8) **Public Sewer Lots.** Public sewer lots shall be a minimum sizing of 8,000 square feet except in shoreland areas where the minimum shall be 10,000 square feet. Minimum width at the building line shall be 70 feet.

(9) **Block Length.** Block lengths shall not exceed 1,500 feet or be less than 400 feet, except as the Town Board deems necessary to secure the efficient use of land or desired features of street layout.

(10) **Block Width.** Blocks shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building site on each lot. The Town Board may approve block widths providing for a single tier of lots, where lots would otherwise front on a major street or where the topographical conditions or size of the property prevent two tiers. In the event that a single tier lot is permitted by the Town Board, an adequate buffer area shall be provided and access from an abutting major street prohibited.

(11) **Pedestrian Ways.** Pedestrian walkways may be required near the center and entirely across blocks which exceed 900 feet in length or to connect dead-end streets or to provide access to parks, schools, shopping areas or similar facilities. In the event that a pedestrian walkway is required, a minimum of 10 foot right-of-way shall be set aside with an 8 foot pavement, or other cover approved by the Town Board, and at a grade not steeper than fifteen per cent (15%) unless steps of adequate design are approved. A note shall be placed upon the final plat stating by whom such pedestrian walkway shall be maintained.

(12) **Flag Lots.** Flag lots are discouraged, and used only when there are no other alternatives for access to a building site.

(13) **Driveway Access.** Driveway access to a public road for each lot shall be located where the lot abuts the adjoining public road. When a lot abuts two or more public roads the driveway shall be located on the road with the lowest functional class and/or lowest traffic volume. Every new lot shall have a driveway location area with direct access to a public road reviewed and approved by the Town Board or the Highway Superintendent or his or her designee, that has taken into consideration vision triangles, the speed of approaching vehicles, sight distance, traffic type, and safety factors.

(14) **Driveway Specifications.** Driveways shall be constructed with a minimum eighteen (18) foot lane of aggregate or blacktop, a minimum clear area width of 24 feet, and 16 feet of height clearance within the access strip between the public roadway and the right-of-way line. At the access point of the driveway and the public road, there shall be a minimum 2% grade from the driveways' crown to the edge of the driveway and a 4% grade from the edge of the driveway to the ditch line. The driveway within the public road right-of-way shall be level or lower than the public road until it reaches the centerline of the road ditch. When a driveway cannot be conveniently located because of spacing requirements or limited sight distance, two lots may use the same joint driveway when located on the common property line and the requirements in this section are met.

(15) **Driveway Vision Area.** Where the lot's driveway meets the public road, the areas on both sides of the driveway shall have a minimum stopping line of site on both sides of the driveway for a distance of 645 feet at 55 miles per hour or eight (8) seconds travel distance for the posted speed limit, whichever is less restrictive. The stopping site distance shall be measured 24 feet from the centerline of the road at a height of 42 inches.

(16) **Shared Driveway Access.** Shared driveways shall be constructed with a minimum of twenty (20) foot lane of aggregate or blacktop, a minimum clear area width of 24 feet, and 16 feet of height clearance within the access strip. Shared driveway access shall be constructed so that at least 40% of the access is located on each land owners property with the remainder at the land owners discretion. The driveway within the public road right-of-way shall be level or lower than the public road until it reaches the edge of the centerline of the road ditch. The length of the common driveways access easement shall remain shared for a minimum distance of 30 feet from the right-of-way, after which the driveways can be separated to serve the separate landowners. The location of the shared driveway access shall be indicated on the preliminary land division and the final land division. Cross easement shall be used on each side of the property line giving both property owners the right of use of the driveway easement on each others land within the easement. Joint easements shall be indicated on the face of the land division including the specific location of the shared driveway.

(17) **Development Areas Along Existing Roads.** In order to maintain a rural aesthetic quality, development areas adjacent to existing roads and highways, new land divisions in development areas shall have a 50 foot wide conservation easement adjacent and parallel to the existing road right-of-way and be designed with the new lot driveways accessing on new internal roads in the development area as opposed to new driveways being located on existing roads. The developer and parcel owner shall either:

a. Leave and maintain the natural vegetation and ground elevation as a conservation easement within 50 feet of existing public road right-of-way as it naturally existed prior to submittal of the land division; or

b. As a condition of approval, the developer shall submit a landscaping plan proposing improvements addressing the rural aesthetic quality within the fifty (50) foot conservation easement area to the Town Board, for review and approval prior to commencement of grading, planting of trees, and vegetation that implement the approved plan. The developer shall implement the landscaping plan prior to the sale of the land parcel and the parcel owner shall be responsible for on-going maintenance.

(z) **Setback Lines.**

(1) **Corner Lots.** Driveways shall not have access to a road or street less than one hundred (100) feet from the mid-point of an arterial or collector street intersection.

**(2) Streets and Setbacks.**

a. Arterial and Collector setback lines shall be 115 feet from the centerline of the highway or 75 feet from the right-of-way, whichever is greater.

b. Local setback lines shall be as follows:

1. Lots with Public Sewer ..... 25 feet
2. Lots without Public Sewer ..... 50 feet

**(3) Rear Yard and Side Yard.** Rear Yard setbacks shall be a minimum of 25 feet and side yard requirements shall be a minimum of 15 feet from the property line on lots served by private sewer systems and 8 feet from the property line (total of 20 feet between buildings) for lots served with public sewer. The minimum setback from a lake or waterway shall be 75 feet from the high water line.

**(4) Lesser Setbacks.** Lesser setbacks may be permitted by the Town Board in cases of unusual topography, existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

**(aa) Utilities.**

**(1) Easements.** The Town Board may require a minimum of eight (8) foot easements on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of utility facilities. Such easements shall be noted as “Utility Easements” on the final plat or certified survey map. Prior to approval of the final plat or certified survey map a review of the utilities serving the areas as to the location and width of the “Utility Easements” shall be made. The utilities shall have ten (10) working days from their receipt in which to review land divisions.

**(2) Underground Facilities.** The Town Board may require the subdivider to provide the telephone lines, electric lines under 15,000 volts and cable television lines to individual lots to be installed underground within the utility easements of a land division of five or more lots, except:

a. Where it is not practical due to location, topography, soil conditions, stands of trees, or other circumstances that would cause excessive costs of such underground installations;

b. Where temporary overhead utility facilities are necessary to serve a construction site and where temporary overhead utility facilities are installed because of severe weather conditions, such temporary utility facilities shall be removed by the utility installing them within a reasonable time after the proper underground utility facilities are installed;

c. Where associated equipment is necessary to the proper operation of underground utility facilities, such as, but not limited to, substations, pad-mounted transformers, pedestal mounted terminal boxes when placement is considered as being compatible with good design; and

d. In districts zoned other than residential.

(3) **Hook Up.** The land divider shall provide primary public utility services other than on-site private sewer so that individual lot hook-up is available to each lot.

**(bb) Roads.**

(1) **Road Construction Plan.** Proposed roads require a road construction plan be submitted, reviewed and approved by the Town Board and the Town of Turtle Highway Commissioner prior to starting road construction. The road construction plan shall include: road right-of-way cross sections every fifty (50) feet, horizontal and vertical alignment, right-of-way width, pavement width, road gradient, functional town/county road cross-section, layout in relation to proposed lots, integration with existing and proposed road network, location and size of culverts (including slope), speed limit signs, warning signs, stop signs and road name signs. The storm water runoff requirements in Section 18.01(cc) of this Ordinance shall be included for the design of road ditches. The following minimum standards in subsections (2) and (3) shall be used in the design and construction of proposed roads.

(2) **Widths.** The following are the minimum road and street right-of-way widths:

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Full Width	100	80	70
Half Width	50	40	35
Farmland Preservation Areas (Zoned A-1)			
Full Width	100	80	70
Half Width	50	40	35

(3) **Gradient.**

a. No street gradient shall be in excess of nine percent (9%). Where grades are steep, streets may be constructed diagonally across contours. In severe topography grades may be increased to eleven percent (11%) with the approval of the Town Board.

b. The vertical grade of a street shall not exceed 1.4% for a minimum distance of fifty (50) feet from the intersection of the street centerlines.

c. All road must meet the construction standards of the Town.

**(4) Layout.**

a. All streets shall be properly integrated with the existing and proposed system of roads and dedicated right-of-way. Streets located on hillsides shall be located so they traverse the slope with minimum street grade, driveway grade and earth movement. All streets shall be public streets unless the Town Board, prior to preliminary approval, agrees to the use of private streets. Private streets will be considered only when an association or entity is established by covenant with capability and responsibility for maintenance.

1. All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

2. Streets shall be related appropriately to topography. Local streets shall be curved wherever practical to avoid conformity of lot appearance. All streets shall be arranged so as to obtain access to lots and building sites at or above the grades of the streets.

3. The rigid rectangular gridiron street pattern need not necessarily be adhered to and the use of curvilinear streets or U-shaped streets, and in some cases cul-de-sacs, shall be utilized where such use will result in a more desirable layout.

4. In business developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

b. The arrangement of rights-of-way in a subdivision shall provide for the continuation of the existing streets or rights-of-way in adjoining areas, unless the Town Board deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be at the same or greater width of the existing streets or right-of-way. A combination of steep grades and curves shall be avoided. Proposed streets shall be constructed and joined to existing streets. Where the subdivision abuts on or contains an existing or proposed arterial on which traffic volume and vehicular speeds warrant special safety precautions, the Town Board may require that frontage or access streets be provided in order that no lots front on such existing or proposed arterial.

c. When the area to be subdivided adjoins or contains, for a considerable distance, a railroad, expressway, freeway or a parkway, a street may be required approximately parallel to the right-of-way of such facility and consideration shall be given to the distance required for approach grades to future grade separations.

d. No cul-de-sac shall be longer than six hundred (600) feet, unless approved by the Town Board, and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Cul-de-sacs shall only be used where topographic limitations prevent utilization of any other type of road pattern. Temporary cul-de-sacs permitted by the Town Board are to be constructed to the property line and be provided with a temporary circular or "T" shaped turn-around.

e. Streets shall intersect, as nearly as possible, at right angles.

f. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on collector streets.

g. Street systems in new land divisions shall be laid out so as to eliminate or avoid perimeter half-streets. The Town Board may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his won subdivision boundaries.

h. When a development area with twenty-four (24) or more lots has one road that provides access to the public road network, a second public road access to the public road network shall be required.

i. Names of the streets shall be authorized by the Town Board.

**(cc) Drainage and Erosion Control.**

(1) **Generally.** In order to approve a land division, the Town Board must receive a written report by a state certified inspector which satisfies the Town Board that:

a. Stormwater runoff is adequately handled so that it will not harm the future residents, their property, any public, quasi-public, or private property.

b. Erosion and sedimentation from the land division during and after construction will not increase as compared to the conditions prior to the development.

c. The stormwater runoff from the upstream area of the watershed will be accommodated in the land division design.

d. The stormwater runoff from the land division and the upstream area of the watershed will be accommodated in the downstream area.

(2) **Drainage and Erosion Control Plan.** The Town Board shall require that a Drainage and Erosion Control Plan be prepared and implemented by the developer as a condition of approval. The Town Board shall review the plan and approve, approve with modification, or reject the plan based on the standards of this Ordinance.

(3) **Erosion and Sediment Control Plan.** Prior to final approval of the land division, the Town Board shall review the respective land divisions' Erosion and Sediment Control Plan and inspect the premises for stabilization practices, public or quasi-public improvements, and the plat or map to assure that improvements, easements, and dedications are provided as indicated in said plan.

**(dd) Sewer Facilities.**

(1) **Sewer Facilities.** All land divisions intended for residential, commercial or industrial use shall be capable of either on-site sewage disposal system or be connected to a public sewer system that will adequately provide treatment of effluent generated on the premises.

a. In low and medium-density residential districts, sanitary sewage systems shall be constructed as follows:

1. Where a public sanitary sewage system is accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.

2. Where a public sanitary sewage system is not accessible, the applicant may use on-site sewage disposal systems on lot sizes with the provision of replatting the lot into smaller lots when public sewer is available.

b. In high-density residential and new nonresidential districts, sanitary sewage facilities shall connect with public sanitary sewage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving official and agencies. Individual disposal system or treatment plants (private or group disposal systems) shall be permitted when found to be in compliance with the State non-proliferation policy and assurances are provided to the Town Board that the system will be maintained into perpetuity.

(ee) **Planned Unit Development (P.U.D.).** The Planned Unit Development (P.U.D.) is provided to promote improved environmental design by allowing greater flexibility in the layout of a land division while insuring its consistency with the Town Land Use Plan. The minimum lot width and area requirements of section 236.16(1) of the Wisconsin States are hereby relaxed in P.U.D. land divisions at the discretion of the Town Board. The standards of this ordinance may be relaxed to a minimum unit width of twenty-four (24) feet and minimum unit area of 750 square feet. P.U.D.'s shall only be developed when they are served by public sewer or when each unit is served by an



individual on-site sewer system which may be located on commonly owned property. In no case shall the maximum number of lots of a P.U.D. exceed the maximum number of lots the same parcel could have been conveniently divided into, as provided in the underlying zoning district. The P.U.D. allows variation in lot size, use, private ownership of quasi-public facilities as a cohesive and unified project. The purpose for relaxing design standards by the Town Board is to obtain improved amenities from the developer which will complement the land division and the community. The P.U.D. is intended to encourage more rational and economic development in relation to public services and to preserve open land by clustering or concentrating structures in higher densities, in the developed parts of projects.

(1) **Minimum Size.** A minimum of five (5) acres of land shall be developed as a unit.

(2) **Parking Facilities.** Parking facilities shall be provided for each unit of ownership.

(3) **Criteria.** As a basis of determining the acceptability of a planned unit development application, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with this Ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:

a. In a planned unit development, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:

1. are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space;

2. would produce an attractive environment of sustained aesthetic and ecological desirability and economic stability that is functional, practical, and compatible with the general development plans for the areas as established by the community; and

3. would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

b. The developer shall dedicate a minimum of five per cent (5%) of the total land in the proposed land division, but not less than one-half ( $\frac{1}{2}$ ) acre. For each square foot that a lot is reduced from the minimum lot size requirements of this Ordinance an equal amount shall be dedicated as open space to the property owners association.

c. The proponents of a planned unit development application shall provide evidence satisfactory to the Town Board of its economic feasibility, of available

adequate financing, and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.

d. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation. However, in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Town Board.

e. In a planned unit development adequate provision shall be made for the permanent preservation and maintenance of common open space by dedication of land to a property owners association.

1. In the establishment of the property owners association, covenants shall be included which protect the open area against building development. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the preliminary application or with the express approval of the Town Board.

2. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost of individual properties shall be included in any contractual agreement and shall be included in the title of each property.

3. Ownership of and tax liability for private open space reservation shall be established and made a part of the conditions of the plan approval.

f. The proponents of a planned unit development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Board which shall include suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

(4) The procedure for obtaining a P.U.D. shall be as required for any other land division under this ordinance, wherein a preliminary application is filed, approval or conditional approval of the preliminary application is granted by the Town Board, and final approval obtained from the approving agencies.

**(ff) Nonresidential Land Divisions.**

(1) **General.** If a proposed land division includes land for commercial or industrial purposes, the layout shall be subject to all the requirements of this Ordinance, as well as such additional standards required by the Town Board. Industrial and/or commercial land divisions shall not receive preliminary or final approval until the Town

Board is satisfied that adequate sewage disposal is provided for permitted and conditional uses.

(2) **Standards.** In addition to the standards in this Ordinance, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

a. Proposed industrial parcels shall be suitable in area dimensions to the types of industrial development anticipated. Minimum industrial lot size is two (2) acres. Minimum commercial lot size is one (1) acre.

b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Minimum roadway width is eighty (80) feet.

c. Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction. Natural drainage shall be used where practical.

d. Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water and sewer. Consideration shall be given as to whether public sewer will be required or if an on-site sewage disposal system will provide adequate treatment in relation to the industrial and commercial sewer effluents generated by the proposed land division.

e. Adjacent residential areas shall be protected from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary. A fifty (50) foot buffer strip may be required by the Town Board along with prescribed vegetation.

f. Streets carrying nonresidential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

**(gg) Condominium Projects.**

**(1) Declaration of Applicability.**

a. It is the expressed intent of this Ordinance to apply to development projects that have condominium ownership features where the project has one or more principal structures on any parcel. In no case shall the maximum number of units of a Condominium exceed the maximum number of lots the same parcel could have been conveniently divided into, as provided in the underlying zoning district.

b. Notwithstanding paragraph (a), this Ordinance shall not apply to condominium conversions of existing structures for non-residential use purposes or to conversions for residential use where no additional dwelling units are being created.

**(2) Standards Applied to Condominium Projects.**

a. Standards of Sections 18.01(a) to 18.01(o) shall apply to all condominiums.

b. Standards of Section 18.01(r) to 18.01(v) shall apply to all condominium projects covered by this Ordinance, except that dwelling units shall substitute for lots in calculation of payments in lieu of dedication of parkland.

c. Standards of Section 18.01(w) shall apply to all condominiums.

d. Lot size and shape standards of Section 18.01(y) shall be applied to condominiums by description in the application of lot equivalents for each structure and the lot equivalents shall satisfy lot standards unless reduced by PUD approval under Section 18.01(ee). Minimum unit areas shall not be less than 840 square feet.

e. Standards of Section 18.01(z) shall apply to all condominiums.

f. Standards of Section 18.01(aa) shall apply with lot equivalents substituting for lots.

g. Standards of Section 18.01(bb) shall apply to condominiums.

h. Standards of Sections 18.01(cc) to 18.01(ff) shall apply to all condominiums.

i. In the application of these standards, condominium projects shall be subject to no more restrictive rules than are non-condominium projects that are physically equivalent.

**(hh) Land Combinations.**

(1) **General.** Any proposed land combination shall be subject to all the requirements of this Ordinance, as well as such additional standards required by the Town Board.

(ii) **Definitions.** Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition.

**Applicant.** The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

**Access Strip.** The land within a public road right-of-way between the blacktop/concrete roadway and the side of the right-of-way line/outer edge of the road easement.

**Building.** A structure intended for use as a working or dwelling place where a sanitary permit or public sewer connection is required.

**Building Envelope.** The lot area minus the areas of the lot established by the front, side, and rear yard setback requirements.

**Certified Survey Map.** A division of a lot, parcel or tract of land by the owner thereof or his agent, for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land which may require the dedication, reservation, and/or construction of public improvements.

**Condominium.** A system of ownership of individual units on a single parcel of real property with all individual unit owners having the right to use the common elements of the parcel and separate ownership confined to individual units which are serially designated. The common property is owned by an undivided interest of the individual unit owners, is part of each owner's responsibility, and herein requires a formal association of all unit owners acting as a group in accordance with its bylaws and declaration.

**Conservation Easement.** A real property right indicating a public interest in real property imposing a limitation or affirmative obligation for the purpose of retaining or protecting natural, scenic, or open space values of real property; assuring the availability for real property for agricultural, forest, recreational or open space use; protecting natural resources, maintaining, or enhancing air or water quality, preserving a burial site, or preserving the historical, architectural, archaeological, environmentally sensitive areas, or cultural aspects of real property.

**Cul-de-Sac Street.** A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

**Development Area.** Areas on the Town Land Use Plan where new development is promoted. These areas use existing nodes of development that have adequate physical characteristics and infrastructure, to promote infill development on existing lots, and areas adjacent to existing development areas having the capability to extend public improvements and the creation of new development parcels for future residential, commercial, industrial, and recreational areas.

**Drainageway.** The land proposed to be reserved or dedicated which may naturally convey stormwater runoff, or a channel designed at ground level to conduct stormwater from one place to another so as to safeguard the public and land improvements against flooding, sedimentation and erosion.

**Environmentally Sensitive Areas.** An area with physical characteristics and/or natural resources containing one or more of the following: rare or endangered fauna or flora; wetlands; hydraulic soils; floodways; undeveloped flood fringe areas, slopes in excess of twelve percent (12%); highly erodible soils; ground water recharge areas; kettle retention areas, bedrock within one foot of the surface; and soils with physical limitations as provided on the SCS soils maps as determined by the Town Board.

**Environmental Corridors.** Linear areas delineated on the Town Land Use Plan indicating areas that should not be developed because of their physical characteristics. These areas may have: a potential adverse impact on water quality, soils that do not have the ability to support development, and/or an area that may be subject to natural catastrophes.

**Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1 ½) miles of a fourth class city or village and within three (3) miles of all other cities over which cities and villages exercise plat approval provided they have an Official Map Ordinance or Subdivision Control Ordinance in accordance with section 236.10 of the Wisconsin Statutes.

**Farmland Preservation Areas.** Areas indicated on the Town Land Use Plan which are intended to exclusively provide for agricultural uses and land uses that are compatible with agricultural activities as provided in the A-1 Zoning District. The intent in having this district is to conserve agricultural soils, and historically farmed soils, and prevent uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services.

**Flag Lot.** A lot where access to the building site is provided over a strip of land from the public road to the building site that is a larger rectangle at the end of the access strip.

**Grade.** The center line gradient of a road, street or other public way, specified in percent.

**Half Width.** Refers to one-half (½) road right-of-way width and is only to be used in the case of certified surveys on existing public roads.

**Jog.** An offset in the intersection of two or more streets to a common street where the horizontal distance between the centerline of the streets is less than 150 feet.

**Land Combination.** The combining of two or more land parcels to form a larger parcel whether for the purpose of rezoning or some other purpose.

**Land Division.** The division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development which creates:

- (1) One or more lots, parcels or ownership units;
- (2) The need for a public dedication of land for public road, parkland, or open space; or
- (3) Creates a lot or parcel less than 35 acres.

**Land Surveyor.** A person licensed in Wisconsin to perform land surveys.

**Lot.** A geographic area of land separately owned or intended to be separately owned.

**Lot Equivalent.** An area of land shown on a condominium project approval application encompassing an individual condominium unit, or a building, or part of a building, having two or more units stacked vertically, and also encompassing adjoining yard areas that will be associated with that unit, or set of stacked units, in an occupancy and/or comparable non-condominium project.

**Ownership Unit (or Units).** A geographic area separately defined and owned as a lot, parcel or condominium unit or condominium common area.

**Parcel.** A geographic area of land separately owned or intended to be separately owned.

**Parent Parcel.** The parcel of land from which a new parcel(s) of land are divided under the ownership of the same family.

**Pre-Planned Lot.** A parcel of land which, due to physical characteristics, is required to have a site plan prepared by the applicant. The preliminary pre-planned lot (site plan) is to be submitted by the surveyor or property owner (agent) to the Town Board for review and approval prior to the land divisions final approval.

**Principal Structure.** Structure housing the land use activity that is primary or predominant on the site. A structure that includes or is a residential house, apartment or condominium unit is a principal structure for a residential use.

**Regional Floodplain.** The 100-year floodplain area as indicated in the Rock County Shoreland/Floodplain Zoning Ordinance and Official Zoning Map.

**Street.** A thoroughfare within the right-of-way which affords the principal means of access to abutting property for vehicular traffic. A street may be designated as a road,

avenue, boulevard, drive, highway, lane, parkway, place, thoroughfare, court, or other appropriate name. Streets are identified according to type.

**Street, Arterial.** A street serving or designated to serve the rapid movement of concentrated volume of vehicular traffic over relatively long distances. It provides primarily for movement between rather than within activity areas.

**Street, Collector.** A street serving or designated to serve in the capacity of carrying moderate amounts of traffic between minor streets and arterials or highways and also providing access to individual lots. It provides for movement within, rather than between, activity areas such as neighborhoods.

**Street, Local.** A street providing or designated to provide primary access to abutting individual lots.

**Subdivision Plat.** A division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development where:

(a) The act of division creates five (5) or more parcels, or building sites.

(b) Five (5) or more parcels or building sites are created by successive divisions from the original parent parcel.

**Town.** Town of Turtle.

**Town Board.** The Town Board of Supervisors of the Town of Turtle.

**Unit.** A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) on a single parcel of real property. A unit may include two (2) or more non-contiguous areas.

**Unit Owner.** Means a person, combination of persons, partnership or corporation who holds title to a condominium unit or has equitable ownership as land contract vendee.

**Utility Easement (U.E.).** An area of land indicated on a certified survey map, subdivision plat, or in a land covenant, where the area is set forth for the use of public bodies and private public utilities having the right to serve the parcel.

**Waterway.** A running stream of water, a natural stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water.



**Wetlands.** Areas mapped and defined under Wisconsin State Administrative Code NR 115.



## **Section 18.02 Livestock Facilities.**

### **(a) Authority.**

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to sections 92.15 and 93.90. Further, this ordinance is adopted pursuant to the powers granted to the Town Board under the grant of village powers pursuant to sec. 60.22 of Wisconsin Statutes for the protection of public health and safety.

### **(b) Purpose.**

The purpose of this ordinance is to comply with requirements of section 93.90 of Wisconsin Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people of the Town of Turtle.

### **(c) Definitions.**

For the purpose of this Ordinance, the words in this section shall be defined as set forth below:

- (1) "Adjacent" means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (2) "Animal unit" has the meaning that was given in s. NR 243.03(3) as of April 27, 2004.
- (3) "Complete application for local approval" means an application that contains everything required under s. ATCP 51.30 (1) to (4).
- (4) "Expanded livestock facility" means the entire livestock facility that is created by the expansion, after May 1, 2006, of an existing livestock facility. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (5) "Expansion" means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

- (6) "Livestock" means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (7) "Livestock facility" means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."
- (8) "Livestock structure" means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (9) "Manure" means excreta from livestock kept at a livestock facility. "Manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.
- (10) "New livestock facility" means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.
- (11) "Operator" means a person who applies for or holds a local approval for a livestock facility.
- (12) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

- (13) "Populate" means to add animal units for which local approval is required.
- (14) "Property line" means a line that separates parcels of land owned by different persons.
- (15) "Related livestock facilities" means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
- a. They are located on the same tax parcel or adjacent tax parcels of land.
  - b. They use one or more of the same livestock structures to collect or store manure.
  - c. At least a portion of their manure is applied to the same landspreading acreage.
- (16) "Separate species facility" means a livestock facility that meets all of the following criteria:
- a. It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. (15):
    1. Cattle.
    2. Swine.
    3. Poultry.
    4. Sheep.
    5. Goats.
  - b. It has no more than 500 animal units.
  - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. (15).
  - d. It meets one of the following criteria:

1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub. (15).

2. It and the other livestock facilities to which it is related under sub. (15) have a combined total of fewer than 1,000 animal units.

- (17) "Waste storage facility" means one or more waste storage structures. "Waste storage facility" includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.
- (18) "Waste storage structure" means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, "waste storage structure" does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
  - b. A manure digester consisting of a sealed structure in which manure is subject to managed biological decomposition.
- (19) "WPDES permit" means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this ordinance.

**(d) Livestock Facilities Regulated.**

- (1) This Ordinance regulates the following livestock facilities:
- a. Livestock facilities created after May 1, 2006, over 500 animal units; and
  - b. Livestock facilities existing on May 1, 2006 which expand more than 20% after May 1, 2006, and will have over 500 animal units in total.

(2) This ordinance does not regulate a livestock facility that existed before May 1, 2006, except as provided in subsection (1)b.

**(e) Location of Livestock Facility.**

(1) A livestock facility regulated by this Ordinance, regardless of size, may only be located on a parcel of land in the Town of Turtle zoned Exclusive Agricultural District One (A-1). However, the operator must obtain a conditional use permit from the Town of Turtle before locating the livestock facility on the parcel.

(2) Livestock facilities shall not be located on land under any other zoning classification than A-1 in the Town of Turtle for reasons of health and safety.

**(f) Property Development Standards.**

(1) Minimum lot area. No building, structure or use shall be established on any parcel less than 40 acres.

