

Chapter 100. Administration and Municipal Government.

Subchapter 101. Town Library

- 101.1. PURPOSE. The purpose of this ordinance is to establish the requirements and length of tenure of persons serving on this Board of Directors.
- 101.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 43.52, Wis. Stats. to enact this ordinance.
- 101.3. LOCAL ORDINANCE.
- (1). The Board of Directors shall have seven (7) members and all but two (2) shall be residents of the Town of Presque Isle. (s. 43.54(1)(a), Wis. Stats.)
 - (2). The term of office shall from January 1 to December 31 and be for three (3) years. Vacancies for unexpired terms shall be filled in the same manner as regular appointments. (s. 43.54(1)(b), Wis. Stats.)
 - (3). Appointments to the board shall be by the Town Chairperson with the approval of the Town Board at its January meeting. (s. 60.24(3)(g), Wis. Stats.)
 - (4). Not more than one (1) Town Supervisor shall serve on this Board of Directors and only during his/her term in office.
 - (5). Within 30 days after the beginning of a new term, the Board of Directors shall elect a president and such other officers it deems necessary. (s. 43.57(5) (d), Wis. Stats.)
 - (6). Powers and duties of the library board shall be as follows:
 - (a). The board shall have exclusive control of the expenditures of all moneys collected, donated or appropriated for the library fund;
 - (b). The board shall audit and approve all accounts payable or claims prior to forwarding them to the town clerk for payment;
- (c). Prior to October 1 in each year, the board shall prepare and submit an estimate of expenditures for the ensuing year to the Town Board for budgetary purposes; it shall show all anticipated expenses and estimated revenues;
 - (d). Prior to March 1 of each year, the board shall submit an annual report to the Town Board stating the condition of the library and showing the income and disbursement of all moneys, specifying separately the amounts received from appropriations, income from trust funds, and any other sources;
 - (e). The board may receive, manage and dispose of gifts and donations according to s. 43.58(7), Wis. Stats;
 - (f). The board shall have the authority to hire a librarian and set the conditions of employment (s. 43.58(4), Wis. Stats.);
 - (g). The board shall not contract any liability on the part of the town in excess of its authorized budget;
 - (h). All meetings of the Board of Directors shall be governed by Robert's Rules of Order.
- 101.4. VALIDITY. Shall any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.
- 101.5. EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 102. Cemeteries

102.1.PURPOSE. The purpose of this ordinance is to amend the existing TOWN OF PRESQUE ISLE CEMETERY ordinance (Original dated January 19, 1997).

102.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 157.50, Wis. Stats. to enact this ordinance.

102.3.The Town of Presque Isle hereby adopts s. 157.07, 157.08, 157.11, and 157.50, Wis. Stats. by reference.

102.4.RULES AND REGULATIONS.

(1). DEFINITIONS

- (a). Section: The first subdivision of cemetery lands made according to geographical expediency. Sections may vary in shape and dimensions.
- (b). Block: the first subdivision within a section. Blocks may vary in shape and dimensions.
- (c). Lot: the first subdivision within a block. Dimensions of a lot are 10 feet by 10 feet. Lots may vary in shape and dimensions.
- (d). Burial Space: The first subdivision within a lot. Dimensions of a burial space are 4 feet by 10 feet by 6 feet except for babies and cremations which may be of lesser dimensions.
- (e). Grave: An excavation in the earth in which a body is or is to be buried.
- (f). Interment: The burying of a body.
- (g). Disinterment: Removal of a body from a grave.
- (h). Perpetual Care: Grass cutting, trimming, seeding, filling, clearing of a burial space, pruning or cutting of trees, included in the price of a lot.
- (i). Cemetery Administrator: Oversees sales and issues deeds to burial spaces.
- (j). Cemetery Staff: Park Worker, Sexton and Town Supervisor

(2). LOTS

- (a). The Cemetery Administrator shall maintain adequate records for his/her office and shall be responsible for platting of cemetery lands and be responsible for the sale of land in the cemetery.
- (b). Before any new block of a cemetery is opened for sale of burial space(s), the Cemetery Administrator shall cause it to be platted and recorded in the office of the Register of Deeds. Copies of the plat map shall be kept by the Cemetery Administrator and with the Town Clerk. The plat shall be so designed as to provide direct access to each burial space from either road or walk.
- (c). The Sale of burial spaces in the cemeteries is under the control of the Cemetery Administrator

subject to the rules and regulations of the Town Board. A purchaser shall apply to the Cemetery Administrator or designee and select from those burial spaces available for sale. Upon payment of the purchase price the Cemetery Administrator shall prepare a Deed to be signed and acknowledged. All receipts are to be in triplicate with one copy kept by the Cemetery Administrator, one by the Town Clerk and one by the purchaser.