(2) General setbacks for livestock structures.

**a. Property lines**

1. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.

2. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

**b. Public road right-of-way**

1. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

2. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

**c. Waste Storage Structure**

1. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

2. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

(i) Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.

(ii) No larger than the existing structure.

(iii) No further than 50 feet from the existing structure.

(iv) No closer to the road or property line than the existing structure.

3. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

**(3) Water quality and related setbacks**

**a. Navigable Waters and Wetlands**

A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under s. 59.692, 61.351 or 62.231, Wis. Stats.

**b. Floodplain**

A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance



that is enacted within the scope of statutory authority under s. 87.30, Wis. Stats.

**c. Wells**

All wells located within a livestock facility shall comply with chs. NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduced the distance between the livestock structure and an existing well.

**(g) Conditional Use Permit.**

**(1) Approval Required.**

An operator must obtain a conditional use permit before locating a livestock facility regulated by this Ordinance in the Town of Turtle.

**(2) Application Procedure.**

**a.** A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51, Wis. Adm. Code are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this ordinance.

**b.** The operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

**(3) Application Fee.**

A non-refundable application fee of \$1,000.00 shall accompany an application.

**(4) Application Review Procedure.**

- a. Within 45 days after the Town of Turtle receives an application, the Town shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- b. Within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify adjacent landowners of the application. The Town shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.
- c. The Town shall grant or deny an application within 90 days after the notice of a complete application is provided as required by paragraph b. above. The Town may extend this time limit for good cause, including any of the following:
  - 1. The Town needs additional information to act on the application.
  - 2. The applicant materially modifies the application or agrees to an extension.
- d. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.

(5) Public Hearing.

The Town shall schedule public hearing on the application within 90 days after issuing notice of a complete application.

(6) Standards.

- a. The standards for issuing a permit are as follows:
  - 1. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
  - 2. Setbacks authorized by this ordinance.

- b. No additional standards for the issuance of a conditional use permit under the Town of Turtle Zoning Ordinance shall apply to an application for a conditional use permit for a livestock facility under this section.

(7) Criteria for Issuance of a Permit.

- a. A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.
- b. A permit may be denied if any of the following apply:
  - 1. The application, on its face, fails to meet the standard for approval.
  - 2. The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this ordinance.
  - 3. Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.
- c. No conditions may be imposed on permit other than standards provided in ordinance.

(8) Record of Decision.

- a. The Town of Turtle Planning Commission shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
- b. In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(9) Notice to the Department.

The Town Clerk as required by ATCP 51.36 within 30 days of the Town decision on the application shall do all of the following:

- a. Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town decision.
- b. File with the Department a copy of the final application granted or denied, if the Town has granted or denied an application under this ordinance. The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.
- c. If the Town has withdrawn a local approval under this ordinance, file with the department a copy of the Town final notice or order withdrawing the local approval.

**(10) Expiration of Permit.**

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the political subdivision may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of permit:

- a. Begin populating the new or expanded livestock facility; and
- b. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

**(11) Permit Modifications.**

The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town of Turtle shall not withhold authorization for those changes.

**(12) Compliance Monitoring.**

The Town of Turtle shall monitor compliance with the ordinance as follows:

- a. Upon notice to the livestock facility owner request the right of the Livestock Siting Facility Administrator to personally view the permitted facility at a reasonable time and date to

insure that all commitments of the application as approved are being complied with.

- b. If the livestock facility owner refuses the Administrator the right to view the permitted facility, the Administrator may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under sec. 66.0119 of the Wisconsin Statutes.
- c. If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and be complied with in a reasonable amount of time stated in this written notice.
- d. If non-compliance of the permit conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this Ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
- e. If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town Planning Commission shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

**(13) Transferability.**

- a. A permit and the privileges granted by the permit run with land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

- b. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

**(h) Administration.**

The Town of Turtle does hereby create the position of Livestock Facility Siting Administrator who shall have the primary responsibility of administering this ordinance and related matters thereto. The Livestock Facility Siting Administrator shall be appointed by the Town Board to serve at the pleasure of said board.

**(i) Appeals.**

- (1) In addition to other appeal rights provided by law, section 93.90(5), Stats., provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the Town of Turtle in connection with a permit application. An "aggrieved person" may challenge the decision on the grounds that the Town of Turtle incorrectly applied the standards under this ordinance or violated section 93.30, Stats.
- (2) An "aggrieved person" under this section as defined in section 93.90(5) of Wisconsin Statutes means a person who applied to a political subdivision for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.
- (3) An "aggrieved person" may request review of any decision of the Livestock Facility Siting Administrator decision or action by the Town Planning Commission.
- (4) Any appeal brought under this section must be requested within 30 days of the Town approval or disapproval.
- (5) Any appeal to the State Livestock Facility Siting Review Board shall comply with section 93.90 of Wisconsin Statutes and administrative rules of said board.

**(j) Penalties.**

- (1) Any person who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement

or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

- a. Upon conviction by a court of law, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation.
  - b. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
  - c. In addition, the Town Board committee may seek injunctive relief from a court of record to enjoin further violations.
  - d. In addition, the Town Board may suspend or revoke the local approval of a license under this ordinance after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.
- (2) The Town shall exercise sound judgment in deciding whether to suspend or revoke a license. The Town shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
- (3) In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the Town may be collected under this ordinance or section 823.06 of Wisconsin Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under section 66.0627 of Wisconsin Statutes unless paid earlier.

### **Section 18.03 Illicit Discharge**

- (a) **Authority.** This ordinance is adopted under authority granted by Chapter 283 Wis. Stats. and NR 216.07(3) Wis. Adm. Code. The provisions of this ordinance are not intended to limit any other lawful regulatory powers of the Town of Turtle.
- (b) **Responsibility For Administration.** The Board of Supervisors of the Town of Turtle will administer and enforce the provisions of this ordinance.

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

(1) To prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4;

(2) To identify non-storm water discharges or flows that are not considered illicit discharges; and

(3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.

(d) **Jurisdiction.** This ordinance shall apply to illicit discharges located within the boundaries and jurisdiction of the Town of Turtle.

(e) **Definitions.** For the purposes of this ordinance, the following shall mean:

(1) Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) DNR means Wisconsin Department of Natural Resources.

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

(4) Illicit Discharge means any discharge to the MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or exempted in by this ordinance.



## GENERAL ORDINANCE NO. 137

### An Ordinance to Create Section 18.03 Illicit Discharge

The Town Board of Supervisors of the Town of Turtle does ordain that General Ordinance No. 137 entitled "An Ordinance to Create Section 18.03 Illicit Discharge" is adopted as follows:

Section 1. Section 18.03 is created to read as follows:

#### **Section 18.03 Illicit Discharge**

- (a) **Authority.** This ordinance is adopted under authority granted by Chapter 283 Wis. Stats. and NR 216.07(3) Wis. Adm. Code. The provisions of this ordinance are not intended to limit any other lawful regulatory powers of the Town of Turtle.
- (b) **Responsibility For Administration.** The Board of Supervisors of the Town of Turtle will administer and enforce the provisions of this ordinance.
- (c) **Purpose and Intent.** The purpose of this ordinance is to provide for the health, safety, and general welfare of citizens through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The intent of this ordinance is:
  - (1) To prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4;
  - (2) To identify non-storm water discharges or flows that are not considered illicit discharges; and
  - (3) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.
- (d) **Jurisdiction.** This ordinance shall apply to illicit discharges located within the boundaries and jurisdiction of the Town of Turtle.
- (e) **Definitions.** For the purposes of this ordinance, the following shall mean:

(1) Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) DNR means Wisconsin Department of Natural Resources.

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

(3) Illicit Discharge means any discharge to the MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or exempted in by this ordinance.

(4) Illicit Connections means an illicit connection is defined as either of the following:

a. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Town;

b. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by the LCD.

(5) Industrial Activity means activities subject to WPDES or NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

(6) Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meet all of the following criteria:

a. Owned or operated by a municipality;

b. Designed or used for collecting or conveying storm water; and

c. Which is not a combined sewer conveying both sanitary and storm water.

(7) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by the United States Environmental Protection Agency (EPA) or by a State under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(8) Non-Storm Water Discharge means any discharge to the storm drain system that is not composed entirely of storm water.

(9) Permittee means the owner or operator of an MS4 authorized to discharge storm water into waters of the state in the Town of Turtle.

(10) Permitted Area means the areas of land under the jurisdiction of the Town of Turtle that contribute to discharge from the Town's MS4 which are regulated under a Municipal WPDES Permit pursuant to subch. I of NR 216 Wis. Adm. Code.

(11) Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(12) Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals, animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(13) Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(14) Storm Water means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(15) Town means the Town of Turtle.

(16) Town Board means the Board of Supervisors of the Town of Turtle.

(17) Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(18) WPDES Permit means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 382 Wis. Stats. by the DNR.

- (f) **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town Board to seek cumulative remedies.
- (g) **Discharge Prohibitions.** No person shall discharge or cause to be discharged into the MS4 or waters of the state any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Dye testing is an allowable discharge, but requires a verbal notification to the Town prior to the time of the test.

(3) The prohibition shall not apply to any non-storm water discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin DNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

- (h) **Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(i) **Notification of Spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Town in person or by phone or facsimile immediately. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town within three business days of the phone notice.

(j) **Industrial or Construction Site Discharges.** Any person subject to an industrial or construction site WPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

(k) **Inspections.**

(1) The Town shall be permitted to enter and inspect any property subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Town.

(2) The Town shall be permitted ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) If the Town has been refused access to any part of the premises from which storm water is discharged, and the Town is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Town may seek issuance of an inspection warrant from any court of competent jurisdiction.

(l) **Enforcement and Penalties.**

(1) Any illicit discharge initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance

shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.

(2) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by an injunction order at the suit of the Town. It shall not be necessary to prosecute for a forfeiture before resorting to injunction proceedings.

(3) When the Town finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town may order compliance by written notice of violation to the responsible person via certified mail. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. The implementation of source control or treatment BMPs.

(4) Upon receipt of written notification from the Town, the responsible person shall correct the activity as necessary to meet the specifications and schedule set forth in the notice.

(5) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Town or a contractor and the expense thereof shall be charged to the violator. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town or designed contractor to enter upon the premises for the purposes set forth above.

(6) If the responsible person does not comply with the provisions of a notice of violation, the Town may request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.

(7) Any person, firm, association or corporation violating any of the provisions of this ordinance shall be subject to a forfeiture of no less than \$500.00, nor more than \$5,000.00, and the costs of prosecution, including staff time, per offense. Each day a violation exists shall constitute a separate offense.

(8) In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town may impose upon a violator alternative compensatory actions, such as attendance at compliance workshops, and creek cleanup.

- (m) **Cost of Abatement of the Violation.** Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The propertyowner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the Town Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- (n) **Severability.** If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

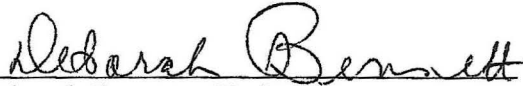
Section 2. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication or posting.

Adopted this 8<sup>th</sup> day of April, 2009.



---

Daniel A. DeLong, Chairperson



---

Deborah Bennett, Clerk

**WHEREAS**, the Town Board of the Town of Turtle, Rock County, Wisconsin has proceeded under the provisions of Wis. Stat. 66.1001 and this Ordinance is to be adopted under the authority of Wis. Stat. 66.1001; and,

**WHEREAS**, the Town of Turtle has developed the Town of Turtle Comprehensive Plan 2035 (Plan), in accordance with Wis. Stat. 66.1001, to guide and coordinate planning and development within the Town, to best promote the public health, safety, and general welfare of the Town and its citizens; and,

**WHEREAS**, the Plan was prepared by the Rock County Planning, Economic & Community Development Agency in accordance with the FY 2005 MULTI-JURISDICTIONAL COMPREHENSIVE PLANNING GRANT AGENCY SERVICES AGREEMENT between the Town and the County; and,

**WHEREAS**, the Plan was presented to the public for input, review, and comment at a public hearing held August 12, 2009; and,

**WHEREAS**, the Town of Turtle Planning Commission has reviewed and approved the Plan, and recommends the Plan for adoption to the Town Board of Turtle, and the Town Board of Turtle has also reviewed and approved the Plan.

Section 1.     **ADOPTION**

The Town Board of Turtle does ordain that the Town of Turtle, on August 12, 2009, hereby creates and adopts the Town of Turtle Comprehensive Plan 2035 and shall enforce all policies and recommendations contained therein.

Section 2.     **PURPOSE AND INTENT**

The purpose of this Ordinance is to best promote the public health, safety, and general welfare of the Town and its citizens, by guiding and coordinating planning and development in the Town.

Section 3.     **CONSISTENCY WITH ORDINANCE**

Commencing August 12, 2009, all actions, including amendments, involving the following Town ordinances shall be consistent with this Ordinance:

- (1) Town of Turtle Zoning Ordinance

Section 4.     **INTERPRETATION**



In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the purposes of this Ordinance, and shall not be deemed a limitation or repeal of any other power granted to the Town by Wis. Stats.

**Section 5. SEVERABILITY**

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.

**Section 18.05 WELLHEAD PROTECTION**

(1) **PURPOSE AND AUTHORITY.**

a. Purpose. The residents of the Town of Turtle depend on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply and promote the public health, safety and general welfare of the residents.

b. Authority. Statutory authority of the Town to enact these regulations was established by the Wisconsin legislature in Wis. Stats. 62.23(7)(a) and (c). Under these statutes, the Town has the authority to enact this ordinance to encourage the protection of groundwater resources.

(2) **APPLICATION OF REGULATIONS.** The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the Town that lie within the Five-Year Time of Travel recharge area for municipal water supply wells as defined in section (5), and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the underlying zoning ordinance, the more restrictive provision shall apply.

(3) **DEFINITIONS.**

a. Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.

b. Cone of Depression. The area around a well, where the water table dips down forming a "v" or cone shape causing the water level to be lowered at least one-tenth of a foot due to pumping a well.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the purposes of this Ordinance, and shall not be deemed a limitation or repeal of any other power granted to the Town by Wis. Stats.

**Section 5. SEVERABILITY**

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.

**Section 18.05 WELLHEAD PROTECTION**

(1) **PURPOSE AND AUTHORITY.**

a. Purpose. The residents of the Town of Turtle depend on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply and promote the public health, safety and general welfare of the residents.

b. Authority. Statutory authority of the Town to enact these regulations was established by the Wisconsin legislature in Wis. Stats. 62.23(7)(a) and (c). Under these statutes, the Town has the authority to enact this ordinance to encourage the protection of groundwater resources.

(2) **APPLICATION OF REGULATIONS.** The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the Town that lie within the Five-Year Time of Travel recharge area for municipal water supply wells as defined in section (5), and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the underlying zoning ordinance, the more restrictive provision shall apply.

(3) **DEFINITIONS.**

a. Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.

b. Cone of Depression. The area around a well, where the water table dips down forming a "v" or cone shape causing the water level to be lowered at least one-tenth of a foot due to pumping a well.

- c. Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
- d. Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- e. Municipal Water Supply. The municipal water supply of the City of Beloit within the Town of Turtle.
- f. Person. An individual, partnership, association, limited liability company, corporation, municipality or state agency, or other legal entity.
- g. Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- h. Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- i. Well. A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- j. Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

(4) WELLHEAD TECHNICAL REVIEW COMMITTEE

a. The Wellhead Technical Review Committee shall consist of all of the following:

- (1) The Town's Chairperson;
- (2) The Town's Highway Superintendent; and
- (3) The Town's Fire Chief.

b. The purpose of the Wellhead Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and to make recommendations to the Plan Commission and ultimately to the Town Board to grant or deny conditional use permits based upon the facts discovered in those reviews, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice on matters concerning groundwater.

c. Professional Services. If staff cannot review for technical reasons, the Town may retain the services of professional consultants (including engineers, environmental specialists, hydrologists, and other experts) to assist the Town in the Town's review of a proposal or submittal coming before the Wellhead Technical Review Committee. The submittal of a proposal by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may apply the charges for these services to the petitioner along with an administrative fee. Review fees, which are due the Town from the petitioner, but which are not paid, may be assigned by the Town as a special charge to the subject property.

(5) **WELLHEAD PROTECTION OVERLAY DISTRICT.** The Wellhead Protection Overlay District hereby created is intended to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The Wellhead Protection Overlay District is intended to protect the Five-Year Time of Travel recharge area for the existing or future municipal water supply from contamination.

(6) **SUPREMACY OF THIS DISTRICT.** The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Wellhead Protection Overlay District are more stringent.

(7) **WELLHEAD PROTECTION OVERLAY DISTRICTS BOUNDARIES.** The Wellhead Protection Overlay District shall be part of the Town of Turtle Zoning District Map and the locations and boundaries of the Wellhead Protection Overlay District established by this ordinance are incorporated herein and hereby made a part of this ordinance. Said maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. Attached are maps marked as Exhibits A and B which show the Overlay District on the land in the Town of Turtle.

(8) **PERMITTED USES IN WELLHEAD PROTECTION OVERLAY DISTRICTS.**

a. Subject to the conditions for existing uses listed in section (12), the following are the only permitted uses within the Wellhead Protection Overlay District:

1. Public and private parks, and playgrounds, provided there are no on-site wastewater disposal systems or holding tanks;

2. Wildlife and natural and woodland areas;
3. Biking, hiking, skiing, nature, equestrian and fitness trails;
4. Residential which is municipally sewered or on private septic systems and free of flammable and combustible liquid underground storage tanks;
5. Single-family residences on a minimum lot size of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent, and free of flammable or combustible liquid underground storage tanks;
6. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines;
7. Commercial, institutional, or office establishments which are municipally sewered, subject to the prohibited and conditional uses listed in sections (10) and (11).

(9) SEPARATION, DISTANCE REQUIREMENTS IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

a. The following separation distances shall be maintained. Measurements shall be from the wellhead to the specified structure, facility, edge of landfill or storage area as described in items 1. through 6. below.

1. Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications. NOTE: Current AWWA 600 specifications are available for inspection at the Office of the Wisconsin Department of Natural Resources and the Secretary of State's office.
2. Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
3. Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.

4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that have received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written approval.

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Safety and Professional services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written approval; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(10) PROHIBITED USES IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

a. The following uses are prohibited:

1. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)

2. Radioactive waste facilities.

3. Coal storage.

4. Industrial lagoons, pits or natural or manmade containment structures primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.

5. Landfills and any other solid waste facility, except post-consumer recycling.

6. Manure and animal waste storage except animal waste storage facilities regulated by the county.
7. Pesticide and fertilizer dealer.
8. Railroad yards and maintenance stations.
9. Rendering plants and slaughterhouses.
10. Salt or deicing material storage for the purpose of distribution.
11. Septage or sludge spreading.
12. Septage, wastewater, or sewage lagoons.
13. Motor vehicular filling stations.
14. Wood preserving operations.

(11) CONDITIONAL USES.

a. Any person may request a conditional use permit for certain uses, activities and structures within the Wellhead Protection Overlay District not prohibited in section (10).

b. The uses, activities, and structures that may be conditionally allowed are:

1. Commercial, institutional, or industrial establishments utilizing a private on-site wastewater treatment system.
2. Chemical manufacturers (Standard Industrial Classification Major Group 28).
3. Nonmetallic earthen materials extraction or sand and gravel pits.
4. Salvage or junk yards.
5. Stockyards and feedlots.
6. Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP gas tanks.

7. Storage or processing of extremely hazardous substances, radioactive materials or substances listed in APPENDIX I TO TABLE 1 PUBLIC HEALTH GROUNDWATER QUALITY STANDARDS, ch. NR 140, Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)

8. Septage or sludge storage or treatment.

c. All applications for a conditional use permit shall be submitted in writing to the Town Clerk, using such forms as are made available for that purpose by said Clerk and shall include all of the following:

1. A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.

2. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.

3. If determined necessary by the Wellhead Technical Review Committee, an environmental assessment report shall be prepared by a licensed environmental engineer, which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.

4. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.

5. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.

d. All applicants submitting a request for a conditional use permit shall pay the established fee set by the Town Board.

e. All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:



1. Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the Town.

2. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.

3. Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.

4. Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Town.

f. The Town Planning Commission shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Wellhead Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, subsection e. herein, that are recommended by the Wellhead Technical Review Committee may be applied to the granting of the conditional use permit.

(12) REQUIREMENTS FOR EXISTING FACILITIES REQUIRING A CONDITIONAL USE OR LISTED AS A PROHIBITED USE.

a. Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which require a conditional use or are listed as a prohibited use in section (11) or section (10) are subject to the following provisions:

1. The owners or operators of facilities described in section (12)a., which facilities exist within the district at the time of enactment, shall, within 60 days of enactment, provide copies of all current, and within 30 days of receipt, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plan and on-going environmental monitoring results to the Town.

2. The owners or operators of facilities described in section (12)a., which facilities exist within the district at the time of enactment of a district, shall have the responsibility of filing and maintaining with the Town, a current Spill Control Prevention Plan on forms provided by the Town, which details how they intend to

respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.

3. In the event of casualty loss causing damage or destruction to building improvements exceeding 50 percent of the assessed valuation thereof, or the desire to expand or enlarge facilities, then the owners or operators of such facilities may be granted a conditional use permit, in accordance with this Ordinance, and section (11) above, to repair, rebuild, or expand such facilities, provided that the conditions imposed shall generally require that:

(i) To the extent feasible, based upon Best Management Practices and economic factors, the building improvements shall be repaired, restored or rebuilt employing designs and technologies that diminish the potential for wellhead contamination; and

(ii) To the extent feasible, based upon Best Management Practices and economic factors, the replacement or augmentation of equipment and machinery and the installation thereof shall be done in a manner which diminishes potential for wellhead contamination. This section does not apply to normal maintenance or minor repairs.

(13) ENFORCEMENT AND PENALTY.

a. Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in the Town Ordinances.

b. Injunction. The Town of Turtle may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.

c. Cleanup Costs. As a substitute for, and in addition to any other action, the Town of Turtle may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean up

satisfactory to the Town and the other state and federal regulatory agencies.

The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the Town employees, equipment and mileage.

(14) CONFLICT, INTERPRETATION AND SEVERABILITY.

a. Conflict and Interpretation of Provisions. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.

b. Severability of Ordinance Provisions. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

c. Amendments Adopted. Where the Wisconsin Statutes or the administrative regulations and codes of Wisconsin or the United States are adopted by reference in this ordinance, such adoptions shall include any subsequent amendments or replacement citations thereto, which are hereby adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

## Chapter 19 - ZONING

### Town of Turtle Zoning Ordinance

#### SECTION 19.01 INTRODUCTION

(a) **Authority** The Town Board of Turtle, Wisconsin, has heretofore been directed, at an annual town meeting of qualified electors to exercise all powers relating to and conferred upon villages, and these regulations are adopted under the authority granted by Sections 60.62, 61.35, and 62.23 of the Wisconsin State Statutes.

(b) **Purpose** The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this Ordinance is to implement the land use goals, objectives, policies, and map resulting from the Town's comprehensive planning process in preparing the previously adopted Town of Turtle Land Use Plan.

(c) **Intent** It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, number of stories and size of buildings and other structures, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's land use plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

(d) **Abrogation and Greater Restrictions** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(e) **Interpretation** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(f) **Severability**

(1) 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.

(2) 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, land or water not specifically included in said judgment.

(g) **Repeal** The Town Board repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, including without limitation, a certain zoning ordinance originally dated September 20, 1982, the Official Zoning (District) Map, and any amendments to said zoning ordinance and zoning map that is a part of that ordinance originally dated April 12, 1978.

(h) **Title** This Ordinance shall be known as, referred to, or cited as the Town of Turtle Zoning Ordinance.

(i) **Effective Date** This Ordinance shall be effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 8 have complied with and the Change or Amendment has been posed as provided by law.

## **SECTION 19.02 GENERAL PROVISIONS**

(a) **Jurisdiction** The jurisdiction of this Ordinance shall include all lands and waters within the Town.

(b) **Compliance** No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.

(c) **Use Restrictions** The following use restrictions and regulations shall apply:

(1) **Permitted Uses** are permitted as of right in any district.

(2) **Accessory Uses** and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this ordinance.

(3) **Conditional Uses** and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning Commission and issuance of a conditional use.

(4) Unclassified or Unspecified Uses may be considered and utilized as a permitted or conditional use as determined by the Planning Commission provided that such uses are similar in character and impact to the principal uses permitted in the district.

(5) Temporary Uses, may be permitted by the Town Board for a period of time to be determined by the Town Board.

(6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

(d) **Penalties** Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$250 nor more than \$5000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(e) **Violations** It shall be lawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Planning Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

(f) **Civil Enforcement** Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in subsection (d).

(g) **Modifications**

(1) Authority, application.

(i) Wherein the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(ii) Application for any such modification or waiver shall be made in writing, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data that may aid the Town in the analysis of the requested modification or waiver.

(2) Conditions for granting. The Town Board shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

(i) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.

(ii) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.

(iii) A particular hardship to the owner would result if the strict letter of the ordinance were carried out.

(iv) Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

(3) Granting by Town Board.

(i) The Town Board, if it approves of the modification to this ordinance, shall do so by motion or resolution and shall instruct the Town Clerk to notify the petitioner.

(ii) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town consistent with the Town Comprehensive Plan.

(iii) Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

**SECTION 19.03 ZONING DISTRICTS**

(a) **Establishment** For the purpose of this ordinance the Town of Turtle is hereby divided into the following Zoning Districts:

- Rural Residential District (R-R)
- Residential One District (R-1)
- Cluster Overlay District (COD)
- Mobile Home District (MHP)
- Exclusive Agricultural (A-E)
- General Agricultural (A-G)
- Commercial Highway Interchange District (CHI)
- Local Commercial District (B-1)
- Lowland Conservancy Overlay District (C-1)
- Highland Conservation District Two (C-2)
- Special Purpose District (SP)
- Light Industrial District (M-1)

(b) **Zoning Map and District Boundaries**

(1) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Turtle, Wisconsin", dated October 28, 1998 as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines; U.S. Public Land Survey lines; land parcel lines; road right-of-way lines, centerline of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. One copy of said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of this Ordinance shall be attached to this Ordinance. The Town Clerk or Town Board designee shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency. Amendments shall be included on the Official Zoning Map as soon as possible. The original Official Zoning Map shall be kept in the Rock County Planning and Development Agency Office and the Town Clerk shall receive an updated copy as revised current version of said map reflecting current zoning boundary locations. The Clerk shall save at least one copy of all updated Official Zoning Map editions.

(2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

(3) Any person finding an error in the Official Zoning Map may report the error to the Town of Turtle Planning Commission. The Planning Commission will investigate and if it determines there is an error, the Planning Commission will report the error to the Town Board. The Town Board will consider the matter and if it agrees there is an error in the Official Zoning Map, it will report the error to the Rock County Planning and Development Agency and request a correction in the Official Zoning Map.

(c) **General District Regulations** The following regulations set forth requirements that may not apply universally throughout the town, but rather cover issues that are applicable to one or more districts.

(1) **Right to Farm.** The Town, in establishing exclusive agricultural districts, effectively has decided that agricultural uses of land are appropriate in those districts. An exclusive agricultural district also protects owners of farmland against lawsuits alleging that agricultural practices constitute a public nuisance. According to section 823.08 of the Wisconsin Statutes, the court cannot substantially restrict agricultural practices in an exclusive agricultural use district, except when necessary to protect the public health or safety.

(2) **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos,



barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(3) **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(4) **Parking and Storage of Certain Vehicles.** Motor vehicles without current license plates shall not be parked or stored on any land parcel in the Town of Turtle unless they are in completely enclosed buildings.

(5) A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) existing main buildings existing at the date of enactment of this Ordinance within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be on the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Commission and shall not require a special exception or variance.

(6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.

(7) Where a parcel has an area less than the minimum number of square feet required for the district in which it is located, and was off record as such at the time of the passage of this ordinance, such lot may be occupied by a one (1) family structure if the zoning district setback requirements, septic system, and water well requirements are met.

(8) Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(9) In any district no more than one principal structure shall be allowed as a permitted or a conditional use on a single parcel lot except for condominium units and manufactured homes when in a mobile home park.

(10) All new land parcels shall be served with electric and telephone lines with electric lines being less 12,400 volts. Cable television and natural gas shall be installed underground within the parcels utility easements when the utility line is adjacent to the land division or available to an adjoining parcel. Utility easements and lines shall be required to be on the Building Permit map. Provisions shall be made to assure that installation of utilities take place prior to final land division approval. The only exception

will be on an immediately adjacent parcel where existing overhead or underground lines can provide direct service to a structure.

(11) No overhead electric power or telephone shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(12) Community living arrangements as provided in Section 60.63 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or one percent (1%) of the town's population, whichever is greater.

(13) No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Commission and if both comprise essential components of a single program.

(14) Habitation of a recreational vehicle, tent, or camper shall not take place on a parcel located in the Town for more than a total of fourteen days within a 12 month period.

(15) Storage of a recreational vehicle, mobile home, manufactured home, camper, pull trailer, 5th wheel, snowmobile, all-terrain vehicle, or boat without a current registration/license issued by the State of Wisconsin shall not be parked or placed on any land parcel located in the Town unless within a completely enclosed building. Exception: Pop-up campers and pull trailers under 3,000 pounds are exempt because they do not require Wisconsin registration or licenses.

(16) No new land parcel shall be created that is not in compliance with the minimum land parcel requirements of this ordinance.

(17) All land parcels existing as of the date of approval of this ordinance, that are smaller than the minimum square footage requirement of the assigned zoning district, shall be entitled to the permitted and conditional uses provided in the district when the front, side, and rear yard setbacks, sewer and water requirements can be met.

(18) Semi-Trailers shall not be parked on a parcel of land for more than seven days unless located in a commercial or industrial district. In Agricultural Districts, the use of semi-trailers as a storage facility requires a conditional use permit authorized by the Commission.

(19) **Animal Permit for 4-H and FFA Members.** A youth who is a member of 4-H or FFA may obtain an annual permit to raise chickens, rabbits, pigs, goats, steers, and sheep in any zoning district in the Town of Turtle for any 4-H or FFA project, subject to the following a. – e..

- a. There shall be no fee charged by the Town for this permit.
- b. All permit applications must be filed with the Town Clerk by December 1, and shall be approved by the Town Board, after review and approval of the Planning Commission. Applications must be turned in to the Town on or before the Wednesday before the Planning Commission meetings in March and September.
- c. All applicants must be able to prove membership either in 4-H or FFA.
- d. After a permit has been issued, the applicant is under a continuing duty to prove membership either in 4-H or FFA if required by the Town.
- e. Applicants must contact their neighbors before turning in a permit application to advise the neighbors about the type and number of animals they want to raise and the location where the animals will be kept.
- f. The youth must have a land area that is large enough for the animals.

(20) An owner of record, on November 11, 2015, of any parcel(s) formerly zoned A-1, A-2 or A-3 and rezoned, as part of the Town's comprehensive zoning ordinance revision [adopted November 11, 2015] to a zoning district that disallows an animal use previously allowed, shall retain the previous animal use on said parcel(s) in accordance with the animal allowance as defined herein, until such time said parcel(s) is sold or otherwise legally transferred to another entity. Once said parcel(s) is sold or otherwise legally transferred to another entity, said parcel(s) is then subject to the animal requirements outlined in Section 19.03(19) herein.

(d) **RURAL RESIDENTIAL DISTRICT (R-R)**

(1) **Purpose and Intent of R-R District.** The purpose of the Rural Residential (R-R) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan. The intent of the R-R District is to provide for rural residential development on sites served by private sewer systems. The areas zoned R-R should be in and around existing residential development areas indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas projected from traffic hazards and the intrusion of incompatible land uses.

(2) **Permitted Uses.** The following uses are permitted uses in this District:

- a. One single family or one-two family structure. One private garage for each residential unit, not to exceed 90% of the total square footage of the residential structure. If said structure is to be located on lands re-zoned out of the Exclusive

Agriculture (A-E) District, and not planned for future rural residential use on the Town's land use plan map, or similarly named map, as contained in the Town's Comprehensive Plan, said structure and the lot on which it is located shall be subject to the following:

1. The residential lot does not contain soil types of Class 1, 2, or 3, Agricultural Capacity Units as indicated in the Soils Survey of Rock County, Wisconsin published by the U.S. Soil Conservation Service.
  2. The number of residential lots including the farmland owner, and any son, daughter, or parent lots and any non-agricultural/residential lots cannot exceed one (1) residential lot for each one-quarter (1/4), of one-quarter (1/4), section of land (approximately 40 acres) contained in the lot originally purchased by the current landowner.
  3. All residential lots shall adjoin any existing residential lots that are not located on Class 1, 2, or 3 Agricultural Capability Unit Soils, or in residential clusters not located on Class 1, 2, or 3 Agricultural capability unit soils.
  4. Each residential lot shall be part of a residential cluster designed to maximize the number of lot (determined by using the one (1) lot to forty (40) acre ratio), with an internal public road or joint driveways located on future road right-of-way connecting to the public road network.
- b. One accessory structure of up to 800 square feet, for the first 40,000 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 10,000 square feet of the parcel above 40,000 square feet but, not to exceed 90% of the total square footage of the residential structure.
- c. Government buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- d. Publicly owned parks, playgrounds, recreational and community center buildings and grounds.
- e. Pre-schools, K-12 schools, churches and their affiliated uses.
- f. Home offices.

(3) **Conditional Use**. The following uses require a Conditional Use Permit be approved by the Commission prior to being established.

a. Educational buildings, colleges, universities, including private music and dancing schools.

b. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.

c. Telephone and electric transmission buildings or structures.

d. Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.

e. Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

f. Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

g. Home Occupations.

(4) **Requirements for Permitted and Conditional Uses.**

a. Maximum Building Height.....35 ft. for residential structures

b. Minimum Building Front Yard Setback on Local Road.....50 ft.  
(All front yard setbacks are to also refer to Section 19.06 of this Ordinance for setbacks on arterial, collector, and local roads.)

c. Minimum Front Yard Setback on Corner Lot.....50 ft. on each Road

d. Minimum Building Rear Yard Setback.....20 ft.

e. Minimum Building Side Yard Setback.....15 ft.

f. Maximum Lot Size Less than 3 acres

f. Minimum Lot Width.....100 ft.

- g. Minimum Lot Frontage on Public Road.....100 ft.
  
- h. Minimum Lot Frontage on Cul-du-Sac  
Road Bulb.....50 ft.
  
- i. Minimum Lot Area Single Family.....40,000 sq. ft.
  
- j. Minimum Lot Area Per Two Family  
Dwelling.....55,000 sq. ft.
  
- k. Accessory Buildings Minimum Side Yard  
Setback.....5 ft.
  
- l. Accessory Buildings Minimum Rear Yard  
Setback ..... 10 ft.
  
- m. Minimum Floor Area Per Family.....1,200 sq. ft.
  
- n. Minimum Building Width.....24 ft.
  
- o. Maximum Accessory Building Height.....35 feet or not to  
exceed the height of the principal building

(5) **Prohibited Uses.**

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.
  
- b. Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
  
- c. Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(e) **RESIDENTIAL ONE DISTRICT - (R-1)**

(1) **Purpose and Intent of R-1 District.** The purpose of the Residential (R-1) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan and Map. The intent of the R-1 District is to provide for residential development that has been or will be provided with public sewer in the future. The areas zoned R-1 should be in and around existing urban residential indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

(2) **Permitted Uses.** The following uses are permitted uses in this District:

a. One single family or one-two family structure. One private garage not to exceed 90% of the total square footage of the residential structure.

b. One accessory structure of up to 720 square feet, for the first 8,900 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 4,000 square feet the parcel is above 8,900 square feet but, not to exceed 90% of the total square footage of the residential structure.

c. Government buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

d. Publicly owned parks, playgrounds, recreational and community center buildings and grounds.

e. Pre-schools, K-12 schools, churches and their affiliated uses.

f. Home offices.

(3) **Conditional Use.** The following uses require a Conditional Use Permit be approved by the Commission prior to being established.

a. Educational buildings, colleges, universities, including private music and dancing schools.

b. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.

c. Telephone and electric transmission buildings or structures.

d. Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.

e. Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

f. Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that

it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

g. Home Occupations.

(4) **Requirements for Permitted and Conditional Uses.**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft.  
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Front Yard Setback on  
Corner Lot .....50 ft. on each road
- d. Minimum Building Rear Yard Setback.....20 ft.
- e. Minimum Principal Building Side Yard Setback.....8 ft.
- f. Minimum Lot Width .....80 ft.
- g. Minimum Lot Frontage on Public Road.....80 ft.
- h. Minimum Lot Frontage on  
Cul-du-Sac Road Bulb.....50 ft.
- i. Minimum Lot Area Single Family.....8,900 sq. ft.
- j. Minimum Lot Area Per Two Family  
Dwelling.....12,000 sq. ft.
- k. Accessory Buildings Minimum Side Yard  
Setback.....3 ft.
- l. Accessory Buildings Minimum Rear Yard  
Setback ..... 10 ft.
- m. Minimum Floor Area Per Family  
Structure.....1,200 sq. ft.
- n. Minimum Residential Building Width.....24 ft.
- o. Maximum Accessory Building Height .....35 feet or  
not to exceed the height of the principal building



(5) **Prohibited Uses.**

a. No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.

b. Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

c. Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(f) **Cluster Overlay District (COD)**

(1) **Purpose and Intent of Cluster Overlay (COD) District.**

a. The purpose of the Cluster Overlay District (COD) is to provide a method to obtain compact development designs in to obtaining the goals, objectives, and policies of the Land Use Plan. The COD is intended to provide for the possible relaxation of certain development standards to the underlying standard zoning district. CODs are designed to promote the aesthetic quality of an area in conjunction with improvements for condominium ownership and planned unit developments.

By controlling the site design, appearance, and intensity with concert with the sites physical features, development standards can become more flexible for land uses, setbacks, public improvements, density, height, landscaping, and parking requirements. This district is designed to overlay the standard zoning districts.

b. **Flexible Development Standards for Cluster Overlay Development District.**

1. Permitted Location: CODs shall be a minimum of ten (10) acres located in area indicated for residential or commercial development on the Land Use Plan. CODs shall be permitted with the approval of a Cluster Overlay Development Zoning District as provided in this Ordinance.

2. Flexible Development Standards: The following exemptions to the development standards of the underlying standard zoning district may be provided with the approval of a Cluster Overlay District:

(i) Land Use Requirements: All land uses listed as permitted uses in the underlying zoning district may be permitted within a COD.

(ii) Density and Intensity Requirements: The maximum number of lots or units in a COD is determined by dividing the number of square feet in the land parcel(s) by the minimum lot size of the underlying zoning district.

(iii) Bulk Requirements: All bulk requirements (setback and height) may be waived within a COD.

(iv) Landscaping Requirements: A landscaping plan is required as part of the application.

(v) Roads, Parking and Loading Requirements: A road and parking plan is required as part of the application.

c. **Requirements to Depict All Aspects of the Development**: Only development which is explicitly depicted on the required site plan approved by the Town Board as part of the COD, shall be permitted, even if such development (including all aspects of land use, density and intensity bulk, landscaping, parking and loading), is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Commission and approved explicitly by the Town Board.

d. **Applications for a Cluster Overlay District**: Applications for approval of a COD shall be:

1. by the owner(s) of the subject property to the Town for designation of a COD zoning district;

2. by the owner(s) of the subject property to the County Planning and Development Agency for a land division;

3. recommended by the Commission to the Town Board, to assign the COD zoning district to the subject land parcel;

4. recommended by the Commission to the County Planning and Development Commission for Preliminary Approval and Final Approval of a COD Land Division; or

5. approved by action of the Town Board.

e. **Application Requirements**: All applications for a proposed COD shall be reviewed and approved as a complete application by the Zoning Administrator prior to forward copies of said complete application to the Commission.

**(1) COD Process Step 1: Pre-Application Conference - Sketch Plan.**

a. The Applicant shall contact the Zoning Administrator to place an informal discussion item for the COD on the Commission agenda. The Applicant shall also contact the County Planning and Development Agency for an informal meeting pertaining to a COD land division.

1. Information required for the agenda include the name of the Applicant and the identification of the COD discussion item on the agenda.
2. At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the potential COD. Appropriate topics for discussion may include the location of the COD, general project themes and images, type of land uses being considered, approximate residential densities and non-residential intensities, open space concepts, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
3. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step.
4. The Applicant shall provide the Zoning Administrator with a Proposed COD Sketch Plan Submittal Packet for the Zoning Administrator's determination of completeness prior to placing the proposed COD on the Commission agenda for Sketch Plan review. This submittal packet shall contain all the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for Concept Plan review.
  - b. A Sketch Plan Map of the subject property and its vicinity at a minimum scale of one inch equals five hundred feet. The Sketch Plan Map shall indicate the proposed land uses and depict a conceptual design layout. The Sketch plan shall also provide the parcel layout, roads, and land uses on the adjacent 250 feet of all adjoining land parcels. The Sketch Plan shall include the proposed land uses as indicated on the Land Use Plan Map.
    1. A general written description of proposed COD including:
      - (i) General project themes and images;
      - (ii) The general mix of dwelling unit types and/or land uses;
      - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
      - (iv) The general treatment of natural features;
      - (v) The general relationship to nearby properties and public streets;
      - (vi) The general relationship of the project to the land Use Plan;
      - (vii) An initial draft list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed COD and

location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,

2. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- (i) Land Use Exemptions;
- (ii) Density and Intensity Exemptions;
- (iii) Bulk Exemptions;
- (iv) Landscaping Exceptions;
- (v) Parking and Loading Requirement Exemptions;

3. A conceptual plan drawing at a scale of one inch equals one hundred feet of the general land use layout and the general location of major public streets and/or private drives.

(i) Within ten working days of receiving the draft COD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed COD Concept Plan shall be placed on the Commission agenda.

(ii) At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the conceptual COD. Appropriate topics for discussion may include any of the information provided in the COD Concept Plan Submittal Packet, or other items as determined by the Commission.

(iii) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for the Commission to review the sketch plan more than once prior to introduction of the formal petition.

## **(2) COD Process Step 2 - Preliminary Plan Application**

a. The Applicant shall provide the Zoning Administrator with a Preliminary Plan Application of the COD Submittal Packet, for a determination of completeness prior to placing the proposed Application on the Commission agenda for COD review. This

submittal packet shall contain all the following items: which are to be reviewed and certified as a complete Preliminary Plan Application by the Zoning Administrator, prior to the Applications acceptance and placement as an item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at scale of one inch equals five hundred feet.
2. A map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property Description Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 500 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
3. A general written description of proposed COD including:
  - (i) General project themes and images;
  - (ii) The general mix of dwelling unit types and/or land uses;
  - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
  - (iv) The general treatment of natural features;
  - (v) The general relationship to nearby properties and public streets;
  - (vi) The general relationship of the project to the Master Plan;
  - (vii) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.
  - (viii) A complete list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Commission with information

necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(ix) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Preliminary Plan Map shall be submitted at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A Preliminary Plan Map of the general land use layout and the general location of major public streets and/or private drives;
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Commission or Town Board;
4. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter and use of extra landscaping and sideyards.
5. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles) which are proposed to vary from standard or common practices.
6. Written justification for the proposed COD.

c. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall establish a COD overlay that is depicted as such on the official zoning map. The underlying use zoning, however, shall control development within the area until all or a portion of the area is approved as a COD.

d. Prior to Commission recommendation to the Town Board for approval, approval with modification, or denial, a public hearing shall be held to consider the proposed COD. All property owners within 1000 feet of the subject property shall be notified by First Class Mail no later than 7 days prior to the public hearing.

e. All portions of an approved COD not fully developed within three years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this three year period by up to five additional years via a majority vote following a public hearing.

**(3) COD Process Step 3 - Final Plan**

a. After the effective date of the rezoning to COD, the Applicant may file an application for a proposed Final Plan with the Commission. This submittal packet shall contain all the following items: prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at one inch equals five hundred feet.

2. A location map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property Lister Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier.

3. A general written description of proposed PIP including:

(i) Specific project themes and images;

(ii) The specific mix of dwelling unit types and/or land uses;

(iii) Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

(iv) The specific treatment of natural features;

(v) The specific relationship to nearby properties and public streets;

(vi) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.

(vii) A complete list of zoning standards which will not be met by the proposed COD which and location(s) in which they apply and a complete list of zoning standard which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. The purpose of this listing shall be to provide the Commission with information necessary to determine the relative regard to the mitigation of potential adverse impacts created by design flexibility. List items shall be provided in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Precise Implementation Plan (PIP) Drawing at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A COD site plan conforming to any and all the requirements of this chapter. If the proposed COD is group development, a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan;
  2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  3. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by Commission or Town Board; and
  4. Notations relating the written information provided above to specific areas on the COD Final Plan Map.
- c. A landscaping plan for subject property specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart that provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- d. A series of building elevations for the entire exterior of all buildings in the COD, including detailed notes as to the materials and colors proposed.
- e. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces



and/or poles), and signage themes which are proposed to vary from Town standards or common practices.

f. A general outline of the intended organizational structures for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

g. A written description which demonstrates the full consistency of the proposed COD with the Preliminary Plan approval.

h. Any and all variations between the requirements of the applicable COD zoning district and the proposed COD development; and

i. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

j. The area included in a Precise Implementation Plan (PIP) may be only a portion of the area included in a previously approved General Implementation Plan.

k. The PIP submission may include site plan and design information, allowing the Commission to combine design review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.

l. The Commission may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

m. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall formally establish the COD overlay zoning district and any such land uses and site plans included in the approved PIPs.

n. All portions of an approved COD not fully developed within five years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this period by up to five additional years via a majority vote following a public hearing.

o. Approved COD Districts that have not been established as a subdivision or condominium plat within a three year time limit shall revert to the pre-existing zoning designation.

#### **(4) Cluster Development Implementation**

Upon recommendation of the Commission, approval of the COD Zoning District by the Town Board of the Final Plan, preliminary approval of the subdivision/condominium plat by the County Planning and Development Agency, and construction of proposed roads, the

Applicant may apply for building permits from the Zoning Administrator. Upon granting of the necessary permits, the Applicant may proceed with construction as provided in the Precise Implementation Plan.

(g) **MOBILE HOME PARK OVERLAY DISTRICT MHP** The purpose of the Mobile Home Park Overlay (MHP) District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and establish regulations governing their construction and use for the health and well-being of residents of the community.

(1) **Procedures and Applications**

a. **Approvals Required.** No person shall construct, expand, or operate a Mobile Home Park within the Town unless he/she holds a valid license.

1. Any person owning or controlling a Mobile Home Park in existence on the effective date of this ordinance may apply for and receive an annual license for his/her existing park or camp by following subsection (3)(d) of this Section.

2. The Town Clerk shall issue an initial license only after the following actions have taken place:

(i) The land has been zoned as a Mobile Home Park Overlay District over residential base district by the Town Board.

(ii) The applicant completes an application form and submits it to the Town Clerk together with the required license fee.

(iii) The Town Board approves the license.

b. **Fees and Expiration Date**

1. **Fee Schedule**

(i) Initial Mobile Home Park License Fee  
.....To Be Determined by Town Board.

(ii) Annual Mobile Home Park License Fee  
.....To Be Determined by Town Board.

(iii) Mobile Home Park License Transfer Fee  
.....To be Determined by Town Board.

(iv) **Expiration.** All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no pro-ration of fees.

c. **Initial License Application**

1. Application for an initial license shall be made to the Town Clerk on an initial license application form. Fees as provided in Subsection (1)(b)(i) above are required prior to taking action on each of the approval steps listed herein.

2. Preliminary Plan The applicant shall apply for preliminary plan approval to the Planning Commission. Such applicant shall submit six (6) copies of the Preliminary Plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one inch equals 100 feet showing two foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Commission shall be in concept only which will enable the applicant to prepare final plan.

3. Final Plan Upon approval by the Commission of the preliminary plan, the applicant shall submit to the Commission a review fee which shall be determined by the Town Board and six (6) copies of the general development plan which shall include:

(i) Three (3) prints of a Certified Survey Map, subdivision plat, or plat of survey of the property showing existing features of the mobile home park.

(ii) A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.

(iii) The number, location and dimensions of all Mobile home lots.

(iv) The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.

(v) The location of auto parking areas and service buildings, if provided.

(vi) The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.

(vii) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home lot.

4. Upon submission of the final plan to the Commission, the Commission shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Commission shall make a recommendation and report to the Town Board concerning such plan after determining the following:

(i) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park.

(ii) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(iii) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.

(iv) Approval by Town Board. After receiving the final plan and the recommendation and report from the Commission, and holding a public hearing the Town Board may grant approval of the MHP Overlay District and thereafter grant the initial license.

(v) Such permit shall not be issued until the requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.

(vi) Procedure After Permit Granted Upon approval of a MHP, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin, a certified survey map or Subdivision Plat (pursuant to Chapter 236 of the Wisconsin Statutes) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Commission and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within six months of the date of the license issuance or the license shall become null and void.

5. **License Application** Annual License. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a current County

Health Department License, a current State of Wisconsin License, and a fee as provided in (1)(B)(i) above.

6. **Transfer of License** A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in subsection (2)(a) above.

b. **Administration**

1. **Zoning Administrator** It shall be the responsibility of the Zoning Administrator to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all model home parks.

2. **Violations** Whenever the Zoning Administrator determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

(i) Be in writing.

(ii) Include a statement of the violations enumerated.

(iii) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.

c. **Revocation of License** Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.058(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.

d. **Emergency Order** Whenever the Zoning Administrator finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

e. **Duty of License Holder**

1. It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:

(i) Name of mobile home park, name and address of owner, agent, or operator.

(ii) A tabulation of mobile home park occupancy listing lot designation, occupants names, monthly tax and date of departure or arrival.

2. Within five days of the arrival of each new mobile home occupant, the owner shall submit in duplicate to the Town Assessor Form 130-2 of the Wisconsin Department of Revenue for a Mobile Home.

3. Restrictions on Occupancy of Mobile Homes No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

(2) **General Provisions**

a. **Applicability** All additions to MHP District added to after the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map. Every mobile home park developed and governed by this ordinance shall first have an approved conditional use permit prior to being licensed.

b. It shall be unlawful to permit a mobile home to be located in a park or camp unless it is placed in a designated stand, on an improved lot, in a licensed park.

c. **Parking of Mobile Homes**

1. Only one mobile home shall be placed on a lot except that an unoccupied travel trailer may be parked behind the setback line of the owner's yard to the rear of the principal building.

2. Each mobile home shall abut upon a roadway within an approved park.

d. **Non-Residential Uses** No part of any park shall be used for non-residential purposes except for the management and maintenance of the park or camp as approved by the Town Board.

e. **Signs** No signs shall be permitted except as provided in Section 13 of this Ordinance.

(3) **Standards**

a. **Minimum Park Size** There shall be a minimum of 10 acres of land developed as a MHP in the initial development.

b. **Minimum Number of Lots** There shall be a minimum of (10) ten mobile home lots completed and ready for occupancy before first occupancy is permitted.

c. **Length of Residential Occupancy** No lot shall be rented for residential use of a mobile home in any such MHP except for periods of thirty (30) days or more.

d. **Compliance with Code Standards** No mobile home shall be admitted in any mobile home park unless it can be demonstrated that it meets all the requirements of U.S. Department of Housing and Urban Developments' Manufactured Home Construction Standards.

e. **Minimum Lot Width and Setback Standards**

1. Building Setback Standards

(i) Front Yard Setback

Rural Residential.....50 ft.

Urban Residential.....35 ft.

(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

(ii) Side Yard Setback

Rural Residential.....15 ft.

Urban Residential.....8 ft.

(iii) Rear Yard Setback

Rural Residential.....35 ft.

Urban Residential.....20 ft.

(iv) Corner Lot Side Yard Setback on Road

Rural Residential.....50 ft. on each street

Urban Residential.....35 ft. on each street

2. Minimum lot width

Rural Residential.....100 ft.  
Urban Residential.....80 ft.

3. Minimum Lot Area

Rural Residential.....40,000 sq. ft.  
Urban Residential.....8,900 sq. ft.

4. Minimum Accessory Side Yard Setback

Rural Residential.....5 ft.  
Urban Residential.....3 ft.

f. **Parking** At least two (2) off-street hard surfaced parking spaces shall be provided on each mobile home lot. The size of each space must be at least 10 feet by 20 feet. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.

g. **Screening** There shall be provided a screening buffer strip along the boundary of the mobile home park where it abuts any other residence district. Such screening shall be at least five (5) feet in width and ten (10) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.

h. **Recreation Requirements** Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the persons the park is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.

i. **Tenant Storage** One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot.

j. **Fuel Supply** All fuel shall be distributed in conformity with the rules and regulations of the Department of Commerce.

k. **Additions and Alterations**

1. **Permit Required.** A permit issued by the Zoning Administrator shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.

2. **Size of Expansion.** No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration



to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.

3. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.

4. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.

1. Utilities shall be installed underground and shall meet State of Wisconsin Statutes and Administrative Codes.

1. Electrical Requirements.

(i) Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 12-240 volts AC, 100 amperes.

(ii) Adequate lights shall be provided in mobile home parks to illuminate streets, driveway, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.

2. On-site or Public Sewer Service. All mobile homes shall be served by common sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.

3. Water. Common water shall be provided by separate lateral at each mobile home lot.

m. Mobile Home Stand, Patio, and Tie Downs

1. A mobile home stand shall be a continuous 4 inch concrete single slab equal to the size of the trailer with tie downs every ten feet.

2. The mobile home stand shall be provided with six anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors

and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

n. **Roadways**

1. All roadways constructed in a MHP shall be hard surfaced built according to Town Road Standards.

2. The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 140 feet.

3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.

4. The names of roadways within the park shall not duplicate the names of streets within Rock County.

o. **Lot Markers** The limits of each MHP lot shall be clearly marked on the ground by permanent flush stakes, markers and have a unique number and street name that is not duplicated within Rock County.

p. **Fences and Hedges** Fences and hedges may be permitted provided they do not exceed a height of three feet in the front yard or corner side yard and six feet in height in all other yards.

q. **Garbage and Rubbish Storage Areas** Garbage and rubbish shall be stored in fly-tight, water-tight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.

r. **Service Building For Travel Trailer Camps** There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.

1. **Location, Construction and Maintenance.** Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 degrees F. whenever the camp is open for business.

2. **Plumbing and Electrical Facilities.** Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.

s. **Community Centers** Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include: kitchen facilities; rest room facilities for men and women;

meeting room space of at least 1,000 square feet; a basement which shall be built to a size which will provide adequate protection to all park residents in the event of severe weather.

t. The Town Board may require that a letter of credit or cash deposit be executed by the mobile home park developer to insure that all required improvements will be made.

(h) **EXCLUSIVE AGRICULTURAL DISTRICT ONE (A-E)**

(1) **Purpose and Intent**

a. The purpose of the Exclusive Agricultural (A-E) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document, and to ensure that qualifying landowners in the A-E district are eligible for the State of Wisconsin Farmland Preservation Tax Credit , through certification of the A-E zoning district by the Wisconsin Department of Agriculture, Trade & Consumer Protection (hereafter “DATCP”) as a “farmland preservation zoning district”, with areas within this district so identified in the *Rock County Agriculture Plan* or similar plan or document, in accordance with Chapter 91, Wisconsin Statutes. The intent of the A-E district is to provide large acreage lots for agricultural uses or uses compatible with agricultural uses.

b. All structures and improvements in this district shall be "consistent with agricultural use" as defined in the definitions section of this ordinance.