- (d). A person owning a burial space(s) in a cemetery and wishing to sell such burial space(s) shall notify the Town Clerk, who shall return to the grantor the purchase price paid. A person wanting to transfer ownership of a lot may do so by presenting the original deed to the Cemetery Administrator with the written statement "I hereby transfer to (name of transfer) my cemetery lot# ___, Block # ___ in ___ cemetery". Signed and witnessed.
- (e). The Cemetery Administrator shall keep a set of records consisting of (1) a burial space book, (2) an index of land owners, (3) interment register, (4) land ownership record, and (5) file of burial permits.
- (f). No lot shall be used for any other purpose than for burial of human remains and the placing of appropriate markers as memorials.
- (g). All burial lots for sale shall be sold at the rates determined by the Town Board.

(3). BURIAL

- (a). The burial space book shall contain a diagram of spaces sold and shall identify it by number of block, number of lot, date sold, and name and address of owner.
- (b). The interment register shall contain a record of burials showing date of interment, number of the burial, full name, place of death, name and address of funeral director, lot and block, and location of grave.
- (c). The filing of burial permits as required by Section 69.48(2) of the Wisconsin State Statutes shall be endorsed by the Cemetery Administrator and show the date of interment over his/her signature. The permits should be filed chronologically in a binder.
- (d). All interments and other matters relating to the disposal of bodies shall be conducted pursuant to State Statutes, orders of the State Division of Health and the Ordinances, rules and regulation of the Town.
- (e). Notice of interment shall be given to the Sexton at least 48 hours in advance (unless religion

requires more immediate burial (and the location of the grave shall be designated. The Sexton shall have full charge of opening and closing. Seeding of all graves shall be done by the Park Worker.

- (f). Any orders of burial given by a funeral director having charge of the burial shall be construed by the Town as orders from the lot owner. All charges incurred based upon the funeral directors orders, or orders issued in conjunction with the funeral director serving in the matter, shall be paid by the funeral director after interment. No changes in location of graves or burial spaces shall be made without consent of the burial lot owner or heirs.
 - (g). All interments on lots owned by a single owner or joint owners shall be restricted to members of the family unless permission in writing from the lot owner(s) is filed with the Cemetery Administrator.
 - (h). The interments of two bodies in one grave (that is one above another) shall not be allowed except in the case of mother and infant child or twin children, buried at the same time, but two or more interments of cremated remains may be allowed together or with other remains in one grave.
 - (i). No rough wooden box shall be used for interment.
 - (j). All caskets must be in a vault.
 - (k). All interments shall be made under the direction and supervision of a licensed undertaker, upon written request of the land owners or the next of kin of the deceased. The removal of bodies from graves in the cemetery shall not be made between May 1 and September 15, unless the location is such that no damage will occur to adjoining graves or the general appearance of the grounds.
 - (l). Should any single grave be vacated and the body removed from the cemetery the plot shall thereupon revert to the Town.
 - (m). All bodies shall be buried with the head to the west.
 - (n). No mounds will be allowed
 - (o). All graves shall be filled to ground level.
 - (p). Cremation burial is to be 2 feet deep.
 - (q). Funeral designs and floral pieces will be removed as soon as they become unsightly.
- (4). PLANTING
- (a). Enclosures around burial spaces by hedges or grave guards are prohibited.
 - (b). If any trees or shrubs on a lot become detrimental to any adjacent lot, or unsightly, the Park Worker shall remove such trees or shrubs or the parts thereof, as in his/her judgment are

unsightly or detrimental.