(2) **Permitted Uses** The following uses, a. – e., are allowable as permitted uses in the A-E district (Citations for permitted uses are identified in (1) of this Sec.):

a. Farming <sup>1</sup>:

1. Beekeeping;
2. Floriculture;
3. Enrolling land in a federal agricultural commodity payment program or federal or state agricultural land conservation payment program;
4. Forestry;
5. General: Crop/forage production, animal/livestock rearing etc.;
6. Nursery;
7. Orchard;

b. Commercial, Civic, or Governmental:

1. Agriculture: Roadside and non-roadside sales <sup>2</sup>:

2. Recreation: Conservation (Hunting, fishing, hiking, etc.)<sup>3 4</sup>;
  3. Open space;
- c. Industrial, Manufacturing, or Other:
1. Outdoor furnace<sup>5</sup>;
  2. Wood processing: Agriculture (Product directly from farms);
- d. Residential:
1. Farm residence: Single or two-family<sup>6</sup>;
  2. Home office<sup>3</sup>;
- e. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use;
- f. Any use not identified in a. – e. and proposed in the A-E district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-E district, and most closely resembles another permitted use identified in a. – e.;

(3) **Conditional Uses** The following uses, a. – e., are allowable as conditional uses in the A-E district, requiring a conditional use permit (hereafter “CUP”) in accordance with Sec. 19.04 of this Ordinance prior to establishment of said use. The Town may issue a CUP if the following uses a. – e. cannot be reasonably accommodated in an alternative location, with said use meeting all applicable conditions identified in this Ordinance. The Town shall determine in writing that the following uses a. – d. meet said conditions prior to issuance of any CUP. The Town may also require additional conditions which it deems necessary to ensure consistency with the intent and purpose of this Ordinance.

The Town shall follow the procedures identified in Sec. 19.04 of this Ordinance when reviewing, approving, or denying any CUP application, or issuing a CUP (Citations for conditional uses are identified at the end of this section.):

- a. Farming<sup>1</sup>;
  1. Aquaculture;
  2. Fur farm;

3. Livestock facility<sup>7</sup>;
  4. Semi-trailers, trailers, or portable pre-manufactured structures<sup>8</sup>;
- b. Commercial, Civic, or Governmental:
1. Agriculture: Feed, seeds, chemicals, and fertilizer research/sales;
  2. Agriculture: Implement and equipment sales/rental and repair/maintenance;
  3. Airport or airstrip: Agriculture<sup>3</sup>;
  4. Animal: Kennel<sup>3</sup>;
  5. Equestrian stable or riding school<sup>3</sup>;
  6. Greenhouse and landscaping<sup>3</sup>;
  7. Hunting club/game farm<sup>3</sup>;
  8. Lodging: Bed and breakfast<sup>3</sup>;
  9. Museum and/or cultural center<sup>9</sup>;
  10. Recreation: Archery shooting range<sup>3 10</sup>;
  11. Recreation: Gun shooting range<sup>3 10</sup>;
  12. Road building, maintenance, or machinery facility<sup>9</sup>;
  13. Veterinary<sup>3</sup>;
- c. Industrial, Manufacturing, or Other:
1. Communication transmission line, tower, or facility<sup>11</sup>;
  2. Dairy processing: Cheese, milk, cream, etc.<sup>12</sup>;
  3. Food processing: Raw agricultural commodities;
  4. Fuel production: Agriculture (Ethanol, bio-diesel, pellet, etc.);
  5. Manure digester;
  6. Meat slaughterhouse;
  7. Mining: Non-metallic (Sand and gravel)<sup>13</sup>;
  8. Power transmission line or tower<sup>11</sup>;
  9. Power generating facility: Solar<sup>11 14</sup>;
  10. Power generating facility: Wind turbine<sup>11 14 15</sup>;
  11. Pipeline: Oil, natural gas, petroleum, etc.<sup>11</sup>;
  12. Rail: Line or freight facility<sup>11</sup>;
  13. Road/Street<sup>11</sup>;
  14. Sludge spreading, disposal, and reduction<sup>16</sup>;
  15. Storage: Raw agricultural commodities (Grain silos, etc.);
- d. Residential:
1. Home occupation<sup>3</sup>;

- e. Any use not identified in a. – d. and proposed in the A-E district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-E district, and most closely resembles another conditional use identified in a. – d.;

(4) **Prohibited Uses** Any use other than those identified in (2) and (3) of this Sec. shall be prohibited in the A-E district.

(5) **Standards For Permitted and Conditional Uses** Within the A-E district the following standards a. – d. shall apply:

a. **Lot:**

- 1. Minimum size: 35 acres;
- 2. Maximum size: None;
- 3. Minimum width:
  - (i) Public road frontage: 100 feet;
  - (ii) Building line: 100 feet;

b. **Building:**

- 1. Minimum size:
  - (i) Residence: Floor area per family: 1,200 square feet;
  - (ii) Any building other than a residence: None;
- 2. Maximum size: None;
- 3. Maximum height:
  - (i) Residence: 35 feet;
  - (ii) Any building other than a residence: None;
- 4. Minimum width:
  - (i) Residence: 24 feet;

(ii) Any building other than a residence: None;

5. Maximum number per lot:

(i) Residence (Single or two-family): 1 (See citation #<sup>6</sup>);

(ii) Any building other than a residence: None;

6. Maximum lot cover:

(i) Lots greater than 3 acres: None;

(ii) Lots 3 acres and less: 20%;

**c. Building setback:**

1. Front-yard: See Sec. 19.06 of this Ordinance (The front yard building setback shall be 50 feet from each road for any corner lot.);

2. Rear-yard: 50 feet;

3. Side-yard:

(i) Principal building: 20 feet;

(ii) Accessory building: 10 feet;

**d. Animals:**

1. Lots less than 35 acres:

(i) Subject to the “animal allowance” as defined in Sec. 19.11 of this Ordinance;

2. Lots 35 acres and greater:

(i) Not subject to any “animal allowance”;

(ii) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 19.04 of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units.

The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met;

(k) **GENERAL AGRICULTURAL DISTRICT (A-G)**

(1) **Purpose and Intent** The purpose of the General Agricultural (A-G) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the A-G zoning district is to provide smaller acreage lots for agricultural uses or uses compatible with agricultural uses.

(2) **Permitted Uses** The following uses, a. – e., are allowable as permitted uses in the A-G zoning district (Citations for permitted uses are identified at the end of this section.):

a. Farming <sup>1</sup>:

1. Beekeeping;
2. Floriculture;
3. Forestry;
4. General: Crop/forage production, animal/livestock rearing etc.;
5. Nursery;
6. Orchard;

b. Commercial, Civic, or Governmental:

1. Agriculture: Roadside and non-roadside sales <sup>2</sup>;
2. Recreation: Conservation (Hunting, fishing, hiking, etc.) <sup>3 4</sup>;
3. Open space;

b. Industrial, Manufacturing, or Other:

1. Outdoor furnace <sup>5</sup>;
2. Wood processing: Agriculture (Product directly from farms);

d. Residential:

1. Farm residence: Single or two-family <sup>6</sup>;



2. Home office;

- e. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use;
- f. Any use not identified in a. – e. and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-G zoning district, and most closely resembles another permitted use identified in a. – e.;

(3) **Conditional Uses** The following uses, a. – e., are allowable as conditional uses in the A-G zoning district, requiring a conditional use permit (hereafter “CUP”) in accordance with Sec. 19.04 of this Ordinance prior to establishment of said use. The Town may issue a CUP if the following uses a. – e. cannot be reasonably accommodated in an alternative location, with said use meeting all applicable conditions identified in this Ordinance. The Town shall determine in writing that the following uses a. – e. meet said conditions prior to issuance of any CUP. The Town may also require additional conditions which it deems necessary to ensure consistency with the intent and purpose of this Ordinance.

The Town shall follow the procedures identified in Sec. 19.04 of this Ordinance when reviewing, approving, or denying any CUP application, or issuing a CUP (Citations for conditional uses are identified at the end of this section.):

a. Farming <sup>1</sup>;

- 1. Aquaculture;
- 2. Fur farm;
- 3. Livestock facility <sup>7</sup>;
- 4. Semi-trailers, trailers, or portable pre-manufactured structures <sup>8</sup>;

b. Commercial, Civic, or Governmental:

- 1. Agriculture: Feed, seeds, chemicals, and fertilizer research/sales;
- 2. Agriculture: Implement and equipment sales/rental and repair/maintenance;
- 3. Airport or airstrip: Agriculture;
- 4. Animal: Kennel ;

5. Church or place of worship;
6. Community and/or recreation center;
7. Education: Secondary and post-secondary (K-12, academy, professional, technical, college, and university);
8. Equestrian stable or riding school ;
9. Greenhouse and landscaping ;
10. Hunting club/game farm ;
11. Lodging: Bed and breakfast;
12. Museum and/or cultural center;
13. Recreation: Archery shooting range <sup>10</sup>;
14. Recreation: Gun shooting range <sup>10</sup>;
15. Road building, maintenance, or machinery facility;
16. Service club, fraternal organization, and business/professional association;
17. Veterinary<sup>3</sup>;

c. Industrial, Manufacturing, or Other:

1. Communication transmission line, tower, or facility;
2. Dairy processing: Cheese, milk, cream, etc. <sup>12</sup>;
3. Food processing: Raw agricultural commodities;
4. Fuel production: Agriculture (Ethanol, bio-diesel, pellet, etc.);
5. Manure digester;
6. Meat slaughterhouse;
7. Mining: Non-metallic (Sand and gravel) <sup>13</sup>;
8. Power transmission line or tower;
9. Power generating facility: Solar <sup>14</sup>;
10. Power generating facility: Wind turbine <sup>14 15</sup>;
11. Pipeline: Oil, natural gas, petroleum, etc.;
12. Rail: Line or freight facility;
13. Road/Street;
14. Sludge spreading, disposal, and reduction <sup>16</sup>;
15. Storage: Individual units;
16. Storage: Raw agricultural commodities (Grain silos, etc.);

d. Residential:

1. Home occupation;

- e. Any use not identified in a. – d. and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use

consistent with the intent and purpose of the A-G zoning district, and most closely resembles another conditional use identified in a. – c.;

(4) **Prohibited Uses** Any use other than those identified in (2) and (3) of this Sec. shall be prohibited in the A-G zoning district.

(5) **Standards For Permitted and Conditional Uses** Within the A-G District the following standards a. – d. shall apply:

a. **Lot:**

1. Minimum size: 3 acres;
2. Maximum size: Less than 35 acres;
3. Minimum width:
  - (i) Public road frontage: 100 feet;
  - (ii) Building line: 100 feet;

b. **Building:**

1. Minimum size:
  - (i) Residence: Floor area per family: 1,200 square feet;
  - (ii) Any building other than a residence: None;
2. Maximum size: None;
3. Maximum height:
  - (i) Residence: 35 feet;
  - (ii) Any building other than a residence: None;
2. Minimum width:
  - (i) Residence: 24 feet;
  - (ii) Any building other than a residence: None;
3. Maximum number per lot:

- (i) Residence: Single or two-family: 1 (See citation #<sup>6</sup>)
- (ii) Any building other than a residence: None;

4. Maximum lot cover:

- (i) Lots greater than 3 acres: None;
- (ii) Lots 3 acres and less: 20%;

**c. Building setback:**

- 1. Front-yard: See Sec. 19.06 of this Ordinance (The front yard building setback shall be 50 feet from each road for any corner lot.);
- 2. Rear-yard: 50 feet;
- 3. Side-yard:
  - (i) Principal building: 20 feet;
  - (ii) Accessory building: 10 feet;

**d. Animals:**

- 1. Lots less than 35 acres:
  - (i) Subject to the “animal allowance” as defined in Sec. 19.11 of this Ordinance;
- 2. Lots 35 acres and greater:
  - (i) Not subject to any “animal allowance”;
  - (ii) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 19.04 of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met;

**(I) A-E and A-G PERMITTED AND CONDITIONAL USE CITATIONS**

- <sup>1</sup> All uses must be for the purpose of earning an income or livelihood.

Any building or other structure housing animal or livestock animal units shall not be located within one hundred feet (100) of any lot in the R-R, R-1, COD, MHP, CHI, or B-1 zoning districts, unless said lot and the lot on which the building or other structure is located are under the common ownership.
- <sup>2</sup> Products for sale must be produced on the premises and not require outside processing before they are offered for sale. Two (2) unlighted signs not larger than thirty two (32) square feet each, advertising such sale, are allowed.
- <sup>3</sup> Allowed if meeting the definition of *agricultural accessory use* as defined in Sec. 19.11 of this Ordinance.
- <sup>4</sup> Structures and improvements are allowed on an easement or parcel that is part of the Ice Age Trail, under Sections 23.17 and 23.293, Wisconsin Statutes, if said structures and improvements are incidental to trail use and meeting the requirements of Ch. 91, Wisconsin Statutes.
- <sup>5</sup> Construction, installation, use, or maintenance of an outdoor furnace shall require a building permit. Construction, installation, use, or maintenance of the furnace shall be in compliance with manufacturer specifications and comply with all applicable state, federal and local laws, and all of the following, (1) – (3):

  - (1) Located a minimum of (40) feet from the building or other structure which the furnace services and a minimum of (400) feet from any residence on any lot other than a lot on which the outdoor furnace is located;
  - (2) Use wood, wood pellets, corn fuel, or bio-fuel only;
  - (3) Prohibited from burning any of the following, a. – g.:

    - a. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes;
    - b. Waste oil or other oily wastes;
    - c. Asphalt and products containing asphalt;
    - d. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives;

- e. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers;
  - f. Rubber, including tires and synthetic rubber-like products;
  - g. Newspaper, corrugated cardboard, container board, officer paper, and other materials that must be recycled in accordance with *Chapter 17.01, Code of Ordinance, Town of Turtle* and Sec. 287.07, Wisconsin Statutes;
- <sup>6</sup> One (1) manufactured home, in addition to a farm residence, is allowed on an operating farm if one of the family members occupying the manufactured home is engaged in the farm operation.
- <sup>7</sup> (1) A livestock facility existing prior to May 1, 2006, or a facility that has already been approved by the Town, does not require a CUP except if the facility is to be subject to expansion, with the number of livestock animal units kept at the facility to exceed all of the following, a. and b., in which case a CUP shall be required:
- a. The applicable size threshold for a conditional use permit established in the zoning district where the facility is located;
  - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) higher than the number kept on (May 1, 2006 or on the effective date of the permit requirement, whichever date is later);
- (2) Building setbacks for a livestock facility shall be as stated in the following. a. – f.:
- a. Livestock structure:
    - (i) Fewer than one thousand (1,000) livestock animal units: One hundred (100) feet from a property line and any public road right of way;
    - (ii) Greater than one thousand (1,000) livestock animal units: Two hundred (200) feet from a property line and one hundred fifty (150) feet from any public road right of way;
  - b. Building setbacks as identified in (A) shall not prevent the use or expansion of a livestock structure that was located within the setback area prior to May 1, 2006, except that a structure may not be expanded closer to the property line.
  - c. Waste storage structure: Three hundred fifty (350) feet from a property line and any public road right of way. A single new waste storage structure may be constructed closer to a property line or public road right of way if said structure meets all of the following (i) – (iv):

- (i) Located on the same lot as a waste storage structure in existence before May 1, 2006;
  - (ii) No larger than the existing structure;
  - (iii) No further than fifty (50) feet from the existing structure;
  - (iv) No closer to a property line or public road right of way than the existing structure;
- d. Building setbacks identified in (C) shall not apply to existing waste storage structures, except that an existing structure within three hundred fifty (350) of a property line or public road right of way may not expand toward said property line or road right of way.
- e. Shoreland, wetlands, and floodplain: In accordance with *Chapter 4 – Subchapter 1 – Part 2 and 4, Zoning, Code of Ordinances, Rock County*;
- g. Wells. All wells located within in a livestock facility shall comply with Sec. NR 811 and 812, Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Sec. NR 811 and 812 regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.
- h. Any transfer of ownership of a livestock facility shall require the new owner of said facility to provide to the Town pertinent information, including but not limited to name, address, and date of ownership transfer, within sixty (60) days of said transfer, as recorded with the Rock County Register of Deeds.
- <sup>8</sup> The use shall be allowed only to store non-flammable agricultural items, excluding animals, provided the wheels, axles, signs, names, and labels are all removed and said trailer or structure is painted to blend in with the dominant colors of associated farm buildings.
- <sup>9</sup> Allowed in accordance with Sec. 91.46 (5), Wisconsin Statutes.
- <sup>10</sup> Buildings are not allowed.
- <sup>11</sup> Allowed in accordance with Sec. 91.46 (4), Wisconsin Statutes.
- <sup>12</sup> Not to be located within five hundred (500) feet of any residence.
- <sup>13</sup> The following, (1) – (5), are standards and requirements applicable to all non-metallic mining uses:

- (1) Chain link or similar fencing no less than six (6) feet high shall be placed around the entire perimeter of any non-metallic mining site within one-half mile (1/2) of any lot in the R-R, R-1, COD, or MHP zoning districts;
- (2) No dumping of waste products or by-products shall be allowed anywhere on the non-metallic mining site;
- (3) A Restoration Plan shall be developed by the mining operator or agent and submitted to and approved by the Commission;
- (4) Any non-metallic mining operation shall be in compliance with Sub-chapter 1, Sec. 295, Wisconsin Statutes, and *Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County*,
- (5) All standards and requirements identified in Sec. 19.04 (h) (1) of this Ordinance.

<sup>14</sup> Allowed in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes.

<sup>15</sup> A lot one (1) acre or larger in size shall be required to locate a wind turbine. A wind turbine over sixty (60) feet in height and meeting all applicable provisions of this Ordinance may be prohibited upon a finding by the Town that the turbine height is wholly out of proportion with prevailing heights of adjacent and proximate buildings and other structures, and said turbine would consequently be seriously disruptive of immediate, adjacent, or proximate aesthetic and character.

A wind turbine shall be setback from all roads, lot lines, and other applicable boundaries or infrastructure in accordance with Public Service Commission (PSC) regulations enacted pursuant to Sec. 196.378, Wisconsin Statutes;

<sup>16</sup> To include only the spreading of the residual, semi-solid material left from industrial wastewater, or sewage treatment processes (sludge), in accordance with Wisconsin Department of Natural Resources requirements, and all other applicable ordinance, statutes, rules, and regulations.

(m) **COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI).**

(1) **Purpose and Intent** The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Master Plan. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

(2) **Permitted Uses** The following uses are permitted uses in this district:



- a. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 100 feet from any existing or officially proposed street right-of-way line.
- b. Automobile repair shops, including shops for general mechanical repairs, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles or major automobile body or engine repair.
- c. Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
- d. Leasing of mobile homes, campers, or recreational vehicles.
- e. Hotels and motels.
- f. Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.
- g. Commercial parking lots, parking garages, parking structures.
- h. Tourist-oriented retail shops, including souvenir shops, and gift shops.
- i. Residential use only when an integral part of the commercial building.
- j. Sales offices, administrative offices, warehousing of finished goods, construction equipment storage areas when enclosed by a solid eight (8) foot high fence, and truck terminals which do not rebuild drive line components or do body work.
- k. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Use** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but no other types of products or merchandise.
- b. Wholesale merchandise establishments.

- c. Recreational vehicle parks, areas in which two or more spaces are occupied, or intended for occupancy by recreational vehicles, travel trailers, or campers for transient dwelling purposes only.
- d. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.
- e. Flea Markets.

(4) **Requirements**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback on Local Road.....50 ft.  
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setbacks.....50 ft.
- d. Minimum Lot Width at Building Line.....100 ft.
- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....3 acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Truck Unloading Area - Sufficient space so that no streets or alley need be blocked.
- i. Off-Street Parking, Public Gathering - 1 space per 3 seats if applicable or 1 space per 300 sq. ft. of building.
- j. Maximum Lot Coverage of Buildings to Lot Size....20%
- k. Natural Features such as drainage areas, wet soils, and steep slopes shall be maintained as natural areas.
- l. A minimum of twenty (20%) percent of the area of each parcel shall be permanently reserved as open space with grass, flowers, shrubs, cover plants, trees, or similar treatment within the area from the front of the principal structure and the front yard line. Driveways or parking lots shall not qualify for such green area but ponds or fountains may qualify.

m. Site Plan. Prior to issuing any building permit, a site plan showing the location of access or frontage roads, driveways, land parcels, truck parking, automobile parking, principal structure, accessory structures, petroleum pumps, and other proposed features shall be prepared, reviewed and approved by the Commission after review and recommendation by the Commission. Areas in the CHI District shall have an interior road network dedicated to the public which will provide adequate access for future lots to the public road system. The site plan shall use the design standards of this section as minimum requirements.

n. No permits shall be granted for access points located within 1,000 feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway centerline.

o. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile traffic and truck traffic while integrating activities.

(n) **LOCAL COMMERCIAL DISTRICT (B-1)**

(1) **Purpose and Intent of Local Commercial District B-1** The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) **Permitted Uses**

a. Stores and shops in which items are sold directly to the public to include grocery, hardware, clothing and apparel stores, drug and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas and similar retail establishments normally found in neighborhood shopping centers.

b. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.

- c. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- d. Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds.
- e. Banks, office buildings, and restaurants.
- f. Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- g. Gasoline/Convenience stores which do not provide mechanical services.
- h. Model homes for sales promotion, lumber yards, building services and building supplies.
- i. Mini-warehousing and general warehousing of merchandise in enclosed buildings.
- j. Television, video, radio, and electrical equipment sales, service, and rental.
- k. Plumbing, heating, and air-conditioning sales and repair shops.
- l. Technical schools, and training centers.
- m. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- b. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
- c. All public utility facilities, sewage treatment facilities.

- d. Animal hospitals and clinics, excluding open kennels and exercise yards.
- e. Maintenance and repair of equipment and vehicles.
- f. Construction contractor offices, equipment storage yards, and maintenance facilities.
- g. Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- h. Automotive upholstery shops and automotive body repair shops.
- i. Feed and grain dealers, grain storage.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Frontage on Local Road.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Parking Requirements.....One 200 sq. ft. parking space for each 200 sq. ft. of building.
- d. Minimum Lot Area.....40,000 sq. ft.

**Other Setbacks**

- Rear Yard.....25 ft.
- Side Yard.....15 ft.
- Width at Building Line.....100 ft.

- e. Accessory Building Side Yard Setback.....10 ft.

(5) **Prohibited Uses** No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.

(o) **LOWLAND CONSERVANCY OVERLAY DISTRICT (C-1)**

(1) **Purpose and Intent Lowland Conservancy Overlay District One (C-1)** The purpose of the C-1 Overlay District is to provide a method of obtaining the goals and objectives of the Land Use Plan. The C-1 District is designed to: protect public health and safety, property values, general welfare of the community; protect property from the hazards of flood water, inundation of ground water; and protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which have physical limitations for development because of being in areas with potential for flooding, soils with low bearing capacity, soils that are wet, and other environmental considerations that indicates that this land should be used for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings.

(2) **Permitted Uses** The following uses of land are permitted in this district:

- a. Agricultural uses to include crop and pasture land when conducted in accordance with the Soil Conservation Service standards, but not including the erection of buildings or structures.
- b. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- c. Forestry and the management of forests.
- d. Wildlife preserves.
- e. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- f. Hunting, fishing, trapping, piers, docks, and boat houses.
- g. Public and private parks, picnic areas, and similar uses.
- h. Hiking trails and bridle paths.
- i. Preservation of areas of scenic, historic, or scientific value.
- j. Watershed conservation areas.
- k. Parking areas.
- l. Uses similar and customarily incident to any of the above uses.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Dams, reservoirs, ponds, and primary water storage facilities.
- b. Commercial outdoor recreation facilities but not to include amusement parks, drive-in theaters and race tracks.
- c. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- d. Public utilities lines and facilities including pipelines, telephone, telegraph, electric power, and other transmission lines.
- e. Relocation of any watercourse.
- f. Filling, drainage or dredging of wetlands, provided that this shall conform to the Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes.
- g. Removal of topsoil, peat, and sod.
- h. Camping grounds open to the public.
- i. Golf courses both public and private, miniature golf facilities and driving ranges.
- j. Hunting and fishing clubs provided that the adjoining areas will not be adversely affected.
- k. Sewage disposal treatment plants.
- l. Agricultural accessory structures when they conform with Soil Conservation Service Standards and guidelines.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Setback from High Water Mark.....75 ft.
- d. Minimum Rear Yard Setback.....50 ft.
- e. Minimum Lot Size.....No Minimum Lot Size

- f. Minimum District Width.....30 ft.
- g. Minimum Side Yard Setback.....20 ft.
- h. Off-street Parking, Public Gathering..1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

(5) **Prohibited Uses**

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted or an approved Conditional Use in this district.

(p) **HIGHLAND CONSERVATION DISTRICT TWO (C-2)**

(1) **Purpose and Intent of Highland Conservation District Two (C-**

**2)** The purpose of the C-2 District is to provide a method of obtaining the open space, natural resource, and the recreation goals and objectives of the land use plan. The C-2 District is intended to provide for the preservation, protection, enhancement, and restoration of woodlands, scenic areas, marginal farm land, and areas with slopes in excess of 12%. It is also intended to help limit erosion and sedimentation; promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural areas, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality.

(2) **Permitted Uses** The following uses are permitted uses in this

District:

- a. Forest and woodland crop management.
- b. Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- c. Installation of soil and water conservation structures.
- d. Parks and recreational areas, arboretums, and botanical gardens.
- e. Forest preservation, wildlife reservations, and conservation projects.
- f. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.



(3) **Conditional Use** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges, rifle ranges, fish ponds, gun clubs, hunting reserves, and other similar activities when located 100 feet from the boundaries of the property involved.
- b. Horse stables, riding clubs, and fairgrounds.
- c. Private and public golf courses and accessory uses.
- d. Earth movements involving site disturbing in excess of two acres not related to farming activity.
- e. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- f. One single family dwelling.
- g. Ski hills, ski trails, hunting and fishing clubs.
- h. Recreation camps and tactical war games.
- i. Public or private campgrounds.
- j. Animal hospitals, shelters and kennels.
- k. Radio, television, communication transmitters, or relay towers and facilities.
- l. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements for Permitted and Conditional Uses**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....25 ft.
- d. Minimum Lot Width.....100 ft.

- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....10 Acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Minimum Accessory Building Setback.....10 ft.
- i. Minimum Residential Building Size.....1,200 sq. ft.
- j. Minimum Building Width.....24 ft.
- k. Off-Street Parking, Public Gathering.....1 space per 200 sq. ft. of building or 1 space per 5 anticipated users at maximum usage of facilities.

(5) **Prohibited Uses**

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

(q) **SPECIAL PURPOSE DISTRICT (SP)**

(1) **Purpose and Intent of Special Purpose Districts (SP)** The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The S-P District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

(2) **Permitted Uses** The following uses are permitted in this district:

- a. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be

provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.

- b. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- c. Airports open to the public, hangars, or accessory structures.
- d. Cemeteries.
- e. Race tracks, sewerage treatment facilities.
- f. Accessory structures required by the principal use as part of the original application.
- g. Junkyard and automobile salvage yards.
- h. Sand and gravel quarry and process operations. If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new conditional use permit shall be required.
- i. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Requirements For Conditional Uses**

- a. Minimum Lot Area.....5 Acres
- b. Minimum Front Yard Setback from Public Road...50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Side Yard Setback.....50 feet
- d. Minimum Rear Yard Setback.....50 feet
- e. Off Street Parking.....1 Space Per 5 Seats, or 1 Space Per 5 Anticipated Uses At Maximum Usage of Facility.
- f. Sand and Gravel Operations
  - 1. Minimum Lot Area.....5 Acres

2. Setback From Existing Street or Highway.....100 Feet
3. Setback from Right-of-Way Public Utility.....50 Feet
4. Setback from Boundary of Zoning District.....100 Feet
5. Fencing and Screening.....any mining operation within one-half mile of any residential district shall have a chain link or similar fencing no less than six (6) feet high around the entire mining site.
6. No dumping of waste products or by-products shall be allowed anywhere on the site.
7. Restoration Plan to be developed approved by the Commission.
8. Minimum Accessory Side Yard Setback.....50 ft.

(5) **Prohibited Uses** No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

(r) **LIGHT INDUSTRIAL DISTRICT (M-1)**

(1) **Purpose and Intent of Light Industrial District (M-1)** The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Land Use Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional use, shall only provide for discharge of domestic waste unless connected to public sewer. Any uses producing other than domestic waste shall be permitted only when public sewer is available. Some conditional uses may require further investigation as to the disposal of other wastes.

(2) **Permitted Uses** The following uses are permitted in this district:

- a. Repair and maintenance of agricultural equipment and the sale of equipment.
- b. Public or private offices with sewage discharge limited to domestic effluent.

- c. Building material sales.
- d. Storage or wholesaling of manufactured goods.
- e. Warehousing, including mini-warehouses, but they shall not have floor drains to prevent groundwater contamination.
- f. Public utility facilities.
- g. Police, fire & postal stations.
- h. Repair & maintenance of automotive upholstery.
- i. Commercial bakeries.
- j. Greenhouses.
- k. Dry printing & publishing.
- l. Distributors of food products.
- m. Contractor's offices, including plumbing, heating, air conditioning and electrical.
- n. Parking lots.
- o. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) **Conditional Uses** The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established.

- a. Assembly of goods.
- b. Truck and bus terminals, pipeline terminals, bulk tank facilities for petroleum, gas and chemical products for wholesale or retail sales.
- c. Welding, sheet metal and blacksmith fabrication.
- d. Garages for repair and servicing of motor vehicles including body repair, painting or motor rebuilding.
- e. Laboratories and facilities for research, development and testing.

- f. Contractors storage yards and sale of machinery and equipment.
- g. Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries and food.
- h. Storage facilities for flammable gases.
- i. Animal hospitals, animal clinics or veterinary services.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) **Parking and Loading Requirements**

- a. All light industrial establishments shall provide one 200 square foot parking space per two employees.
- b. Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 55 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>LOADING SPACES</u>
5,000 Sq. Ft. to 24,000 Sq. Ft.....	1
24,000 Sq. Ft. to 60,000 Sq. Ft.....	2
60,000 Sq. Ft. to 96,000 Sq. Ft.....	3
96,000 Sq. Ft. to 144,000 Sq. Ft.....	4
144,000 Sq. Ft. to 192,000 Sq. Ft.....	5
192,000 Sq. Ft. to 240,000 Sq. Ft.....	6
240,000 Sq. Ft. to 294,000 Sq. Ft.....	7
294,000 Sq. Ft. to 348,000 Sq. Ft.....	8

For each additional 54,000 Sq. Ft. one additional loading space is required. The Commission may permit the required loading spaces to remain undeveloped until they are needed.

(5) **Screening** All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:

- a. By a solid wall or fence not less than six feet nor more than eight feet in height; or
- b. By a densely planted hedge or shrubbery at least six feet in height which effectively causes a visual barrier; or
- c. By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six feet in height.

(6) **Requirements**

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback from Public Road.....50 ft.  
If parking is permitted in front yard.....75 ft.  
(All front yard setbacks are to also refer to Section 9.1 off this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....50 ft.
- d. Minimum Side Yard Setback.....20 ft.  
When abutting a residential area.....35 ft.
- e. Corner Lot Side Yard Setback.....50 ft.
- f. Minimum Lot Size.....2.5 acres
- g. Minimum Lot Width.....100 ft.
- h. Minimum Employee Parking....1 space per 2 employees
- i. Minimum Accessory Side Yard Setback.....10 ft.
- j. No permitted or conditional use shall produce any effluent or waste products other than domestic effluent which is the only

thing that shall be disposed of in the parcels on-site sewage disposal system

(7) **Prohibited Uses**

a. No structure or improvement may be built, or land used in this district unless it is a Permitted Use or approved Conditional Use in this district

**SECTION 19.04 CONDITIONAL USE PERMITS**

(a) **General Provisions** Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application in to the Town Clerk and issuance of a Conditional Use Permit by the Commission. A Conditional Use Permit shall be issued only upon satisfaction of the requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(b) **Required Information** In order to secure evidence upon which to base its determination, the Commission may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

(c) **General Procedure**

(1) The general procedure for obtaining a Conditional Use Permit, not to include a livestock facility Conditional Use Permit, is as follows:

a. A Conditional Use Permit Application is submitted to the Town Clerk.

b. The Town Clerk or designee shall notify all property owners within 1,000 feet of the parcel in question and publish a Class 2 Legal Notice listing the time and place of the public hearing, conditional use being proposed, and the location of the proposed Conditional Use.

c. A public hearing shall be held by the Commission.



d. The application and information obtained at the public hearing is reviewed by the Commission at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

e. Upon consideration of all of the relevant factors, Commission may approve, approve with conditions, or deny the Conditional Use Application.

f. Upon approval, the Chair of the Commission shall forward a copy of the approved conditional use application and any conditions of approval to the Town Clerk and to the County Planning and Development Agency.

g. If a permit is denied, the Commission shall provide its decision in written form to the applicant, listing the reasons for denial and explaining the applicant's appeal rights to circuit court.

(2) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Commission if the: conditional use is not actively utilized for a period of six months, conditions of approval are not being met, or the conditional use is expanded without Commission approval. The Commission at its discretion and without going through the full conditional use process, may make changes that are less than substantial changes to a Conditional Use Permit and its conditions.

(3) The owner of a parcel of land upon which a conditional use permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

(d) **Conditions Attached to Conditional Use Permit** The Commission may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(e) **Notice and Public Hearing** Before issuing a Conditional Use Permit, the Commission shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Commission shall be posted as a Class 2 Legal Notice as referred to in Chapter 985 of the Wisconsin State Statutes. The Town Clerk or Designee shall also notify all property owners within 1,000 feet of the land parcel in question by regular mail with the above information.

(f) **Conditional Use Permit Fee** The applicant, upon filing of his application, shall pay a fee to the Town in accordance with the following schedule:

(1) Conditional Use Fee.....to be Determined by Town Board by Resolution.

(g) **Standards Applicable to All Conditional Uses**

(1) In considering a Conditional Use Permit application, the Commission shall consider the following factors:

a. That the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.

b. Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.

c. The location of the site with respect to existing or future roads giving access to it.

d. Its compatibility with existing uses on land adjacent thereto.

e. Its harmony with the future development of the district.

f. Existing topography, drainage, soil types, and vegetative cover.

g. Its relationship to the public interest, the purpose and intent of this Ordinance and providing substantial justice to all parties concerned.

(2) No conditional use permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the Commission is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit, assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, that will protect the town against any expense due to the inability or refusal of the applicant to repair any damage to the road (This paragraph is not applicable to any livestock facility use.).

(h) **Process and Standards Applicable to Conditional Uses within the A-E District**

(1) In considering a Conditional Use Permit application in the A-E District, the Commission and Town Board shall also consider the following factors:

- a. The use identified in the application and its location are consistent with the purpose and intent of the A-E zoning district as identified in Sec. 19.03 (h) (1) of this Ordinance;
- b. The use identified in the application supports in direct and significant ways, or will not conflict with or substantially impair or limit, existing or future agricultural uses of the lot on which the conditional use is proposed or agricultural uses on adjacent or proximate lands;
- c. The use identified in the application and its location in the A-E zoning district are reasonable and appropriate, considering alternate locations, or are specifically approved under state or federal law;
- d. The use identified in the application is one that is most suitable in the A-E zoning district, after review of the availability and suitability of locating the use in another zoning district;
- e. The use identified in the application is reasonably located and designed to minimize conversion of land, at and around the use site, from agricultural or open space uses;
- f. The use identified in the application is located on that portion of a lot which contains the poorest quality agricultural soils or that portion which would be the least productive for agricultural uses, with the use located as close as possible to other non-agricultural uses, all if feasible;
- g. The use identified in the application is designed in a manner to ensure construction damage to land remaining in agricultural use will be minimal and repaired to the extent feasible;
- h. If the application is for a non-metallic mining use, said use shall be in compliance with all of the following, i. – iii.:
  - (i) Sub-chapter I of Sec. 295, Wisconsin Statutes and rules promulgated under said sub-chapter;
  - (ii) Applicable provisions of *Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County*, including restoration of the affected land after the non-metallic mineral mining

operation is completed to a condition suitable for agricultural use, according to a written restoration plan;

(iii) Any applicable standards and requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mineral use sites;

(i) **Process and Standards Applicable to Livestock Facility Conditional Uses**

(1) A livestock facility conditional use permit application shall be subject to all of the following, (a) – (h) [*Note: All definitions as contained in ATCP 51 and applicable to a livestock facility CUP application and CUP as identified herein are hereby incorporated by reference.*]:

- a. Compliance with both of the following, (i) and (ii):
  - (i) Sec. 93.90, Wisconsin Statutes and Sec. ATCP 51, Wisconsin Administrative Code, including any applicable forms;
  - (ii) Building setback lines as identified in Sec. 19.03 (h) (5) c. of this Ordinance when said lines are consistent with Sec. ATCP 51, Wisconsin Administrative Code;
- b. All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
- c. An erosion control and storm water management plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
- d. An applicant statement as to the maximum number of livestock animal units that will be housed at the facility at one time;
- e. Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County's Shoreland and Wetland Zoning District;
- f. The applicant shall provide four (4) copies of all State mandated application materials to the Town, in accordance with Sec. ATCP 51.30, Wisconsin Administrative Code, and an application fee as determined by Board resolution but not to exceed one thousand dollars (\$1,000.00) or other monetary amount, as set by said Sec. The Zoning Administrator shall

provide written notice to the applicant as to the completeness of the application within forty five (45) days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.

- g. If the applicant is to provide additional application information, per the written notice identified in (f) of this Sec. and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant, within fourteen (14) days of receiving said information, that the application is complete.
- h. Within fourteen (14) days of notification to the applicant that the application is complete, the Town shall notify all landowners adjacent to the lands identified in the application, in accordance with Sec. ATCP 51.30 (6), Wisconsin Administrative Code. The notice shall be in a form as contained in said Sec. and mailed by first class to each of the aforementioned landowners.

(2) The Rock County Land Conservation Department and Commission shall review all livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation CUP applications to ensure said application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets or is exempt from all standards and requirements identified in this Ordinance.

(3) After review, for a livestock facility CUP application only, the Commission shall take action after a public hearing no later than forty five (45) days from the date which the applicant was notified that the application was complete, in accordance with (1) a. – h. of this Sub-sec, and recommend approval, approval with conditions, or denial with findings of the CUP application to the Town Board (hereafter “Board”).

(4) The Board shall review the livestock facility CUP application and the Commission’s recommendation after a public hearing scheduled no later than ninety (90) days from the date which the applicant was notified that the application was complete, in accordance with (1) a. – h. of this Sub-sec.

(5) The Board shall take action after a public hearing and approve, approve with conditions, or deny with findings a large livestock facility CUP application within ninety (90) days of submission of an application by the applicant to the Town. The Board shall issue its decision in writing, and the decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under Sec. ATCP 51.36, Wisconsin Administrative Code. Findings may be based on presumptions created by said Sec. The Board may extend

said ninety (90) day period for good cause, including but not limited to either of the following, a. and b.:

- a. The Board needs additional information;
- b. The applicant materially modifies the application or agrees to an extension;

(6) If the Board extends the ninety (90) day period identified in (4) of this Sub-sec., the Board shall provide written notice to the applicant prior to expiration of said period, with the notice stating the cause for extension and specifying the date by which the Board will take action on the application.

(7) If a livestock facility CUP is approved in accordance with this Ordinance, the CUP shall be subject to all of the following, a. – d.:

- a. The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in this Ordinance, if the Board finds any of the following, (i) – (iii).:
  - (i) The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
  - (ii) The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two (2) years of issuance of the CUP;
  - (iii) The livestock facility fails to comply with applicable standards and requirements of this Ordinance;
- b. The permittee shall have a professional engineer, or a person with appropriate engineering job approval according to Natural Resources Conservation Service standards, certify in writing that all livestock buildings and waste storage structures were installed or closed as planned in the approved application.

A copy of said certification shall be provided to the Board within thirty (30) days of completion of installation or closure and at least ten (10) days prior to the population of a livestock facility with the number of livestock animal units approved in the CUP, or a smaller number of livestock animal units if that number requires approval under this Ordinance.

Any approved changes made to the location or design of livestock or waste storage structures shall be specified in said certification.

- c. The Town may conduct site inspections during and after construction to determine that all livestock buildings and waste storage structures are installed or closed as identified in the approved application. If an inspection is required, the Town will provide the permittee with written notice. Upon written notice and with the consent of the permittee, the Town may enter upon the premises to inspect a livestock facility approved under this Ordinance to determine compliance with the terms of the CUP so issued.

If permission cannot be granted from the permittee, entry by the Town shall be according to Sec. 66.0119, Wisconsin Statutes. Refusal to grant permission to enter lands as identified in the application for purposes of inspection shall be grounds for an order of non-compliance or for the denial, suspension, or revocation of a CUP.

- d. The Board shall keep a complete written record of all information related to a livestock facility CUP application and retain said record for at least seven (7) years following any Board action of approval, approval with conditions, or denial with findings on the application, with said record to include all of the following, (i). – (vii).:
  - (i) The application and all subsequent additions or amendments thereof;
  - (ii) A copy of any notices or correspondence that any Town official issued in relation to the application;
  - (iii) A record of any public hearing related to the application, in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a professional court reporter or stenographer, with said record also to include any documents or evidence submitted by hearing participants;
  - (iv) Copies of any correspondence or evidentiary material that the Board considered in relation to the application;
  - (v) Minutes of any Board or Commission meeting held to consider or act on the application;

- (vi) The Board or Commission recommendation or action of approval, approval with conditions, or denial with findings in written form, and a copy of any Town ordinance, rule, regulation, or plan cited in said recommendation or action;
  - (vii) Other documents the Town prepared to document its decision or decision-making process;
- (8) The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in this Ordinance, if the Board finds any of the following, a. – c.:
- a. The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
  - b. The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two (2) years of issuance of the CUP;
  - c. The livestock facility fails to comply with all applicable standards and requirements of this Ordinance;

**SECTION 19.05 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES**

The following information may be used by the Commission, Town Board or Board of Adjustment prior to or during the proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.

(a) **Site Design and Physical Characteristics**

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.



(2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.

(3) Where public sewers are not available, the percolation characteristics of the soil.

(4) Adequacy of the proposed internal circulation system, including safety consideration.

(5) Access to sites from the internal circulation system.

(6) The costs of providing various public services.

(7) Appearance -- how the area will look.

(b) **Site Location Relative to the Public Road Network**

(1) Convenient access to a public road network -- safety of access points.

(2) Visibility from the proposed road and the need for visibility.

(3) Location to provide access primarily by right-hand turning movements.

(c) **Land Use**

(1) Compatibility with existing or proposed uses in the area.

(2) Relation to any existing land use plan.

(3) Relation to existing or proposed development at nearby interchanges.

(d) **Traffic Generation**

(1) Amount of daily and peak hour traffic to be generated, related to site size.

(2) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.

(3) Expected composition of site-generated traffic by vehicle types.

(4) Effect of site-generated traffic on the operation of the area.

(5) Safety and convenience to future users.

(e) **Community Effects**

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Development Plan's Goals and Objectives.

(f) **Other Relevant Factors**

- (1) Performance Standards in Section 12 of this Ordinance.
- (2) Additional impacts.

**SECTION 19.06 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS**

(a) **Classification and Setbacks** For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation Functional Classification System or a locally adopted Transportation Plan.

(1) **Arterial Highways**

a. The setback line for Arterial highways shall be a minimum of 150 feet from the centerline of the highway or a minimum of 100 feet from the right-of-way line, whichever is greater.

b. Minimum Road right-of-way for Arterial Highways shall be 100 feet and 50 feet for one-half road right-of-ways.

(2) **Collector Roads**

a. The setback for collector roads shall be a minimum of 90 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater.

b. Minimum road right-of-way shall be 80 feet and 40 feet for a half road right-of-way.

(3) **Local Roads**

a. All local roads shall have a minimum setback of 85 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater. Minimum setbacks along local roads where public sewer is available is 35 feet. Minimum road right-of-way shall be 70 feet.

b. Frontage roads along arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(4) Lesser Setbacks

Lesser setbacks may be permitted by the Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

(5) Special Width Road Right of Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements.

**SECTION 19.07 NONCONFORMING USES, STRUCTURES, AND LOTS**

(a) **Existing Nonconforming Uses** The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, subject to the following:

(1) Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

(2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

(3) Substitution of new equipment may be permitted by the Commission if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(4) Licenses This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Ordinance.

(5) This Ordinance does not prohibit the continued use of any building, premises, structure or fixture for any trade or industry for which the building, premises, structure, or fixture is used when this Ordinance took effect. However, the alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the district is prohibited.

(b) **Abolishment or Replacement** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. Except as provided in subsection (d), when a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(c) **Existing Nonconforming Structures** Any lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or as to comply with the provisions of this Ordinance.

(d) **Restoration of Certain Nonconforming Structures** Nonconforming structures may be restored if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits are imposed on the costs of repair, reconstruction, or improvement if all of the following apply:

- (1) The nonconforming structure was damaged or destroyed on or after March 1, 2006; and
- (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

However, the size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

(e) **Changes and Substitutions** Once a conforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Commission has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Commission.

(f) **Substandard Lots**

(1) Existing land parcels of less than the minimum lot size, may have a permitted or Conditional Use listed in the assigned zoning district provided, that the parcel was established and recorded with the Rock County Register of Deeds Office prior to the effective date of this ordinance, and the minimum setback requirements, septic system, and water well requirements can be met without obtaining a variance.

(2) If a substandard lot cannot meet the requirements in (1) above, the lot shall be combined with adjacent lot(s) under the same ownership to meet the minimum lot size standards of the zoning district.

## **SECTION 19.08 CHANGES AND AMENDMENTS**

(a) **Authority** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by the text of this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Commission and to the approval of the Town Board.

(b) **Initiation** A change or amendment may be initiated by the Town Board, the Commission, or by a petition of one or more of the owners of property proposed to be changed.

(c) **Applications for Amendment** Applications for an amendment to the text of this Ordinance or to district boundaries on the Official Zoning Map shall be filed with the Town Clerk. The application shall include:

(1) A map using copy of the final certified survey map, subdivision plat, condominium plat, plat of survey, or aliquot part of the section indicating the land parcel(s) location and dimensions. The map shall use the lot lines of land parcel(s) in proposing the new zoning district; provide the location, current zoning, and owner names of land parcels within two hundred and fifty (250) feet of the parcel boundaries proposed to be rezoned.

(2) The Town's Zoning Change Application Form shall: be completely filled out, list the owner of the parcel(s) as the applicant for the zoning change, reasons for the proposed change, current zoning district assigned, the proposed zoning district being requested, and whether or not the proposed zoning is consistent with the Land Use Plan.

(3) Additional Information required by the Commission or Town Board.

(4) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

(d) **Recommendations** The Commission shall review all proposed changes and amendments within the Town and shall recommend that the application be granted as requested, modified, or denied. The recommendation of the Commission shall be made no later than the second meeting after the meeting at which the application was first submitted. The application shall be considered at the next Town Board meeting.

(e) **Standards for Zoning Changes** The following land use decision standards shall be used by the Commission and Town Board when considering proposed zoning changes. The Town may approve petitions for rezoning only after consistent findings are made based on the following:

- (1) Whether the proposed change is consistent with the Town's Land Use Plan.
- (2) Whether the proposed change is consistent with the purpose and intent section of the new zoning district.
- (3) Wisconsin case law relating to the proposed change.
- (4) Whether adequate public facilities are available or can be made available to accommodate the proposed use within a reasonable time.
- (5) Whether public facilities needed to accommodate the proposed use will place an unreasonable burden on the ability of affected units of government and school districts to provide them.
- (6) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion and have an unreasonable adverse effect on rare or irreplaceable natural resources.
- (7) The protection of property values and the property tax base.
- (8) Amount of daily and peak-hour traffic that will be generated, related to site size, and existing automobile traffic on the existing road network.
- (9) Amount of daily and peak hour traffic that will be generated relative to existing and anticipated traffic from other land uses affecting the existing and planned road network.
- (10) Expected composition of site-generated traffic by vehicle types.
- (11) Safety and convenience to future users.
- (12) Access to commercial areas.

(13) Relation to aesthetic, scenic and recreation values.

(f) **Findings Before Rezoning Parcels Out of the A-E District** The Town Board may approve petitions for rezoning areas zoned in the A-E district only after findings are made, based upon consideration of the following:

(1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

(2) Provision of public facilities to accommodate development will not place an unreasonable burden on the affected local units of government to provide them.

(3) The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(4) The land identified in the petition is better suited for a use not allowed in the A-E zoning district;

(5) The petition is consistent with the Comprehensive Plan and the Future Land Use Map contained therein or any similar plan or map;

(6) The petition is substantially consistent with the *Rock County Agriculture Plan/Farmland Preservation Plan* and the *Rock County and Town of Turtle Agricultural Resources – Farmland Preservation Maps* contained therein or any similar plan or map;

(7) Changing the zoning district of the land identified in the petition will not substantially impair or limit current or future agricultural use of other protected farmland;

(8) The Town Board shall document that items (1)–(7) were considered by providing their findings in writing and the Town Clerk shall provide an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning, Economic and Community Development Agency.

(g) **Public Hearing** The Town Clerk, or designee shall notify all adjoining property owners of property within one thousand (1000) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

(h) **Town Board's Action** Following such hearing and after careful consideration of the Commission recommendations, the Town Board shall vote on the proposed amendment. A majority of the Town Board members present at the meeting is required to approve the amendment.

(i) **Protest to Proposed Change** A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the Town Board if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing:

(1) The protest is signed and acknowledged by the owners of at least 50% of the areas proposed to be altered; or

(2) The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

(j) **Reversion to Previous Zoning District** When a land owner requests a parcel to be rezoned from the original zoning district assigned when this Ordinance was adopted, and the owner has not established a permitted or conditional use as provided in the district within 12 months of the date of the Town Board's zoning action, the zoning district assigned to the land parcel shall automatically revert to the original zoning district that had been assigned when this ordinance became effective.

(k) **Airport Affected Area Amendment** A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under Section 62.23(6)(am)1.b. of the Wisconsin Statutes and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing by the owner or operator of the airport bordered by the airport affected area.

(l) **Annual Reporting – Rezoning out of A-E District** Prior to March 1 annually, the Town shall submit to the Rock County Planning, Economic & Community Development Agency and Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter “DATCP”) a report of total acres zoned out of the A-E district to another district in the previous calendar year, including a map identifying said acres, in accordance with Chapter 91, Wisconsin Statutes.

## **SECTION 19.09 PERFORMANCE STANDARDS**

(a) **Compliance** This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used



except in compliance with their district regulations and with the following performance standards.

(b) **Air Pollution** No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

(c) **Fire and Explosive Hazards** All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187 Degrees F.	400,000
105 Degrees F. to 187 Degrees F.	200,000
Below 105 Degrees F.	100,000

(d) **Glare and Heat** No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(e) **Liquid or Solid Wastes** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property (This paragraph is not applicable to any livestock facility use unless the Town adopts this, or similar language as a more stringent standard, per Sec. 93.90 Wisconsin Statutes.).

(f) **Noise** No activity shall produce a sound level outside its premises in the M-1 or A-1 District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency</u> <u>(Cycles Per Second)</u>	<u>Sound Level</u> <u>(Decibels)</u>
0 to 75	79
75 to 150	74

150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

(g) **Odors** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. Agriculture odors associated with normal agricultural activities are exempt from this ordinance.

(h) **Radioactivity and Electrical Disturbances** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

(i) **Vibration** No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<u>Frequency Cycles Per Second</u>	<u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0020	.0001
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

(j) **Water Quality Protection**

(1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(2) In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR102 of the Wisconsin Administrative Code for all navigable waters.

### **SECTION 19.10 SIGNS**

(a) **Permit Required** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall also meet all the structural requirements of local and state building codes.

(b) **Signs Permitted In All Districts Without A Permit** The following signs are permitted in all zoning districts without a permit subject to the following regulations:

(1) **Signs Over Show Windows or Doors** of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two feet in height and eight feet in length.

(2) **Agricultural Signs** pertaining to the sale of agricultural products on a farm, seed signs, or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than four feet in height and eight feet in length advertising such sale.

(3) **Real Estate Signs** not to exceed four feet in height and four feet in length in display area which advertise the sale, rental, auction, or lease of the premises upon which said signs are temporarily located.

(4) **Name, Occupation, Home Office, Home Occupation Signs** shall not exceed two (2) square feet in display area located on the premises, and limited to one sign per land parcel.

(5) Bulletin Boards of public, charitable, or religious institutions shall not exceed sixteen (16) square feet in display area located on the premises.

(6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(7) Official Signs, such as traffic control, parking restrictions, information, and notices.

(8) Temporary Signs or Banners, when authorized by the Commission.

(c) **Signs Permitted In All Business And Industrial Districts** The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

(1) Off-Premise Signs are prohibited.

(2) No more than two of the above signs shall be permitted for any business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.

(3) On-Premise Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

(4) On-Premise Projecting Signs fastened to, suspended from, or supported by structures shall not be permitted in this ordinance.

(5) On-Premise Pedestal Signs in the Commercial Highway Interchange District shall be limited to one sign face on two sides of the sign post, for the business premises and advertise the business name, services offered, or products sold on the premises, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises, and shall have a maximum height of 60 feet.

(6) On-Premise Pedestal Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, and shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.

(7) **On-Premise Window Signs** shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

(d) **Traffic Sign** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

(e) **Existing Signs** Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be considered a nonconforming use or structure and the provisions of Section 10.0 shall apply.

(f) **No Signs In Right Of Way** No sign shall be placed in road right-of-way except signs authorized by the Wisconsin Department of Transportation or the Town of Turtle Highway Department.

(g) **Lighting of Signs** Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance.

(h) **Roof-mounted Signs** Signs erected on the roof of a building shall be prohibited by this ordinance.

(i) **Areas of Special Control** Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

(1) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.

(2) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

(j) **Permit Fees**

Signs less than 200 square feet in area.....To be determined by the Town Board by Resolution.

Signs 200 square feet or larger in area.....To be determined by the Town Board by Resolution.

## **SECTION 19.11 DEFINITIONS**

### (a) **Usage**

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

(2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”

(3) A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(4) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent addition of Webster’s Collegiate Dictionary.

### (b) **Words and Terms Defined**

**Accessory Building.** Any building except the principal structure on a parcel. In the case of a house and detached garage on a parcel, the accessory building is the garage or an outbuilding.

**Accessory Use.** Minor land uses or secondary uses directly supported by the principal or permitted use (i.e. a detached garage is an incidental use to a residential structure).