- (c). Receptacles for flowers should be sunk level with the ground.
 - (d). The Park Worker shall have the right to remove from any part of the cemetery any monument, effigy, enclosure, or any structure which shall be determined to be improper, offensive or injurious to the appearance of the Cemetery.
 - (e). Artificial turf is not allowed in the Cemetery.
 - (f). Plantings of annuals/perennials must be within a worked up top soil bed. All plantings are to be at least 12 inches from adjoining lot and not more than 12 inches in front of the stone marker.¹
 - (g). Artificial flowers are to be in a secure base within 12 inches in front of stone markers and must be removed from the cemetery by October 15 or the Park Worker will remove them.
 - (h). Pole hangers may not exceed 4 feet and must be placed at least 12 inches from any adjoining lot line. Banners and wind socks are not allowed.
 - (i). Park Worker will plant trees or shrubs as needed for ornamentation. No additional plantings will be permitted. Further, Park Worker will remove any tree, plant, shrub or structure which he/she shall deem injurious to the general good appearances of the graves or infringements on other lots.
- (5). MONUMENTS
- (a). No monument or grave marker shall be erected upon any burial space which has not been fully paid.
 - (b). Only one monument will be permitted on one lot.
 - (c). No monument shall be erected or set up without having a solid foundation of concrete, no less than 6 inches larger than the base. The base must project above the surface of the ground. A 6 inch wash shall be provided for monuments and a 4 inch was for markers.
 - (d). All grave markers shall be free and level on the bed thereof. Each marker shall be placed at the West end of such graves.
 - (e). Monument work or grave markers may be moved to the burial space on wheels, and planks are required to be laid on paths or grass over which heavy material is to be moved in order to protect the same from damage.
 - (f). The Town shall take every reasonable precaution to protect all private property and

¹ A list of plants that would grow best in this climate has been prepared by the Presque Isle Beautification Committee and available through the Cemetery Administrator.

grave owners property in the cemetery from loss or damage, but is disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the act of thieves, vandals, riotous and malicious mischief makers, from all acts of providence including unusual winds, tornadoes, cyclones, hail, snow or frost, whether the damage is direct or proximate.

(g). Dealers' or manufacturers' cards or advertisements shall not be marked on any stone or placed anywhere within the cemetery.

(6). USE

(a). No Person shall enter or leave the cemetery except through the gates and only during daylight hours.

(b). Firearms are not permitted except on permission by the Cemetery Administrator, at Military funerals and on Memorial Day.

(c). No person, other than the owner of burial spaces or a cemetery employee, shall cut, remove, injure or carry away any flowers, shrubs, head stones, monuments, fences or structures.

(d). No person shall throw rubbish on the cemetery roads or any part of the cemetery grounds. Trash receptacles are located for that purpose.

102.5.VALIDITY. Shall any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

102.6.ENFORCEMENT: Cemetery Administrator and cemetery staff may have constable powers to enforce these rules and regulations.²

102.7.PENALTY. Any person who violates this ordinance may be required to forfeit \$10 for a first violation. Each day constitutes a separate violation.

102.8.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

² These rules must be posted at three conspicuous spots in the cemetery for enforcement.

Subchapter 103 Town Fire Department.

103.1.PURPOSE. The purpose of this ordinance is to update the TOWN OF PRESQUE ISLE VOLUNTEER FIRE DEPARTMENT ORDINANCE to reflect its present organization and responsibilities.

103.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.55(1) and 60.565, Wis. Stats. to enact this ordinance.

103.3.LOCAL ORDINANCE.

- (1). This department shall be responsible for Fire, Rescue and Ambulance (EMS) Service in the Township.
- (2). All monies appropriated for fire department purposes shall be paid over to the town treasurer under s. 60.34(1), Wis. Stats.
- (3). This department shall not contract any liability on the part of the town in excess of its authorized budget in section (2) of this ordinance.
- (4). S. 66.0608(2)(a), Wis. Stats. authorizes the Fire Chief, Assistant Fire Chief, EMS director, Assistant EMS Director, or Secretary-Treasurer known as the Executive Board to act as the official in a Volunteer Funds account in the name of the department in a public depository.
- (5). As authorized by s. 66.0608(2)(b), Wis. Stats. all monies raised by members of the department and donations to the department shall be deposited in the above account and used only for bona fide fire department purposes as directed by the Executive Board of the Department.
- (6). A quarterly budget statement showing receipts, expenditures, and balance of the account authorized

in paragraph (5) shall be forwarded to the town board.