**Agricultural Accessory Use.** Any use of land, water, or air meeting any of the following, (A) – (C):

- (A) A building, other structure, business, activity, or enterprise that is an integral part of or incidental to an agricultural use;
- (B) A farm residence, including normal residential appurtenances;

(C) A business, activity, or enterprise meeting all of the following, 1. – 4.:

1. Conducted on a farm by the farm owner/operator;
2. Requiring no buildings or other structures other than those described in (a) or (b) of this definition;
3. Employing no more than four (4) full-time employees annually;
4. Not impairing or limiting the current or future agricultural use of the farm, other lands in the Exclusive Agricultural (A-E) zoning district, or other lands protected through an agricultural conservation easement or other non-agricultural development restriction;

**Agricultural Use.** Any use of land, water, or air entailing any of the following, (A) – (I), conducted for the purpose of producing an income or livelihood:

- (A) Crop or forage production;
- (B) Keeping livestock or animal units;
- (C) Beekeeping;
- (D) Nursery, sod, or Christmas tree production;
- (E) Floriculture;
- (F) Aquaculture;
- (G) Fur farming;
- (H) Forest management;
- (I) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program;

**Agriculture-related Use.** Any use of land, water, or air having at least one (1) of the following, (A) – (E), as a principal use:

- (A) Providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms in the Exclusive Agricultural (A-E) zoning district;
- (B) Storing, processing, or handling raw agricultural commodities obtained directly from farms in the Exclusive Agricultural (A-E) zoning district;
- (C) Slaughtering livestock from farms in the Exclusive Agricultural (A-E) zoning district;
- (D) Marketing livestock to or from farms in the Exclusive Agricultural (A-E) zoning district;
- (E) Processing agricultural by-products or wastes received directly;

**Alley.** A lane, street, or thoroughfare affording secondary access to abutting properties.

**Animal Allowance.** The number of animals allowed per acre is: one steer; one dairy cow, one bull; 4 swine; 10 sheep or goats; 20 laying hens or chickens; 20 broilers; 10 ducks or turkeys, or other poultry; one horse or one pony (Equine).

For any animal not named above, the number of animals allowed shall be determined by the Planning Commission in a manner so as to be generally consistent with the above specified animal allowance, depending on the size and use of the animal.

**Applicant.** The owner of the land or his or her representative who has the written consent of the legal owner of the land parcel to apply for Building Permit, Conditional Use Permit, zoning change, or appeal to the Board of Adjustment.

**Arterial Highways.** Serving inter-community travel within and outside the area and providing a high level of urban mobility with little variation in operating conditions and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

**Automotive Vehicle.** A vehicle that is self propelled, except a snowmobile.

**Basement.** A story partly underground.

**Bond.** Any form of security including cash deposit, surety bond, collateral, letter of credit, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.

**Building.** Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.

**Building Area.** Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

**Building Height.** The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.

**Certified Survey Map.** A division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

**Collector Roads.** Provide access between local roads and adjacent land to and from arterial highways. Collectors provide mobility to the highway network as indicated on the Rock County Functional Highway Map.

**Commission.** The Town of Turtle Planning Commission.



**Common Area.** An area or space designed for joint use of tenants or owners residing in a Planned Unit Development or Condominium Development.

**Common ownership.** Ownership of land by the same person(s), or by persons that are all wholly owned by the same person(s), including joint tenancy and tenancy in common, to include land owned by one member of a married couple is deemed to be owned by the married couple.

**Community.** A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county under Wisconsin law.

**Community Living Arrangement.** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under section 48.60, group foster homes for children under section 48.02(7) and community-based residential facilities under section 50.01 of the Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

**Conditional Use.** A use allowed under this ordinance, provided that certain conditions are met, and a Conditional Use Permit is granted by the Commission.

**Condominium.** Property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.

**Contiguous.** Any lots/outlots sharing a common line, or any lots/outlots that would share a common line but separated by a river, stream, section line, or transportation, pipeline, or transmission line right-of-way, not to include lots/outlots sharing a corner point.

**Density.** The number of living units per acre allowable under a schedule of district regulations.

**Developer.** The owner of land proposed for development or his or her representative with written consent to submit an application under this Ordinance.

**Driveway.** A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

**Easement.** Authorization by a property owner for the use of any designated part of his property by another and for a specified purpose.

**Emergency Shelter.** Public or private enclosures designed to protect people from flood, windstorm, fire, riots or invasions; and from aerial, radiological, biological, or chemical warfare.

**Essential Services.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

**Existing Farmstead or Farm Buildings.** The residential structure for the land owner, barn, silo, machine shed, pole barn, outbuildings, and/or milk house existing at the time of the adoption of this ordinance.

**Family.** A group of persons related by blood or marriage and living together as a single housekeeping entity.

**Farm.** Any land under common ownership and meeting either of the following, (A) – (B):

- (A) The land produces at least six thousand dollars (\$6,000.00) in annual gross farm revenues to the land owner or renter;
- (B) A majority of the land area is in agricultural use;

**Farm Consolidation.** The sale or acquisition of farm acreage to or from another farm owner. A farm owner is a person who earns at least \$6,000 a year in gross farm income.

**Farm owner/operator.** Any person(s) holding title to land comprising a farm or any person(s) primarily responsible for the day-to-day operation of a farm

**Farm residence.** Any of the following structures that is located on a farm:

- (A) A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
  - 1. An owner or operator of the farm;
  - 2. A parent or child of an owner or operator of the farm;
  - 3. An individual who earns more than fifty percent (50%) of his or her gross income from the farm;

**Farmstead residence.** A residence and associated accessory buildings, existing on or prior to May 14, 1992, formerly serving a farm in the Exclusive Agricultural (A-E) or General Agricultural (A-G) zoning district, with the lot on which said residence/buildings is located to be five (5) acres or less and no larger than reasonably necessary to accommodate the existing residence/buildings and/or proposed use, and re-zoned to the A-G or R-R zoning district;

**FFA.** A youth organization known as the Future Farmers of America.

**4-H.** A youth organization administered by the National Institute of Food and Agriculture of the United States Department of Agriculture and the name represents four personal development areas of focus for the organization: head, heart, hands and health.

**Floodplain.** The land adjacent to a body of water which is subject to periodic overflow therefrom.

**Floodway.** The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

**Frontage.** The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**Garage.** Any building or premises, other than a public or business storage garage, where motor vehicles are stored. For setback purposes, a detached garage is an accessory building.

**High Density.** Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

**Home Occupation.** The gainful offering of a professional service in a home office, or the production and sale of a product provided by the immediate members of the household within their place of residence or an accessory building. The home occupation includes the provision that no article is offered for sale on the premises except those produced by such occupation, and no goods produced off the premises can be sold. The home occupation must be owned and managed by a member of the resident household and may employ not more than two non-resident workers. The home occupation shall be contained entirely within the residence or an accessory building which shall be incidental to the residential use of the premises. Home occupations shall not involve any exterior alteration that would affect the residential character of the premises.

**Home Office.** The gainful offering of a service provided only by the immediate members of a household within their place of residence or accessory building. A home office does not involve on-premises sale of physical products or customer service on a regular basis. Home offices shall not involve any exterior alteration that would affect the residential character of the premises.

**Household.** The body of persons who live together in one dwelling unit as a single housekeeping unit.

**Kennel.** A facility wherein or whereon (3) dogs of six (6) or more months of age, and/or than two (2) litters of dogs per year, are raised, confined and/or kept for the purpose of sale, boarding, breeding, or training.

**Land Division.** The division of a tract or interest in real property by the owner thereof for the purpose of sale or building development which creates: one or more lots, parcels, ownership units, or the need for a public land dedication.

**Land Use.** Residential, commercial, industrial, park and open space, conservation and agricultural activities carried out on a parcel of land. This may include seasonal land uses which extend to the entire tract of parcel of land as of the time of the adoption of the ordinance.

**Large Farm Animal.** A horse, cow, bull, or steer.

**Land Use Plan.** The Town Land Use Plan indicating where future residential, commercial, agricultural, development should be located. The Land Use Plan is adopted by the Town and the County as provided in sections 59.69(3) and 60.62(2) of the Wisconsin Statutes.

**License.** A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

**Livestock Animal Unit.** A livestock classification system as defined in Sec. NR 243.03(3), Wisconsin Administrative Code as of April 27, 2004, or subsequent amendments, as follows:

<b>Livestock Type</b>	<b>Livestock Animal Unit Factor*</b>
Milking and Dry Cows	1.4
Heifers (800 lbs. to 1,200 lbs.)	1.1
Heifers (400 lbs. to 800 lbs.)	0.6
Calves (up to 400 lbs.)	0.2
Steers or Cows (600 lbs. to market)	1.0
Calves (less than 600 lbs.)	0.5
Bulls(each)	1.4
Pigs (55 lbs. to market)	0.4
Pigs (up to 55 lbs.)	0.1
Sows (each)	0.4
Boars (each)	0.5
Layers (each)	0.01
Broilers (each)	0.005
Broilers – continuous overflow watering	0.01
Layers or Broilers – liquid manure system	0.033
Ducks – wet lot (each)	0.2
Ducks - dry lot (each)	0.01
Turkeys (each)	0.018
Sheep (each)	0.1
Goats (each)	0.1
*Animal unit factor is based on an average animal weight per growing cycle.	

**Livestock (Livestock facility).** Domestic animals traditionally used in the State of Wisconsin in the production of food, fiber or other animal products, to include cattle, swine, poultry, sheep and goats, but not to include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

**Livestock (Non-livestock facility).** Bovine animals, equine animals, goats, poultry, sheep, swine farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish

**Loading Area.** A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**Local Roads.** Roads whose function is primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the collector and arterial highways as part of an areas highway network.

**Lot.** A parcel of land described in a recorded plat or deed.

**Lot Area.** The total area reserved for exclusive use of the owners of a particular piece of real property.

**Lot, Corner.** A lot abutting on two or more streets at their intersection.

**Lot Cover.** That portion of the ground under buildings and other structures, including but not limited to any constructed surface that prevents rain water from reaching the ground directly as it falls from the sky.

**Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**Lot Depth.** The mean horizontal distance between the front and rear lot lines.

**Lot Width.** The width of a parcel of land measured at the front of the specified road side of the parcel.

**Low Density.** Those residential zoning districts in which the density is more than 40,000 square feet per dwelling unit.

**Manufactured Home.** A structure, transportable in one or more sections, which in a traveling mode is 12 body feet or more in width or 40 body feet or more in length, or, when erected on site is 1000 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

**Master Plan.** A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law.

**Medium Density.** Those residential zoning districts in which the density is between 8,500 and 40,000 square feet per dwelling unit.

**Minimum Floor Area Square Footage.** The area within the exterior walls of a building which is usable as living quarters.

**Minor Structure.** Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.

**Mobile Home.** A structure, transportable in one or more sections, which in a traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

**Mobile Home Lot.** A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

**Mobile Home Park.** A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park or its facilities; except that a manufactured home subdivision shall not be deemed a manufactured home park.

**Mobile Home Subdivision.** A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single manufactured home and its facilities.

**Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

**Non-farm Residence.** A single, two, or multi-family residence other than a farm residence.

**Non-conforming Structure.** A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendment thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

**Non-conforming Use.** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.

**Normal High Water Line.** The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 per cent of the length of such water line shall be on, or on the landward side of, the normal high watermark of such stream.

**Off Premises Sign.** Privately owned signs that are located off the leased property of the tenant.

**Open Space.** A land area intended to provide outdoor recreation opportunities and/or maintain and enhance ecosystem health, largely devoid of buildings, other structures, or other visible, intensive construction activities or products (Any open space use in the A-E zoning district shall be completely devoid of buildings, other structures, or other visible intensive construction activities or products.).

**Ordinance.** Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

**Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

**Park Management.** The person who owns or has charge, care or control of mobile home park or travel trailer park.

**Pedestal Sign.** Any sign which is supported by structures or supports, in or on the ground, and is independent of support from any building.

**Permit.** A written building permit or certification issued by the Zoning Administrator permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

**Permitted Use.** Uses listed under this heading are permitted as of right. This means that an applicant for a building permit shall be given a permit if he meets the other requirements of the ordinance.

**Person.** Any individual, firm, trust, partnership, public or private association or corporation.

**Planned Unit Development (PUD).** An area with a minimum number contiguous acres to be developed as a single entity, according to a plan. The PUD contains one or more residential lot clusters in combination with one or more commonly owned open space areas, or one or more commercial areas in combination with one or more

commonly owned open space areas. The minimum setback lines may be relaxed and minimum square footage of the lot found in the respective zoning district can be partly located in the lot with the remainder located as commonly owned open space, all at the discretion of the Commission. The establishment of a land owners association is required to hold title to the commonly owned open spaces, maintain quasi-public facilities, and pay common expenses.

**Principal Structure.** The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or animal confinement buildings are considered a principal structure

**Recreational Vehicle.** A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. It is commonly referred to as a motor home, pop-up camper, fifth wheel recreation vehicle, or similar type of vehicle being equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

**Residence.** A building whose primary use is occupation by a family and requiring a permanent foundation, in accordance with the State of Wisconsin Uniform Dwelling Code, containing separate sleeping, kitchen, and bathroom facilities for each family within said building, so classified herein as either farm or non-farm, and further classified herein as single-family, two-family, or multiple family.

**Residential unit.** A residence occupied by one (1) family.

**Residence, Single-Family.** A detached building designed for, or occupied exclusively by, one family or household.

**Residence, Two-Family.** A detached or semi-detached building designed and occupied by two families or households.

**Residence, Multiple-Family.** A building or portion thereof designed for, or occupied by, three or more families or households.

**Road.** All property dedicated, intended for public or private road purposes, or subject to public easements for road purposes.

**Road Right-of-Way Line.** The land between lots, land parcels, used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and backslopes.

**Service Building.** A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this ordinance.



**Setback.** The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

**Sign.** A structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye. Sign means any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter illuminated or non-illuminated which is visible from any public place and which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, placard or temporary sign. Signs shall also include all sign structures and component parts.

**Solar Power Facility.** A structure and related appurtenances whose primary purpose is to harness solar energy for use on the same lot on which the structure is located or a contiguous lot under common ownership, in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes.

**Standards.** The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this ordinance.

**Story.** That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there is no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

**Street.** All property dedicated, intended for public or private street purposes, or subject to public easements for road purposes.

**Street Right-of-Way Line.** The land between lots or land parcels used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and terraces. The land parcel between a lot, tract or parcel of land and an abutting street.

**Structure.** Anything constructed or erected having location on the ground.

**Structural Alteration.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

**Structure, Single Family.** A building designed for or occupied by, one family or household.

**Structure, Two-Family.** A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

**Subdivision Plat.** Any division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- (A) The act of division creates five (5) or more parcels, or building site;
- (B) Five or more parcels or building sites are created by successive divisions within a period of five years; or
- (C) Where there is a dedication or reservation for public improvements.

**Temporary Structure.** A removable structure not designed for human occupancy and not for the protection of goods or chattels and not forming an enclosure.

**Tenant Storage Area.** An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

**Trailer.** A separate vehicle, not driven or propelled by its own power, but drawn by some independent power. A trailer is a separate vehicle which is not driven or propelled by its own power, but, which, to be useful must be attached to and become part of another vehicle. If a semi-trailer is not driven, propelled, or drawn by some independent power, as it was originally designed to function for a period of seven days, it is no longer considered a semi-trailer.

**Trailer Space.** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

**Travel Trailer.** A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding 8 feet and body length not exceeding 32 feet; (b) a unit designed to be mounted on a truck chassis; (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.

**Travel Trailer Camp.** A parcel of land in which two or more spaces are occupied, or intended for occupancy by travel trailers for transient dwelling purposes.

**Unit.** A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.

**Use Consistent with Agricultural Use.** Any activity that meets all the following conditions:

(A) The activity will not convert land that has been devoted primarily to agricultural use.

(B) The activity will not limit the surrounding land's potential for agricultural use.

(C) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

(D) The activity will not conflict with agricultural operations on other properties.

**Variance.** Authority granted to the owner to use his or her property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

(A) **Area Variance** is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements.

(B) **Use Variance** is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.

**Waste.** Manure, milking center waste, and other organic waste generated by a livestock facility.

**Waste Storage Facility.** One (1) or more waste storage structures to include stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, not to include equipment used to apply waste to land.

**Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure, not to include any of the following (A) – (B):

(A) A structure used to collect and store waste under a livestock housing facility;

(B) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition;

**Winter Grazing Area.** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30, not to include any of the following, (A) – (D):

(A) An area other than a pasture where livestock are kept during the period from May 1 to September 30;

(B) An area which at any time has an average of more than four (4) livestock animal units per acre;

(C) An area from which livestock have unrestricted access to navigable waters of the State, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;

(D) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Sec. ATCP 51.16, Wisconsin Administrative Code;

**Wall Sign.** Any sign which is parallel to and affixed to an exterior wall or side of a mansard roof of a building. Wall signs also include signs which are parallel to the wall of a building and attached to the roof of a canopy.

**Window Sign.** Any sign placed inside or upon a window facing the outside which is intended to be seen from the exterior of the building.

**Wind Turbine.** A structure and associated appurtenances whose primary purpose is to harness wind energy for use on the same lot on which the structure is located or a contiguous lot under common ownership, in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes.

**Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps.

**Yard, Rear.** A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

**Yard, Side.** A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.

**Youth.** A person 19 years old or younger.

## **Chapter 20 - CEMETERIES AND BURIAL**

### **Section 20.01 PURPOSE**

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

### **Section 20.02 POLICY**

All Town of Turtle Cemeteries are owned and maintained by the Town of Turtle for the benefit of all citizens. Persons of all denominations and of all religions, of all creeds and races, shall be allowed to be buried in the Town of Turtle Cemeteries. This shall specifically include Veteran burials. This Chapter for construction, management, platting, and operation of Town of Turtle Cemeteries is adopted pursuant to section 157.50(2) of the Wisconsin Statutes. Also, certain provisions are set forth in this Chapter to govern construction, management, administration, platting, and operation of any new cemetery or expanded cemetery of any other type dedicated and owned by other persons in the Town of Turtle, and of any burial site in the Town of Turtle. The Town Board may adopt in writing additional Regulations and By-laws under section 157.11(2) of the Wisconsin Statutes for operation, management, and administration of any Town of Turtle Cemetery. The Town of Turtle reserves the right to amend any of this Chapter to conform to newly developed cemetery practices and to amend By-laws and regulations. However, before this Chapter, By-laws or regulations are amended, a public hearing shall be held thereon before the Town Board and a notice thereof shall be published in a local newspaper at least ten (10) days prior to such hearing. The Town Board, by Resolution, may designate, retain, or employ a person as Sexton or any other designee or Committee to act administratively and to manage, operate, and care for the Town of Turtle Cemeteries pursuant to this Chapter.

### **Section 20.03 PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS**

#### **(a) Platting/Zoning**

Before any new block of any existing Town of Turtle Cemetery or other new or expanded Cemetery in the Town of Turtle is opened for sale of cemetery lots or for burial of human remains, the Town Board, the Sexton, or the designee of the Town Board, or any person or agent for any other cemetery, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Rock County. For all other new or expanded cemeteries to be platted, dedicated or constructed for cemetery use after the effective date of this Chapter in the Town of Turtle, the person, corporation, order, society, or association noted in section 157.065 of the Wisconsin Statutes to construct,

manage, or operate such cemetery shall plat and record such plat as noted herein and under section 157.07 of the Wisconsin Statutes. No new burial site nor new burial of human remains in the Town of Turtle, after the effective date of this Ordinance, shall occur outside a dedicated, platted and constructed cemetery in full compliance with this Chapter and Chapter 157 of the Wisconsin Statutes. Any new or expanded cemetery or any burial site shall comply with any land division or zoning ordinance applicable in the Town of Turtle.

**(b) Single Grave Section**

The Town Board, the Sexton, or other designee of the Town Board shall designate, for any Town of Turtle Cemetery, certain lots as a single grave section, and such lots therein shall be platted and sold as single grave lots.

**(c) Purchase of New Lands**

The Town Board, the Sexton, or other designee of the Town Board shall not purchase, acquire or condemn any land for cemetery purposes without Town or Special Meeting approval of the Town electors under Ordinance 157 of the Wisconsin Statutes.

**(d) Public Easement in Cemetery**

No person in violation of section 157.60 of the Wisconsin Statutes shall open or make any highway, Town road, private way or other public easement in or upon any cemetery burial site or location for burial of the dead in the Town of Turtle, unless written consent has been obtained by the proper State, County or Town authority.

**(e) New or Expanded Cemeteries**

No person or authorized agents of any cemetery shall construct, manage, plat, or operate any new or expanded cemetery of any type in the Town of Turtle, after the date of adoption of this Chapter, without written approval of the Town Board. A cemetery for purposes of this Chapter shall be any location for burial, as defined in section 157.061(1) of the Wisconsin Statutes, of human remains, as defined in section 157.061(8) of the Wisconsin Statutes, in the Town of Turtle that has been dedicated as a cemetery as “dedicated” is defined in section 157.061(4) of the Wisconsin Statutes, or as defined under common law. Proof of acceptance by the Town Board of the Town of Turtle, or any other cemetery authority of such burial sites for a cemetery, shall be necessary for a determination of a cemetery by the Town Board under this Chapter. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted, as determined by the Town Board, and then recorded with the Town Clerk and the Rock County Register of Deeds.

(f) **Size of Cemetery**

The size of a new cemetery in the Town of Turtle shall be determined by the Town Board after receiving a recommendation from the Cemetery Committee.

(g) **Burial Sites**

No person in the Town of Turtle shall disturb any burial site, as defined in section 157.70(1)(b) of the Wisconsin Statutes nor shall the Town Board transfer any such burial site to any person on land owned by the Town of Turtle, unless in compliance with section 157.70(6m) of the Wisconsin Statutes.

**Section 20.04 PURCHASE OF LOTS**

(a) **Price of Lots**

At the Town of Turtle Cemeteries the Town shall from time to time fix a price on all lots to be sold in any Cemetery.

(b) **Sale of Lots**

Persons or their authorized agents desiring to purchase a lot in any Town of Turtle Cemetery are referred to the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board. The Town Board, the Town Clerk, the Sexton, or other designee of the Town Board will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board will present the order at the Office of the Town Clerk. Upon receipt of proper payment payable to the Town Treasurer of the Town of Turtle, the Town Chair and the Town Clerk shall issue a deed to the lot in the form prescribed by the Town Attorney. The Deed from the Town of Turtle and the records of the cemetery kept by the Town 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 so as to entitle it to be recorded. The purchaser may record this deed with the Rock County Register of Deeds.

(c) **Compliance with Section 157.08 of the Wisconsin Statutes**

Persons conveying cemetery lots at any Town of Turtle Cemetery shall comply with section 157.08 of the Wisconsin Statutes.

(d) **Notice of Burial Sites in the Town**

Any person who locates a burial site, as defined in section 157.70(1)(b) of the Wisconsin Statutes, or suspected burial site, or receives oral or written notice of such

burial site or suspected burial site in the Town of Turtle, outside a dedicated cemetery in the Town of Turtle, shall immediately contact the Town Clerk of the Town of Turtle. The Town Clerk shall, in writing, notify the Town Board of such burial site or suspected burial site.

## **Section 20.05 OWNERSHIP RIGHTS OF BURIAL OR INTERMENT**

### **(a) Ownership Conditions**

- (1)** The lot owner 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 Town of Turtle Chapter or any Town of Turtle Cemetery By-laws and Regulations. For purposes of this Ordinance “burial” shall mean inurnment or interment.
- (2)** Upon full payment of any person of the purchase price of a lot, the Town Clerk and Town Chair for any Town of Turtle Cemetery lot will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Town of Turtle as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Town of Turtle, will not thereafter be divided except by consent in writing of the Town Board of the Town of Turtle. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
- (3)** Any lot owner at any Town of Turtle Cemetery shall have acquired the lot for burial or interment of himself and members of his family. However, the lot owner may grant written permission (placed on file with the Town Clerk) for the burial or interment of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the written consent of all persons having an interest in the lot.

### **(b) Interment/Burial**

Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, his/her devisees, or his/her heirs, the Town of Turtle, the Sexton, or other designee of the Town Board will permit the interment or burial of members of his/her family at any Town of Turtle Cemetery at the request of any interested person upon proof of eligibility for burial or interment as follows:

- (1)** The surviving spouse of the lot owner shall have the first right to interment or burial or to direct the right of interment or burial.



- (2) When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or burial or direction for interment or burial, which agreement shall be filed with the Town Clerk of the Town of Turtle.
- (3) In the event the owner, his surviving spouse, his other devisees, or heirs shall not or cannot arrange for future burials or interments, then the devisees or heirs, as the case may be, of such owners, shall have the right to interment in order of as follows: 1) Other spouse, 2) Eldest daughter, 3) Eldest son, 4) Youngest brother, 5) Youngest sister.
- (4) If no such arrangement is applicable, then the Town Board, the Sexton, or other designee of the Town Board of the Town of Turtle may determine use.

(c) **Ownership Rights**

All interments or burial rights in the cemetery lots located at any Town of Turtle Cemetery and purchased from the Town of Turtle shall occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town of Turtle will be recognized as owners or part owners of lots. Lot owners shall not allow burials or interments to be made in their lots for any remuneration or financial consideration. In case of 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 must be delivered to the Town Clerk of the Town of Turtle before the Town of Turtle will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended by the Town of Turtle that lot owners, in making their wills, include a provision covering the Town of Turtle Cemetery lots and devise same to one person.

(d) **Resale**

Lot owners may not resell or transfer their lots or parts of lots in any Town of Turtle Cemetery except as outlined below:

- (1) The Town Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Town Clerk until a fee, set by the Town Board, has been paid therefore.
- (2) Said fee shall go into the cemetery fund of the Town of Turtle.

- (3) Reconveyance of lots or parts of lots may be made only by written application furnished by the Town Clerk, the same to be approved by the Town Board. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

(e) **Disinterment**

Any interment or disinterment of any person buried in a Town of Turtle Cemetery shall comply with section 157.112 of the Wisconsin Statutes. A Disinterment Permit shall be required prior to any disinterment or re-interment under section 69.18(4) of the Wisconsin Statutes.

**Section 20.06 CARE OF CEMETERY LOTS**

(a) **Cemetery Fund**

In order to assure reliable means for permanent care, a cemetery fund is created for all Town of Turtle Cemeteries. Income from this fund will provide all or partial maintenance costs of each cemetery. The fund may be increased by gifts, bequests, and contributions.

(b) **Permanent Care**

Permanent care shall be provided by the Town of Turtle and shall include the maintenance of lawn, leaf disposal, filling sunken graves and raising markers, caring for avenues, alleys, fences, buildings, and grounds in general. The Town of Turtle shall operate and maintain the Town of Turtle Cemeteries to provide proper and decent care of the cemeteries, the graves, and it may employ the Sexton, the staff, and any independent contractor necessary to provide such care.

(c) **Funds For Care Of Cemeteries**

The Town Board shall annually fix, a sum necessary for the proper and decent care of cemetery lots and improvement of any Town of Turtle Cemetery, including obtaining from different sources, including funds from the County of Rock for Veteran's graves under Chapter 45 of the Wisconsin Statutes, sufficient funds for such care, improvements, and operations.

(d) **Assessments/Charges**

The Town Board may annually establish, upon proper notice, an assessment and collect such assessment under section 157.11(7) of the Wisconsin Statutes with any such cemetery assessment lot amounts not to exceed amounts reasonably required for actual and necessary costs for cleaning and proper and decent care of cemetery lots and care and improvement of any Town of Turtle Cemetery. No burial interment may occur until all

proper charges and assessments, including marker or monument security payments, are paid in full, unless waived in writing by the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board.

(e) **General Improvements**

The Town Board of the Town of Turtle will direct and administer all improvements and maintenance within the cemetery before and after any interments or burials. All graves will be filled and refilled, when determined necessary by the Town Board, the Sexton, or other designee of the Town Board or the Cemetery Committee. The grade of lots shall be determined by the Town Board, the Sexton, or other designee of the Town Board of the Town, or the Cemetery Committee.

(f) **Care for Veteran's Graves**

All cemeteries and other burial sites in the Town of Turtle shall provide proper and decent care for the graves and tombstones for Veterans under section 45.185 of the Wisconsin Statutes, and the Town Board shall at all times see that such care is provided and that such funding is timely obtained from the County of Rock annually to aid in such care.

**Section 20.07 PRIVILEGES AND RESTRICTIONS**

(a) **By-Laws and Regulations**

The Town Board shall adopt By-laws and Regulations for proper management and care of any Town of Turtle Cemetery and shall enforce such regulations under section 157.11(2) of the Wisconsin Statutes. Persons shall comply with section 157.11(2) of the Wisconsin Statutes in the planting of trees and shrubs, erecting of fences or other structures, and maintaining such in any Town of Turtle Cemetery.

(b) **No Mounds**

No mound in any Town of Turtle Municipal Cemetery shall be raised upon any grave above the general level of the lot.

(c) **Limitations on Structures and Urns**

No hedges, fences, railings, embankments, depressions, or other enclosures of any kind will be permitted on or around lots in any Town of Turtle Cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia and other such objects may not be placed on lots without verbal approval of the Town Board, the Sexton, or any designee of the Town Board and if so placed, will be removed by the Town Board, the Sexton, or other designee of the Town Board without notice. Urns are not permitted at any Town of Turtle Cemetery on lots sold after the passage of this

Chapter. Existing urns shall be removed by the Town Board, the Sexton, or other designee of the Town Board as they become unsightly or deteriorated and shall not be replaced. However, before such an urn is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested by the Town Clerk that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty (30) days after mailing of such letter.

(d) **Landscaping Contract**

All landscaping, mowing, and general care of lots, and other work in the Town of Turtle Cemeteries will be done by the Town of Turtle, its officers, its employees, independent contractors, or agents, including any Sexton or other designee of the Town Board.

(e) **Access to Lots/Opening and Closing of Burial Place**

The Town of Turtle reserves the right for its officers, employees, contractors and agents, including the Sexton and other designee of the Town Board necessary for the performance of normal Town of Turtle Cemetery operations to enter upon or cross over any lot in any Town of Turtle Cemetery in the performance of such duties. The Town Board of the Town of Turtle has the sole right to the opening and closing of burial or interment places used or to be used for burial of human remains in the Town of Turtle Cemeteries unless by Court Order they are so ordered by a Court of record to open or close such places.

(f) **No Liability for Damages**

The Town of Turtle and its officers, employees, contractors, and agents, including the Sexton, or other designee of the Town Board assume no liability for damages to property or to person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, and platting of the Town of Turtle Cemeteries; including proper and decent care of the cemetery, the lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at such cemetery. Any person who has witnessed mishandling of any corpse, improper burial or disturbance of any cemetery lot or other burial site in the Town of Turtle, including the Town of Turtle Cemeteries, shall timely report such mishandling of the corpse, improper burial or disturbance of such lot or burial site to the Town Clerk or Sexton, or other designee of the Town Board.

(g) **Altering Physical Conditions**

The Town of Turtle reserves the right to alter, change, or close alleys, roadways, water mains, and other physical public properties at any Town of Turtle Cemetery.

**(h) Enforcement of Regulations and Ordinance**

The Town Board may appoint, with citation issuance and service powers, an employee or agent of the Town of Turtle, including the Sexton, to administer and enforce its By-laws and Regulations and this Ordinance under section 157.11(2) of the Wisconsin Statutes.

**Section 20.08 TOWN OF TURTLE CEMETERY RULES FOR VISITORS**

**(a) Hours for Visitors**

Any Town of Turtle Cemetery will be open to visitors at all times between the hours of 8:00 a.m. and one-half hour after the official sunset. Permission to enter any Town of Turtle Cemetery at any other time must be obtained from the Town Board, the Sexton, or other designee of the Town Board. The Town of Turtle, by its Town Board, shall not allow the use at any time of the Town of Turtle Cemeteries for uses that would create a public nuisance that are not directly related to cemetery uses and that would likely cause desecration of the cemetery grave, cause disturbance and interference with the burial ground, the burial lots and any monuments located therein.

**(b) Firearm Limits**

Firearms will not be allowed in any Town of Turtle Cemetery except in conjunction with military funerals. At all other times firearms, bows and arrows, slingshots, and other like articles will not be allowed.

**(c) Visitor Controls**

Visitors are required to use at any Town of Turtle Cemetery the walks and drives whenever possible, and shall not pick or cut any flowers (either wild or cultivated); injure any shrub, tree, plant; or mar or deface any monument, stone, or structure in the cemetery. No person in any Town of Turtle Cemetery shall desecrate, remove or damage any grave, lot, or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or the written consent of the Town Board, the Sexton or other designee of the Town Board who are engaged in official cemetery duties for the Town of Turtle; nor shall any person without proper authority desecrate, remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures; nor shall any person without proper authority desecrate, remove, damage, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

**(d) Vehicle Speed Controls**

Motor vehicles traveling within any Town of Turtle Cemetery shall not exceed fifteen (15) miles per hour. No motor vehicle, except authorized maintenance vehicles, shall be driven except on roads designated for that purpose, nor shall such motor vehicles be driven in a reckless manner.

**(e) Vehicle Controls**

No riding of all-terrain vehicles, snowmobiles, or other such vehicles will be allowed in any Town of Turtle Cemetery unless such vehicles are present in conjunction with the Town of Turtle Cemetery business or authorized by the Town Board, the Sexton or other designee of the Town Board.

**(f) Protection of Cemetery Property**

No person shall trap in any cemetery or hunt, kill, injure, or disturb or attempt to injure or disturb any animals, birds, or waterfowl, wild or domestic, within any such Town of Turtle Cemetery in any manner except as provided by the Town Board, the Sexton or other designee of the Town Board. Nor shall any person without written consent of the Town Board, the Sexton, or other designee of the Town Board, climb any tree, break, cut down, trample upon, remove or in any manner injure, desecrate, remove, deface, write upon or in any manner damage or destroy any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any Town of Turtle Cemetery.

**(g) Parking**

No person, without the written consent of the Town Board, the Sexton, or any other designee of the Town Board, shall park any motor vehicle in any Town of Turtle Cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park a motor vehicle on any such cemetery property for any purpose except engaging in official cemetery business. Any parked motor vehicle parked more than twenty-four (24) hours, without written consent of the Town Board, the Sexton, or other designee of the Town Board, shall be towed or removed by the Town Board, the Sexton, or other designee of the Town Board.

**(h) Littering/Soliciting/Advertising Prohibited**

No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material, including any advertising in any Town of Turtle Cemetery without the written consent of the Town Board, the Sexton, or any other designee of the Town Board.

(i) **Sound Devices**

No person shall operate or play any amplifying system or sound device in any Town of Turtle Cemetery without the verbal consent of the Town Board, the Sexton, or any other designee of the Town Board.

(j) **Authorized Notices**

No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any Town of Turtle Cemetery, except under these regulations. No person shall remove, deface, or damage in any manner any official sign or notice posted in any Town of Turtle Cemetery unless approved by the Town Board, the Sexton, or other designee of the Town Board.

(k) **Loitering Prohibited**

No person shall loiter or cause a nuisance or engage in any sport or exercise on any Town of Turtle Cemetery property without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

(l) **Play Vehicles Prohibited**

No person shall operate or make use of a play vehicle upon any cemetery property of the Town of Turtle without the written consent of the Town Board, the Sexton, or other designee of the Town Board. As used in this provision, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

(m) **Working in Cemetery**

All contractors or other persons, other than Town officers, employees, or agents, including the Sexton of the Town of Turtle, having work in the Town of Turtle Cemeteries, shall give notice to the Town Clerk, the Town Sexton, or other designee of the Town Board prior to commencement of such work. All contractors or others doing work in the Town of Turtle Cemeteries are held responsible for the cost for any damages or losses, and shall promptly pay the same to the Town Clerk upon determination of the amount by the Town Board.

**Section 20.09 CEMETERY INTERMENTS**

(a) **Daylight Interments**

Burials, interments, or disinterment at any Town of Turtle Cemetery will be made only during daylight hours.

(b) **Outer Containers**

All burials except cremations or infant burials must be in a steel or concrete vault. All cremation burials must be in a rigid container. The cemetery contractor, at the expense of the owner, will handle vault preparation and sealing.

(c) **Grave Digging**

All graves at a Town of Turtle Cemetery or any other Cemetery or burial site in the Town of Turtle to be used for burials or interment shall be opened and dug at no cost or expense to the Town of Turtle but shall be under the direction of the Town Board, the Sexton, or other designee of the Town Board. Depth of graves shall conform to the Wisconsin State Board of Health specifications. The Town Board, the Sexton, or other designee of the Town Board may charge the full cost at any Town of Turtle Cemetery for any grave digging and opening service provided by the Town of Turtle, including the Sexton fees for staking the plot, if the Town Board has authorized the Town of Turtle or its officers, employees, contractors, or agents, including the Sexton, to provide such grave staking, grave openings, or digging service. The Town Board, the Sexton, or other designee of the Town Board may also establish charges for snowplowing and seasonal access costs to the lot owner as incurred by the Town of Turtle for interment, disinterment, or other burial services. Arrangements for any interment, disinterment, or other burial services, including payments due to the Town of Turtle, shall be made at least forty-eight (48) hours in advance of the funeral service by contact to the Town Clerk, the Sexton, or other person designated by the Town Board. The hour for any funeral service must be so arranged so that the grave may be properly filled and all surplus earth removed before 4:30 p.m. on each day.

(d) **Disposition Permit**

No burial or interment in any Town of Turtle Cemetery will be permitted until a legal disposition permit has been presented to the Town Clerk, the Sexton, or other designee of the Town Board. The interment or burial of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State Board of Health.

(e) **Responsibility for Maintenance of Flowers, Wreaths, and Similar Items**

There will be no responsibility on the part of the Town of Turtle, its officers, employees, contractors, or agents, including the Sexton, for the protection and maintenance of flowers, wreaths, emblems, urns, family or personal items, memorials and similar items used or placed at any Town of Turtle Cemetery in conjunction with funerals, burials, interments, disinterment, or memorials.



**(f) Number of Graves Per Lot**

The interment or burial of one body per grave shall be the requirement at any Town of Turtle Cemetery. Interment or burial of two bodies in one grave will not be allowed except in the case of Mother and infant, twin children, two children buried at the same time, two cremations, or one cremation and one conventional burial.

**(g) Seasonal Interment/Duty to Bury**

The Town Board, the Sexton, or other designee of the Town Board shall provide for cemetery services, burials, and interments at any Town of Turtle Cemetery during each season, including Winter, whenever practicable. However, the Town of Turtle 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 in compliance with this Chapter, State law, and any Regulation of Rules established by the Town Board. The Town of Turtle reserves the right to charge special and reasonable fees to recover costs for any burial cost incurred during difficult weather conditions.

**Section 20.10 CEMETERY MONUMENTS AND MARKERS**

**(a) Set Grave Markers/Protect Driveways**

Grave markers, monuments, and foundations at any Town of Turtle Cemetery will be set only by the monument company persons or other persons authorized by the lot owners, but not the Town Board, the Sexton, or other designee of the Town Board. Except as herein otherwise provided, under no conditions will the Town Board, the Sexton, or other designee of the Town Board construct monument or marker bases or erect monument or markers on bases. The Town Board, the Sexton, or other designee of the Town Board reserves the right to require the construction of a foundation of such size, material, and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. Whenever possible, all markers will be set with a five (5) inch margin. A permit for placement of foundation, markers, and monuments shall be available from the Office of the Town Clerk, the Sexton, or other designee of the Town Board. The setting of monuments, stones, and markers and the transportation of all tools, materials, and similar items, within a Town of Turtle Cemetery ground shall be subject to the supervision and control of the Town Board, the Sexton, or other designee of the Town Board. Unless special arrangements are made with the Town Board, the Sexton, or other designee of the Town Board, such work to be conducted between the hours of 8:00 a.m. and 4:00 p.m. Mondays through Fridays except on national holidays. Heavy trucking will not be permitted within any Town of Turtle Cemetery when, in the opinion of the Town Board, the Sexton, or other designee of the Town Board, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.

**(b) Limitations**

The Town of Turtle reserves the right for the Town Board, the Sexton, or other designee of the Town Board to refuse permission to erect any monument, marker, or foundation work not in keeping with the good appearance of the grounds at a Town of Turtle Cemetery. The size of the monument and/or stonework must be provided to the Town Board, the Sexton, or other designee of the Town Board and approved before said work will be permitted on a lot. Only one (1) monument or marker will be allowed per lot. No foundation marker or monument shall be larger than the width of the lot or group of lots purchased. All monuments must be set in line with other monuments so far as possible as directed by the Town Board, the Sexton, or other designee of the Town Board. Government service monuments or markers will be surface grounded or attached to the monument or marker. All markers and monuments must have a cement foundation and made of durable material. All markers must be flush with the ground and parallel with existing markers. Temporary markers must be removed or replaced with a permanent marker at any Town of Turtle Cemetery within one (1) year of burial or interment. A pre-need marker may be placed on a lot or group of lots before interment or burial.

**(c) Removal of Monuments**

Marker or monumental work, once placed at a Town of Turtle Cemetery on its foundation, shall not be removed, except by written permission of the Town Board, the Sexton, or other designee of the Town Board.

**Section 20.11 VAULTS AND MAUSOLEUMS**

Construction of vaults and mausoleums in any Town of Turtle Cemetery is prohibited unless approved in writing by the Town Board.

**Section 20.12 TREES, SHRUBS AND FLOWERS**

**(a) Tree/Shrub Planting**

The planting at any Town of Turtle Cemetery of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by written consent of the Town Board, the Sexton, or other designee of the Town Board.

**(b) Large Tree Removal**

Lot owners may remove under the written consent of the Town Board, the Sexton, or other designee of the Town Board large trees on grave sites in any Town of Turtle Cemetery that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.

(c) **Fresh Flowers, Flags and Decorations**

Fresh flowers, flags and decorations may be used in any Town of Turtle Cemetery. The spring and fall clean-up dates of the Town of Turtle Cemeteries are April 1<sup>st</sup> to 15<sup>th</sup> and October 1<sup>st</sup> to 15<sup>th</sup>. All flowers, flags and decorations must be removed prior to these dates. Responsibility for upkeep of markers, monuments and footings is that of the individual owners.

(d) **Limitation on Flower Beds**

Individual flower beds or growing plants are permitted at any Town of Turtle Cemetery but must be of a reasonable size as determined by the Town Board, the Sexton, or other designee of the Town Board. In case of doubt, the Town Board, the Sexton, or other designee of the Town Board should be consulted. If these beds are not maintained and when they become unsightly or undesirable, they will be removed by the Town Board, the Sexton, or other designee of the Town Board.

**Section 20.13 MISCELLANEOUS**

(a) **Fee Payment Location**

All fees and charges as outlined for any Town of Turtle Cemetery in the current schedule of fees and charges are payable to the Town Treasurer of the Town of Turtle at the Office of the Town Clerk, where receipts will be issued for the amounts paid.

(b) **Schedule of Payments**

A schedule of the fees and charges for any Town of Turtle Cemetery, as established by the Town Board, the Sexton, or other designee of the Town Board, shall be on file in the Office of the Town Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.

(c) **Sexton**

The Town Board may hire or appoint a Town of Turtle employee or retain an independent contractor as a Sexton to administer, repair, maintain, manage, and operate, or any part of the operations or of the cemetery thereof, of any Town of Turtle Cemetery. This Sexton may be a Town of Turtle employee or may, with proper insurance and indemnification protection for the Town of Turtle, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of year. The Town Board, consistent with this Chapter, may designate powers and duties to the Sexton by written Resolution.

**(d) Records**

The Town Clerk of the Town of Turtle shall be responsible for and shall be the custodian of the records of the Town of Turtle Cemeteries, including all public records. The Town Clerk, Sexton and other Town officials shall make available in a timely manner all such records in their custody requested by the Department of Regulation and Licensing in its audit function.

**Section 20.14 PENALTIES**

Any person who violates any provision of this Chapter, or any order, rule or regulation made or adopted hereunder, shall be subject to a forfeiture. Each day that a violation continues shall be considered a separate offense. The Town Board may, where appropriate, seek injunctive relief action to prevent violations of the Chapter and Chapter 157 of the Wisconsin Statutes. Furthermore, the Town Board of the Town of Turtle shall be permitted to withhold from any person in violation of this Chapter and Chapter 157 of the Wisconsin Statutes, the issuance of any Town of Turtle 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.

## **Chapter 21 REVIEW OF ADMINISTRATIVE DECISIONS**

### **Section 21.01 Purpose**

The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14<sup>th</sup> amendment to the U.S. constitution.

State Law Reference: Section 68.001, Wis. Stats.

**Section 21.02 Review of administrative determinations.** Any person having a substantial interest which is adversely affected by an administrative determination of a governing body, board, commission, committee, agency, officer or employee of a municipality or agent acting on behalf of a municipality as set forth in section 21.03, may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive. No department, board, commission, agency, officer or employee of a municipality who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the same municipality, but may respond or intervene in a review proceeding under this chapter initiated by another.

State Law Reference: Section 68.01, Wis. Stats.

**Section 21.03 Determinations reviewable.** The following determinations are reviewable under this chapter:

(a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.

(b) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in section 21.04(e).

(c) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.

(d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

State Law Reference: Section 68.02, Wis. Stats.

**Section 21.04 Determinations not subject to review.** Except as provided in section 21.03, the following determinations are not reviewable under this chapter:

(a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the governing body of a municipality.

(b) Any action subject to administrative or judicial review procedures under other statutes.

(c) The denial of a tort or contract claim for money, required to be filed with the municipality pursuant to statutory procedures for the filing of such claims.

(d) The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer.

(e) The grant, denial, suspension or revocation of an alcohol beverage license under section 125.12(1) of the Wisconsin Statutes.

(f) Judgments and orders of a court.

(g) Determinations made during municipal labor negotiations.

(h) Any action which is subject to administrative review procedures under an ordinance providing such procedures as defined in section 68.16 of the Wisconsin Statutes.

(i) Notwithstanding any other provision of this chapter, any action or determination of a municipal authority which does not involve the constitutionally protected right of a specific person or persons to due process in connection with the action or determination.

State Law Reference: Section 68.03, Wis. Stats.

**Section 21.05 Municipal authority defined.** “Municipal authority” includes every municipality and governing body, board, commission, committee, agency, officer, employee, or agent thereof making a determination under sections 21.02 and 21.03.

State Law Reference: Section 68.05, Wis. Stats.

**Section 21.06 Persons aggrieved.** A person aggrieved includes any individual, partnership, limited liability company, corporation, association, public or private organization, officer, department, board, by a determination of a municipal authority.

State Law Reference: Section 68.06, Wis. Stats.

**Section 21.07 Reducing determination to writing.** If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed.

State Law Reference: Section 68.07, Wis. Stats.

**Section 21.08 Request for review of determination.** Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

State Law Reference: Section 68.08, Wis. Stats.

**Section 21.09 Review of determination.**

(a) INITIAL DETERMINATION. If a request for review is made under section 21.08, the determination to be reviewed shall be termed an initial determination.

(b) WHO SHALL MAKE REVIEW. A review under this section shall be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination.

(c) WHEN TO MAKE REVIEW. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

(d) RIGHT TO PRESENT EVIDENCE AND ARGUMENT. The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of the person's position with respect to the initial determination.

(e) DECISION ON REVIEW. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

### **Section 21.10 Administrative Appeal.**

(a) FROM INITIAL DETERMINATION OR DECISION ON REVIEW.

(1) An aggrieved person may appeal an initial determination or a decision on review to the Town Board and shall follow the procedures set forth in section 21.11.

(2) Appeals of any order requirement, decision or determination of the Zoning Administrator shall be appealed to the Board of Adjustment under section 6.02(d)(1) of the Code of Ordinances. Any person aggrieved by a decision of the Board of Adjustment under section 6.02(f) of the Code of Ordinances may appeal the decision to the Town Board under section 21.11 of the Code of Ordinances.

(b) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from an initial determination or decision on review shall be taken within 30 days of such decision.

(c) HOW APPEAL MAY BE TAKEN. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

State Law Reference: Section 68.10, Wis. Stats.



### **Section 21.11 Hearing on administrative appeal.**

(a) TIME OF HEARING. The municipality shall provide the appellant a hearing on an appeal under section 21.10 within 15 days of receipt of the notice of appeal filed or mailed under section 21.10 and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.

(b) CONDUCT OF HEARING. At the hearing, the appellant and the municipal authority may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The hearing shall be before the Town Board. Any Town Board member who participated in making the initial determination or the decision on review shall not hear the appeal. The Town Board may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in section 805.07(4) of the Wisconsin Statutes and must be served in the manner provided in section 805.07(5) of the Wisconsin Statutes. The attorney shall, at the time of issuance, send a copy of the subpoena to the Town Board.

(c) RECORD OF HEARING. The hearing shall be recorded either by a recording device or a court reporter and all exhibits shall be marked and preserved. The expense thereof shall be paid by the municipality.

State Law Reference: Section 68.11, Wis. Stats.

### **Section 21.12 Final Determination.**

(a) Within 20 days of completion of the hearing conducted under section 21.11 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant a written determination stating the reasons therefor. Such determination shall be a final determination.

(b) A determination following a hearing substantially meeting the requirements of section 21.11 shall also be a final determination.

State Law Reference: Section 68.12, Wis. Stats.

### **Section 21.13 Judicial review.**

(a) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari to the circuit court within 30 days of receipt of the final

determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

State Law Reference: Section 68.13, Wis. Stats.

### **Section 21.14 Legislative review.**

(a) The seeking of a review pursuant to section 21.10 or 21.13 does not preclude a person aggrieved from seeking relief from the governing body of the municipality or any of its boards, commissions, committees, or agencies which may have jurisdiction.

(b) If in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the governing body, board, commission, committee or agency shall be made part of the record on review under section 21.13.

(c) The governing body, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under section 21.11.


**ORDINANCE REGARDING THE CONFIDENTIALITY OF FINANCIAL  
INFORMATION PROVIDED TO THE TOWN ASSESSOR FOR PROPERTY  
ASSESSMENT PURPOSES**

The Town of Turtle Town Board does ordain as follows:

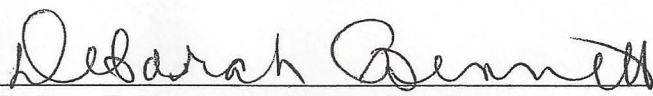
1. This ordinance adopts by reference Section 70.47(7)(af) of the Wisconsin Statutes. Specifically, any financial information provided to an assessor by a property owner for the purpose of a valuation by the income method shall be confidential and not subject to the open records provision of Section 19.35(1) of the Wisconsin Statutes.
2. The following are exceptions to the confidentiality rule:
  - a. The assessor has access to the information in the normal performance of his/her duties;
  - b. The Board of Review may review such financial information in connection to a contested assessment;
  - c. A Town employee and/or Town body may review such financial information if it closely relates to the duties of that employee and/or body;
  - d. If a court of competent jurisdiction orders the disclosure of such financial information;
  - e. The property owner who provided the financial information contested the assessment either in front of the Board of Review or by filing a claim for excessive assessment under Section 74.37 of the Wisconsin Statutes.

This ordinance shall be effective upon its posting as provided by law.

Dated this 9<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Roger Anclam, Town Chair

ATTESTED BY:

  
\_\_\_\_\_  
Deborah Bennett, Town Clerk



# TOWN OF TURTLE

6916 South Cty Trk J • Beloit, WI 53511 • Phone 608-362-0655 • Fax 608-364-1151

[www.tn.turtle.wi.gov](http://www.tn.turtle.wi.gov)

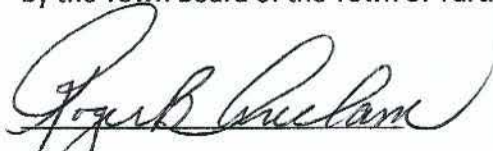
## ORDINANCE TO ADOPT THE WISCONSIN MUNICIPAL RECORDS SCHEDULE

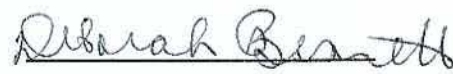
### ORDINANCE 206

1. **TITLE AND PURPOSE:** This ordinance is entitled the Town of Turtle Records Schedule Ordinance to Adopt the Wisconsin Municipal Records Schedule. This purpose of this ordinance is to provide the legal custodian(s) of public records in the possession of the Town of Turtle with the authority to retain and destroy those records.
2. **AUTHORITY:** The Town Board of the Town of Turtle, Rock County, Wisconsin, has the specific authority under Wis. Stats. §§ 60.83 and 19.21 (4) to adopt an ordinance to address the management and destruction of public records.
3. **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 of the Town of Turtle as the Town's official record retention schedule.
4. **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 §Wis. Stat. 19.21 (4) to the Wisconsin State Historical Society.
5. **CONFLICT:** In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.
6. **REVOCATION OF PRECEDING ORDINANCE(S):** 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 Turtle.
7. **EFFECTIVE DATE:** This ordinance shall become effective upon its publication and/or posting, per the terms of Wis. Stats. 60.80.

Adopted this tenth day of November 2021

By the Town Board of the Town of Turtle, Rock County, Wisconsin

  
Town Chair

  
Town Clerk/Treasurer

**GENERAL ORDINANCE NO. 197**  
**TOWN OF TURTLE, ROCK COUNTY, WISCONSIN**  
**ORDINANCE ESTABLISHING A POLICE AND FIRE COMMISSION**

The Town Board of the Town of Turtle, Wisconsin, pursuant to Sections 60.56, 60.57 and 62.13 of the Wisconsin Statutes does ordain as follows:

WHEREAS, the Town of Turtle desires to establish a Police and Fire Commission; and

WHEREAS, pursuant to Sections 60.56, 60.57 and 62.13 of the Wisconsin Statutes, the Town is empowered to establish a Police and Fire Commission, hereinafter, the Town of Turtle Police and Fire Commission.

NOW, THEREFORE,

The Town Board of the Town of Turtle establishes a Town of Turtle Police and Fire Commission forthwith;

The Town of Turtle Police and Fire Commission shall consist of no fewer than five (5) members. The initial five (5) members shall be the five (5) elected Town Board Supervisors. Their terms on the Commission shall coincide with their terms as Supervisors;

Three (3) members shall constitute a quorum of the Commission and no more than three (3) members may belong to the same political party;

The Town Chairperson shall appoint any members of the Town of Turtle Police and Fire Commission beyond the initial five (5) members. Those appointments shall be subject to approval by the Town Board. These members shall serve three (3) year terms;

All members of the Town of Turtle Police and Fire Commission shall be compensated on a per diem basis as outlined in the Town of Turtle ordinances. The Town Chairperson shall fill any unexpected vacancies subject to approval by the Town Board;

The members of the Town of Turtle Police and Fire Commission shall meet within thirty (30) days of initially taking their oaths of office in order to select officers. Thereafter, the body shall meet at least once per year as an organizational meeting. The Town of Turtle Police and Fire Commission may meet more often in order to discharge its duties. The body may adopt rules as allowed by law to more effectively conduct its affairs;

The Town of Turtle Police and Fire Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary. The officers shall serve one (1) year terms. The body may appoint a non-member to assist the Secretary;

The Chairperson shall have the following duties and responsibilities:

- a. preside over all meetings and hearings and ensure their orderly conduct;
  - b. accept the filing of written charges against Chiefs and subordinates;
  - c. issues subpoenas for the attendance of witnesses at hearings pursuant to Section 62.13(5)(d) of the Wisconsin Statutes;
  - d. administer oaths to witnesses appearing before the body;
  - e. formally read the charge(s) to the accused at any hearing, including the provisions alleged to have been violated;
  - f. ask questions and control questions asked by other members during any hearing;
  - g. ensure standards for procedural due process are afforded the accused at any hearing;
- and
- h. adjourn all proceedings.