- (7). A detailed annual budget report showing all fire department expenditures and receipts shall be submitted to the Town Board no later than February 1 of the following year.

The Fire Chief:

- (a). shall report to the Town Board.
- (b). shall be responsible for the overall management and operation of the department;
- (c). prior to October 1 in each year, shall prepare and submit a proposed budget for the following year. Said budget shall show all anticipated expenses by line item.
- (d). by March 1 of each year shall submit a report to the Town Board stating the following:
 - (i). The condition of the department's equipment and physical plant,
 - (ii). the number of and certification level of Fire Fighters and EMS personnel,
 - (iii).the attendance level at departmental meetings and training sessions,
 - (iv).number of fire, rescue, and ambulance responses and fire inspections completed.

103.4.VALIDITY. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

103.5.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication. The ordinance dated July 19,2007 is repealed upon passage.

Subchapter 104. Fire Safety Regulations.

104.1.PURPOSE. The purpose of this ordinance is to adopt regulations to prevent, detect and suppress fire and related fire hazards.

104.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.555, Wis. Stats. to enact this ordinance.

104.3.LOCAL ORDINANCE.

(1). The following are hereby adopted by reference:

- (a). Department of Industry, Labor and Human Relations, s. 101.14, Wis. Stats.;
- (b). National Fire Protection Association Codes.

104.4.ENFORCEMENT AND PENALTIES.

(1). The Fire Chief or his/her designated representative

shall have the authority to enforce this ordinance.

(2). Whoever violates this ordinance may be subject to a forfeiture of not less \$100.00 but not more than \$500.00 for each day of violation (s. 101.14(4)(e), Wis. Stats.).

104.5.VALIDITY. Shall any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

104.6.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law. Resolution #5-85 dated March 21, 1985 is repealed upon passage.

Subchapter 105. Town Constable

- 105.1. PURPOSE. The purpose is to preserve and keep the peace and good order in the Town of Presque Isle.
- 105.2. AUTHORITY. The Town of Presque Isle does hereby establish the elected office of constable pursuant to s. 60.22(4) and 60.35, Wis. Stats. He/she shall not be a law enforcement officer with arrest powers. The constable shall be selected at a regular town election and serve a term of two (2) years. If the elected constable is unable to complete the elected term, the Town Board may appoint a replacement for the remainder of the term of that office.
- 105.3. JURISDICTION AND DUTIES.
- (1). The constable shall have the authority to enforce all violations of town ordinances, CH 100-800 in the Town of Presque Isle. He shall work with other town officials reporting to the Town Board quarterly working under the direction of the town chairman.
 - (2). The constable shall make himself/herself available to be a witness for the Town of Presque Isle or any other lawful authority involved in an investigation to which he has knowledge.
 - (3). The constable shall refer to the Vilas County Sheriff's Department or other Wisconsin State Authority any violation not adopted by town ordinance or which would be better served by being investigated by that agency.
- 105.4. REPORTING. The town constable shall document all actions taken by his/her office. Incident reports shall include but not be limited to the following information.
- (1). Incident type
 - (2). Time, Date, Location
 - (3). Victim, Witness, Suspect
 - (4). Details
 - (5). Disposition
 - (6). Mileage
- 105.5. PROTOCOL.
- (1). The town constable shall perform his/her duties in a professional and courteous manner at all times.
 - (2). The town constable shall respond to complaints and calls for service in a timely manner and document action taken.
 - (3). The town constable shall clearly identify himself before taking any enforcement action or upon request while acting in his/her official capacity.
 - (4). The town constable shall use the identification of his/her office only in an official capacity.
- 105.6. NONEXCLUSIVITY.
- (1). Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other ordinance.
 - (2). The jurisdiction and duties of the town constable as stated herein shall not preclude the Town Board (member) or any other town officer from proceeding under any ordinance, regulation or order.
- 105.7. SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any persons circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the *provisions of* applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- 105.8. EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 107. Emergency Government

A JOINT ACTION EMERGENCY GOVERNMENT ORDINANCE BETWEEN THE COUNTY OF VILAS AND MUNICIPALITY OF PRESQUE ISLE TO COPE WITH CIVIL DEFENSE EMERGENCIES RESULTING FROM ENEMY ACTION AND WITH EMERGENCIES RESULTING FROM NATURAL DISASTERS.