The Vice-Chairperson shall act in the capacity of the Chairperson whenever the Chairperson is unavailable for any reason;

The Secretary shall have the following duties and responsibilities:

- a. conduct all correspondence of the body, send all notices required by law and maintain the rules of the Town of Turtle Police and Fire Commission;
  - b. publish all office notices as required;
  - c. attend and keep a record of all Town of Turtle Police and Fire Commission proceedings, including the preservation of testimony and any evidence received by the body at any hearings in a permanent record and to certify such record to the Circuit Court when required by law;
  - d. maintain the minutes of each meeting and hearing, with said minutes being signed by the Secretary and Chairperson upon approval by the body;
  - e. provide copies of all Town of Turtle Police and Fire Commission minutes to each member as soon as possible and file a copy of said minutes with the Town Clerk;
  - f. accept the filing of all appointments under Section 62.13(1) of the Wisconsin Statutes;
- and
- g. accept for filing all findings and determinations of the body relative to disciplinary actions and Town of Turtle Police and Fire Commission orders, all of which shall be filed within three (3) days of their adoption pursuant to Section 62.13(5)(f) of the Wisconsin Statutes.

The Town of Turtle Police and Fire Commission shall appoint the Chief of Police and the Chief of the Fire Department, who shall hold their offices during good behavior, subject to suspension or removal by the body for just cause;

The provisions of Sections 62.13(4) and (5) of the Wisconsin Statutes, and any amendments or modifications made subsequent to them by the legislature, shall guide the Town of Turtle Police and Fire Commission in regard to subordinate officers;

The Chief of Police and the Fire Chief shall have the right to summarily suspend or remove any subordinate who is on probationary status without the need for a hearing in front of the Town of Turtle Police and Fire Commission;

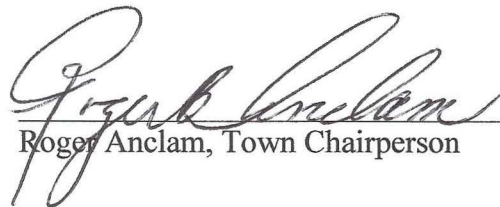
Any member of the Town of Turtle Police and Fire Commission, who is not a Board Supervisor, may be removed by a majority vote of the Town of Turtle Town Board at any time without cause and without a hearing. Any vacancy, created by removal or resignation, shall be filled by appointment by the Town Chairperson subject to approval by the Town Board;

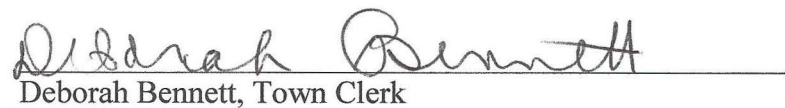
Any actions or decisions made by the Town of Turtle Police and Fire Commission shall supersede any and all actions or decisions made by the Town of Turtle Fire Department Board of Directors; and

Any action or decision made by the Town of Turtle Police and Fire Commission may be appealed to the Rock County Circuit Court.

This ordinance shall take effect as of its date of passage and publication.

Dated: October 9, 2019

  
\_\_\_\_\_  
Roger Anclam, Town Chairperson

  
\_\_\_\_\_  
Deborah Bennett, Town Clerk

TOWN OF TURTLE, ROCK COUNTY, WISCONSIN

RESOLUTION NO. 23-02

A RESOLUTION OF THE TOWN OF TURTLE ADOPTING THE 2023 ROCK COUNTY HAZARD MITIGATION PLAN

WHEREAS the Town of Turtle recognizes the threat that natural hazards pose to people and property within the Town of Turtle; and

WHEREAS Rock County Emergency Management has prepared a multi-hazard mitigation plan, hereby known as the 2023 Rock County Hazard Mitigation Plan in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the Town of Turtle participated jointly in the planning process with Rock County and the other local units of government within the County; and

WHEREAS the 2023 Rock County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Turtle from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town of Turtle demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2023 Rock County Hazard Mitigation Plan.

WHEREAS an updated hazard mitigation plan is required by FEMA as a condition of future grant funding for mitigation projects; and

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The Town of Turtle adopts the 2023 Rock County Hazard Mitigation Plan as an official countywide mitigation plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.


ADOPTED this 10th day of May, 2023.

By:

  
Chairperson, Roger Anclam

ATTEST:

By:

  
Clerk/Treasurer, Kristina Bennett



RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

**GENERAL SERVICES FEES**

Raze Permit - Residential	\$100.00	\$100.00
Agriculture Buildings Permit	\$100.00	\$100.00
Commercial Signs	\$50.00 base fee + \$.50 per sq foot/sign face	
Signs	\$55.00 base fee +\$.85 per sq foot	

**BUILDING SERVICES FEES**

Minimum Permit all Permits	\$60.00 per inspection unless otherwise noted	
<u>Residential Building 1 &amp; 2 Family</u>		Minimum
New Dwelling	\$.27 per sq foot	\$950.00
Additions	\$.27 per sq foot	\$250.00
Plan Review New 1 & 2 Family	\$200.00	\$100.00
1&2 Family Additions	\$100.00	\$100.00
Alterations	\$50.00	\$50.00
Accessory Structures	\$50.00	\$50.00
Erosion Control	New home	\$500.00
Erosion Control	Addition	\$120.00
Remodel	\$.25 per sq foot	\$120.00
Remodel and alterations where no square footage available	\$10.00 per thousand of valuation	\$120.00
Accessory Structure	\$.25 per sq foot	\$75.00
Decks serving as an exit	\$.25 per sq foot	\$75.00
Occupancy Permit	per dwelling unit	\$50.00
Temporary Occupancy Permit	per dwelling unit	\$50.00
Early Start Permit (footing and foundation)	per dwelling unit	\$150.00
<u>Residential Plumbing</u>		
New Building/Addition/Alterations	\$240.00 base + \$11.00/fixture	\$60.00 per inspection
Replacement & Misc Items	\$10.00 per thousand of plumbing valuation	\$50.00
Outside Water Lateral	\$75.00 first 100 feet + \$.50 per additional foot	
Outside Sanitary Sewer Lateral	\$75.00 first 100 feet + \$.50 per additional foot	
Outside Storm Sewer Lateral	\$75.00 first 100 feet + \$.50 per additional foot	
Grease Traps	100.00 Each	

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

Residential Electrical

New Building/Addition/Alterations (Alterations based on sq. foot of alteration)	\$75.00 base + \$.05 per sq foot	\$60.00	per inspection
Replacement & Misc Items	\$10.00/\$1,000 Valuation	\$60.00	Per inspection
Electric Services	\$100 first 200 Amps plus \$10/100 amps above 200	\$60.00	Per inspection
Generators	\$100 first 200 Amps plus \$10/100 amps above 200	\$60.00	Per inspection

Residential HVAC

New Building/Addition/Alterations (Alterations based on sq. foot of alteration)	\$60.00 base + \$.04 per sq foot	\$60.00	Per inspection
New or Replacement of heating units	\$60.00 each unit	\$60.00	Per inspection
New or Replacement of A/C Units	\$60.00 each unit	\$60.00	Per inspection

Commercial Building

New Structure/Addition	\$.27 per sq foot	\$1,250.00	
Plan Review New Buildings	\$250.00		
Plan Review Additions to Buildings	\$200.00		
Plan Review Alterations to Buildings	\$100.00		
Plan Review Accessory Buildings	\$75.00		
Special Occupancies (outdoor pools, towers, tents)	\$.12 per sq foot	\$125.00	
Erosion Control	\$100.00 base fee plus \$0.05 per square foot of disturbed area to a maximum of \$1,500.00	\$120.00	
Reroof/Reside	\$60.00		
Remodel where square footage not available	\$9.00 per thousand of valuation	\$100.00	
Occupancy Permit	\$60.00 per unit		
Temporary Occupancy Permit/Change of Use	\$50.00 per unit		
Early Start Permit (footing and foundation)	\$250.00 per unit		

Commercial Plumbing

New Buildings/Additions	\$240.00 base + \$11.00/fixture	\$75.00	per inspection
Alterations	\$150.00 base + \$11.00/fixture	\$75.00	per inspection
Replacement & Misc. Items	\$10.00 per thousand of plumbing valuation	\$75.00	per inspection
Outside Sanitary Sewer	\$75.00 first 100 feet + \$.50 per additional foot	\$75.00	per inspection
Outside Water Lateral	\$75.00 first 100 feet + \$.50 per additional foot	\$75.00	per inspection
Outside Storm Sewer Lateral	\$75.00 first 100 feet + \$.50 per additional foot	\$75.00	per inspection
Grease Traps, Sediment and oil catch basins	\$100 Each	\$100.00	

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

Commerical Electrical

New Building/Addition/Alterations (Alterations based on sq. foot of alteration)	\$75.00 base fee + \$.06 per sq foot	\$75.00	per inspection
Replacement & Misc Items	\$10.00/\$1,000.00 of valuation	\$75.00	per inspection
Electric Services	\$100 first 200 Amps plus \$10/100 amps above 200	\$75.00	Per inspection
Generators	\$100 first 200 Amps plus \$10/100 amps above 200	\$75.00	Per inspection

Commerical HVAC

New Building/Addition/Alterations (Alterations based on sq. foot of alteration)	\$75.00 base fee + \$.06 per sq foot	\$75.00	Per inspection
Replacement & Misc Items	\$10.00/\$1,000.00 of valuation	\$75.00	Per inspection
New or Replacement of heating units	\$60.00 each unit	\$75.00	Per inspection
New or Replacement of A/C Units	\$60.00 each unit	\$75.00	Per inspection

Commerical Miscellaneous

Fire Suppression Systems	\$55.00 base fee + \$.07 per sq foot	\$100.00	
Fire Sprinklers	\$75.00	\$75.00	Per inspection
Razing Fee	\$.05 per sq foot	\$100.00	
Other	\$75.00	\$75.00	Per inspection

Miscellanouse Fees

Re-Inspection	\$60.00 per inspection	\$60.00	
Failure to request and inspection	\$75.00 per occurrence	\$75.00	

Swimming Pool Building Permit

This includes electrical (bldg inspector to inspect) and fence permit	\$150.00	\$150.00	
<u>Outdoor Wood Burning Furnace-(Construction, Electrical and Plumbing Included)</u>	\$125.00	\$50.00	

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

State of Wisconsin Fee

State Seal Municipality retains 100% \$45.00

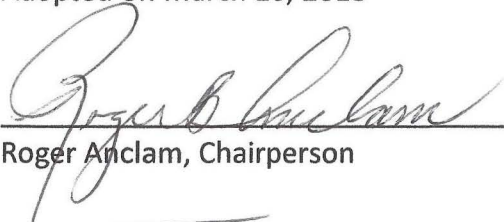
Commercial Zoning

New Structure \$100.00 per unit \$100.00  
Addition/Alteration \$75.00 per unit \$75.00  
Accessory Buildings, Fences, decks, Pools \$75.00 per unit \$75.00  
Occupancy/Change of Use \$50.00 per unit \$50.00

Residential Zoning

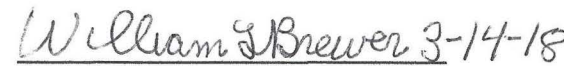
New Structure \$100.00 per unit \$100.00  
Addition/Alteration \$75.00 per unit \$75.00  
Accessory Buildings, Fences, decks, Pools \$50.00 per unit \$50.00  
Occupancy/Change of Use \$50.00 per unit \$50.00

Adopted on March 10, 2018

  
\_\_\_\_\_  
Roger Anclam, Chairperson

  
\_\_\_\_\_  
Deborah Bennett, Clerk

 3/14/2018  
\_\_\_\_\_  
Tim Sanders

 3-14-18  
\_\_\_\_\_  
William Brewer

  
\_\_\_\_\_  
Ron Splan

  
\_\_\_\_\_  
Tim Kopp

**RESOLUTION 23-01**  
**TOWN OF TURTLE, ROCK COUNTY, WISCONSIN**  
**RESOLUTION ALLOWING THE TOWN CLERK TO SCHEDULE**  
**ELECTION WORKERS AS NEEDED**

WHEREAS, the Town of Turtle Town Clerk wishes to have the discretion to schedule election workers for full day shifts or split shifts on election days;

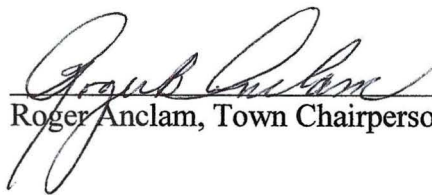
WHEREAS, it would be in the public interest for the Town of Turtle Town Clerk to have the ability to schedule elections workers as needed; and

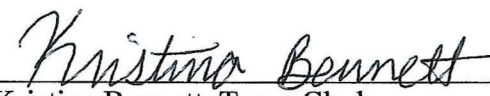
WHEREAS, the Town of Turtle Town Board must allocate to the Town of Turtle Town Clerk the discretion to schedule elections workers as needed.

NOW THEREFORE, the Town of Turtle Town Board resolves as follows:

1. The Town of Turtle Town Clerk shall have the ability to schedule elections workers for full day shifts or split shifts as needed on election days.

Dated this 11<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Roger Anclam, Town Chairperson

Attest:   
\_\_\_\_\_  
Kristina Bennett, Town Clerk

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

## Town of Turtle 2018 Fee Schedule

---

<u>TYPE OF FEE</u>	<u>AMOUNT</u>	<u>RENEWAL</u>
<u>Town Community Center Rental</u>		
Community Room(tile floor) with Kithcen	\$400.00	
Deposit for Community Room	\$250.00-non- alcohol reservation \$500.00-alcohol reservation	
Community Room and Board Room	\$550.00	
Deposit for Community Room	\$250.00-non- alcohol reservation \$500.00-alcohol reservation	
Community Room and Board Room for funeral	\$100.00-Residents Only	
Note: The Board Room will not be rented by itself. Food and Drinks may not be taken into the Board Room. Depoist is required for all usage of the Community Center unless waived by Town Chair.		
<u>Dog Licenses and Fees</u>		
Neuter or Spayed Dogs	\$5.00 per year	
Unaltered Dog	\$10.00 per year	
Kennel Fee	\$35.00 per year up to 12 dogs (\$3 for each additional dog)	
Late Fee	\$5.00	
Pick Up Dog	\$40.00	
Holding Fee for first 24 hours	\$25.00	
Per day fee for next 6 days	\$20.00	
<u>Alcoholic Beverage Licenses</u>		
Operator	\$25.00 per year	
Manager	\$25.00 per year	
Class A Liqour License	\$500.00 per year	
Class B Liquor License	\$500.00 per year	
Class A Fermented Malt Beverage License	\$100.00 per year	
Class B Fermented Malt Beverage License	\$100.00 per year	
Class C Wine License	\$100.00 per year	

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

<u>Cigarette License</u>	\$100.00 per year	
<u>Mobile Home Park License Fees</u>		
Initial Mobile Home Park License Fee	\$800.00 plus \$10.00 for each lot	
Annual Mobile Home Park License	\$100.00 plus \$10.00 for each lot	
Mobile Home Park License Transfer Fee	\$50.00	
<u>Peddler Permit</u>	\$100.00 each	
<u>NSF Check</u>	\$25.00 each	
<u>Mowing-Per lot or per hour/per machine</u>	\$180.00	
<u>Code of Ordinance Book</u>	\$125.00	
Requested Copies (per side)	\$0.25	
Fax Copies (per sheet)	\$1.00	
Certification Letter(Clerk)	\$35.00	
Rezoning Application	\$400.00	\$50.00
Conditional Use Application	\$400.00	\$50.00
Land Division/Combination Application (1 to 4 lots)	\$400.00	
Land Division/Combination Application (5 lots or more)	\$100.00 per lot	
Special Meeting Called	\$500.00 plus regular application cost	
Fee for Appeals from Decisions of Zoning Administrator or Other Town Officer	\$400.00	
Fee for Application by Citizen Petitioners to Amend Zoning Ordinance	\$400.00	
Stormwater Fees		
Note: All engineering, legal cost and soil investigative costs required by the Commission shall be borne by the applicant.		
<u>Board of Adjustment</u>		
Board of Adjustment/Variance Application	\$400.00	\$50.00

RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

Fireworks Permit

Class 1 to Display	\$100.00 per day
Class 2	\$20.00 Annually
Class 3	\$500.00 Annually
30 day Class 3	\$250.00 per Lication

Fire Department Fees-Collected on Federal, State, Co. Highways Only

Car Fires/Grass Fires/Extrication

First Responding Engine	\$500.00 per hour
Additional Engines/Tankers	\$500.00 per hour
Rescue Squad w/Extrication Equipment	\$500.00 per hour
First Responder Fee	\$185.00 per call
Manpower	\$50.00 per hour/person
Foam	\$25.00 per gallon
Oil Dry/Blankets	\$10.00 per bag/unit
Other Consumables	Standard Rate

Rates are calculated :

1. From time of the call until equipment returns to the station
  2. To the nearest half hour with a one hour minimum
  3. For the standard equipment needed to control the scene
- Additional equipment used for departmental convenience will not be charged.

Ordinance Violations in Absence of Forfeiture

Specified in Ordinance

First Offense	\$100.00 plus costs
Second Offense Within One Year	\$200.00 plus costs
Third and Subsequent Offenses Within One Year	\$300.00 plus costs



RESOLUTION

The Town Board of the Town of Turtle adopted a resolution to charge the fees set forth below on March 10, 2018

Cemetery Fees

Shopiere and Turtleville Cemetery Lots	\$700.00 per grave
Single Unit Niche	\$900.00
Double Unit Niche	\$1,500.00
Grave Opening	\$520. Weekday \$570.00 Weekend
Cremation/Columbarium Opening	\$250.00 weekday \$300.00 weekend
Administratiion/Perpetual Care Fee-Niche Headstone	\$250.00
Head Stone Permit	\$20.00
Plaques for Columbarium TBD by Cold Springs	

Telecommunication Tower/Antenna

Siting and Construction of a New Mobile Service Support Structure and Facilities or the Substantial Modification of an Existing Support and Mobile Service Facilities	\$3,000.00
Class 2 Collocation	\$500.00

Road Permits for Overweight Truck Fee

	\$100.00 per unit for single trip \$1000.00 Annual
Fees for Drainage Tile and Construction Work in Right of Way	\$100.00 plus \$5,000 bond
Fee for Application fo rConstruction Work in Right of Way	\$100.00 plus \$5,000 bond
Boring Under Roads	\$100.00 plus \$5,000 bond per boring
Sludge Permit -Local	\$300.00 Annual
Municipality (Large Quantity/includes road damage repair)	\$5,000 Annual
Driveway Permit	\$100.00

**RESOLUTION 22 - 02 03**

WHEREAS, the Town of Turtle hereby requests financial assistance under Sections 287.23 and 287.24 of the Wisconsin Statutes and Chapters NR 542 and 544 of the Wisconsin Administrative Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in Section 287.11(2)(a) to (h) of the Wisconsin Statutes.

THEREFORE, BE IT RESOLVED, that Town of Turtle hereby authorizes Kristina Bennett, the Town of Turtle Clerk/Treasurer, to act on its behalf to do the following: submit an application to the Department of Natural Resources for financial assistance under Sections 287.23 and 287.24 of the Wisconsin Statutes and Chapters NR 542, 544 of the Wisconsin Administrative Code; sign any and all necessary documents; and submit a final report.

Adopted this 12<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
Roger Anclam, Town of Turtle Town Chairperson

**RESOLUTION 22 - 04**  
**TOWN OF TURTLE, ROCK COUNTY, WISCONSIN**  
**RESOLUTION ADOPTING AN INVESTMENT POLICY**

WHEREAS, the Town of Turtle Town Board wishes to begin investing Town funds in interest bearing accounts;

WHEREAS, it is good fiscal policy to invest municipal funds in interest bearing accounts;

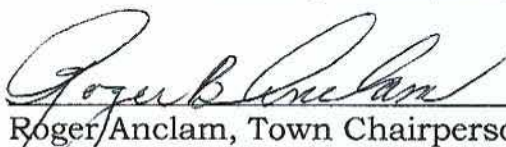
WHEREAS, it is in the Town's best interest to have available investments in case of a needed, unforeseen purchase or an emergency; and

WHEREAS, the Town Board wishes the Town Chairperson and Town Treasurer to oversee the investments.

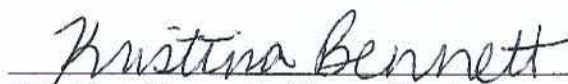
NOW, THEREFORE, the Town of Turtle Town Board resolves as follows:

1. The Town of Turtle shall begin investing municipal funds in safe, interest bearing accounts.
2. The Town of Turtle Town Board authorizes the Town Chairperson and Town Treasurer to oversee and manage said accounts based upon prior Town of Turtle Town Board directives. This includes, but is not limited to, opening, reinvesting and closing accounts.
3. All activity related to the accounts shall be provided to the Town of Turtle Town Board in a timely fashion.
4. The Town of Turtle Town Board, at its discretion, may review the oversight and management of the investment accounts.
5. The Town of Turtle Town Board may direct that an investment policy be drafted in order to provide the Town Chairperson and Town Treasurer more guidance when making investment decisions.

Dated this 23<sup>rd</sup> day of NOVEMBER, 2022.

  
\_\_\_\_\_  
Roger Anclam, Town Chairperson

Attest:

  
\_\_\_\_\_  
Kristina Bennett, Town Clerk

**RESOLUTION 20-04**  
**TOWN OF TURTLE POSTING LOCATIONS**

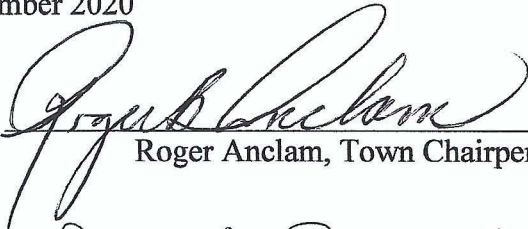
WHEREAS, pursuant to Section 19.84(1)(b) of the Wisconsin Statutes, the Town is required to post notice of public meetings in three public locations within the town limits of the Town of Turtle: and

WHEREAS, on occasion, the Town, by its Town Board, determines that a public location should be changed to provide better notice to the Town's residents.

NOW, THEREFORE, be it resolved that the three public locations for posting notices of public meetings shall be:

1. Town of Turtle Community Center, 6916 S County Road J
2. Town of Turtle Canoe Launch, 8801 S Creek Road
3. JB Hullah Feed & Supply, 5821 ELT Townline Road

Dated this 9th day of December 2020

By:   
\_\_\_\_\_  
Roger Anclam, Town Chairperson

Attest:   
\_\_\_\_\_  
Deborah Bennett, Town Clerk

**TOWN OF TURTLE  
RESOLUTION NO. 2022-02**

Setting Ward Boundaries and Combining Municipal Wards for Voting Purposes

**WHEREAS**, Section 5.15, Wisconsin State Statutes, provides that each Town within the state shall be divided into election wards by its Town Board in accordance with said section unless its population is less than 100; and

**WHEREAS**, Section 5.15, Wisconsin Statutes, provides that the governing body of a municipality must adjust or create its wards within sixty (60) days after the receipt of a tentative supervisory district plan from the county in which the municipality is located, and further that said division must give consideration to the tentative plan submitted by the county board; and

**THEREFORE, BE IT RESOLVED**, that the Town of Turtle shall be divided into four election wards, that each ward has a population between 300-1000 persons allowed under section 5.15 Wisconsin State Statutes, and that Wards 1, 2, 3, and 4 are hereby created and defined as shown on the attached Ward Plan, dated May 4, 2022.

Ward 1: County Supervisory District 17, Congressional District 2  
Ward 2: County Supervisory District 17, Congressional District 1  
Ward 3: County Supervisory District 7, Congressional District 1  
Ward 4: County Supervisor District 15, Congressional District 1

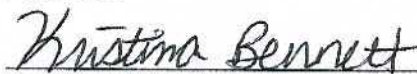
**BE IT FURTHER RESOLVED**, that Wards 1, 2, 3, and 4, are hereby combined for voting purposes so as to share a common polling place, and for combined reporting of election results, and for common election returns for the combined wards at any election;

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution and map shall be forwarded to the Rock County Clerk and that this resolution shall be effective immediately and shall remain in effect for each election until modified or rescinded, in accordance with Wisconsin Statutes, or following the next federal decennial census.

Adopted this 11<sup>th</sup> day of May, 2022.

  
\_\_\_\_\_  
Roger Anclam, Town Board Chairperson

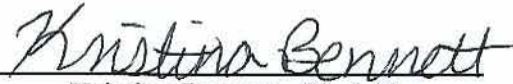
ATTEST:

  
\_\_\_\_\_  
Kristina Bennett, Clerk/Treasurer

Certificate of Adoption:

I hereby certify that the foregoing Resolution was duly adopted by the Town Board and approved by the Town Chairperson at a Town Board meeting of the Town of Turtle Town Board held on the 11<sup>th</sup> day of May, 2022.

Dated: May 11, 2022



Kristina Bennett, Clerk/Treasurer

## RESOLUTION

### Street Lights For Subdivision

WHEREAS, the Town Board believes that street lights at all intersections in subdivisions and at all entrance streets to subdivisions are necessary for the safety of the residents of all subdivisions and others who may be in the subdivisions;

NOW, THEREFORE, the Town Board of the Town of Turtle adopts the following policy:

1. For all future subdivisions, there shall be street lights erected at all street intersections in the subdivision and at all entrance streets to the subdivision.
2. All street lights shall be paid for by the developer.

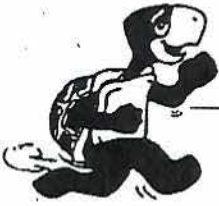
Adopted this 15<sup>th</sup> day of February, 2006.

---

Jim Brandenburg, Chairperson

---

Deborah Bennett, Clerk



# TOWN OF TURTLE

6916 South Cty Trk J • Beloit, WI 53511 • Phone 608-362-0655 • Fax 608-364-1151

## RESOLUTION FOR ELECTORS TO ADOPT THE TOWN TAX LEVY

### SPECIAL TOWN MEETING OF THE TOWN ELECTORS

Town of Turtle, Rock County

Whereas §60.10(1)(a) of Wis. Statutes authorizes the Town electors of a town to adopt the town tax levy at a town meeting of the electors;

Whereas a special town meeting of the town electors has been called and noticed to approve the 2022 total tax levy to be collected in 2023 pursuant to s. 60.10(1)(a) of Wis. Statutes;

THEREFORE, the special town meeting of the Town of Turtle, Rock County, Wisconsin by a majority vote of the eligible electors duly assembled and voting on this 30<sup>th</sup> day of November 2022, hereby resolves and orders as follows:

1. The town electors of the Town of Turtle, Rock County, Wisconsin adopt the town tax levy for 2022 to be collected in 2023 in the amount of \$350,251.00
2. The Town Clerk shall properly post or publish this resolution as required by law under s. 60.10(1)(a) of Wis. Statutes within 30 days of adoption.

Adopted this 30<sup>th</sup> day of November 2022, at a Special Town Meeting.

Number of town electors 7

Number of town electors voting nay 0

Number of abstaining or not voting 0

  
Town Chairperson

Attest by:   
Clerk/Treasurer