The municipality of Presque isle does ordain as follows:

SECTION I. A Joint Action Ordinance of the Board of Supervisors of Vilas County providing for a county-municipal joint action emergency government plan of organization adopted by said County Board on the 17th of April, 1973. A copy of said County Ordinance is attached hereto, and made a part hereof, by reference and is hereby ratified and accepted by the municipality of Presque Isle, County of Vilas.

This ratification and acceptance of the Joint Action Ordinance shall constitute a Mutual Agreement between the municipality of Presque Isle and the County of Vilas as provided by Section 3 of said Joint Action Ordinance.

SECTION II. The County Municipal Emergency Government Director, appointed and employed by the Vilas County Board as provided in the referred to Ordinance is hereby designated and appointed Emergency Government Director for the municipality of Presque Isle, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Vilas County Joint Action Ordinance.

SECTION III. All ordinances and/or resolutions in conflict with this Ordinance are hereby repealed.

SECTION IV. This Ordinance shall take effect and be in force from, and after, its passage and publication.

SECTION V. This Ordinance was passed on the 6th of June, 1974.

Seal: Gerald Hartmann, Town Chairman

Attested to: James Cirkva, Clerk

ORDINANCE NO. 100
Vilas County
JOINT ACTION EMERGENCY GOVERNMENT ORDINANCE

AN ORDINANCE TO REPEAL AN ORDINANCE PROVIDING FOR AN EMERGENCY GOVERNMENT ORGANIZATION AND FOR PROTECTION AND PROMOTION OF PUBLIC SAFETY, HEALTH, AND WELFARE IN THE COUNTY OF VILAS DURING EMERGENCIES AND TO CREATE AN ORDINANCE GOVERNING EMERGENCY GOVERNMENT IN THE COUNTY OF VILAS, ENTITLED "EMERGENCY GOVERNMENT FOR VILAS COUNTY".

The County Board of Supervisors of Vilas County do ordain as follows:

Section 1. POLICY AND PURPOSE

- (1). To ensure that the County of Vilas will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters, an Emergency Government Organization is created to carry out the purposes set out in Chapter 22 of Wisconsin Statutes.
- (2). Definitions. As used in this ordinance:
 - (a). The term "enemy action" means any hostile action taken by a foreign power which threatens the security of the State of Wisconsin.
 - (b). The term "civil defense" means all those activities and measures designed or undertaken: 1. to minimize the effects upon the civilian population caused or which would be caused by enemy action, 2. to deal with the immediate emergency conditions which could be created by such enemy action, and 3. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.
 - (c). The term "natural disaster" includes all other extraordinary misfortunes affecting the county, natural or manmade, not included in the term "enemy action".

Section 2. COUNTY EMERGENCY GOVERNMENT COMMITTEE

- (1). How constituted. The Executive Committee of the County Board as created under its rules is hereby designated as the County Emergency Government Committee. When acting as such committee, the Chairman of the County Board shall be its chairman.
- (2). Duties of County Emergency Government Committee. The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Government Director and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon call of the chairman.

Section 3. COUNTY EMERGENCY GOVERNMENT DIRECTOR

- (1). Joint Director. There is hereby created the Office of County-Municipal Emergency Government Director. The County Emergency Government Director shall also hold the office of Emergency Government Director of such municipalities of Vilas County as may hereafter enact an ordinance parallel to this ordinance. In addition to his duties as County Emergency Government Municipal Emergency Government Director as provided for in Section 66.30 of the Wisconsin Statutes.
- (2). Tenure, Term, Appointment and Statutory Provision.
 - (a). Tenure. The County Director of Emergency Government shall be a full-time /part-time position. The salary of the Director and Members of his staff shall be set from time to time by the County Board.
 - (b). Term. The term of the Vilas County Emergency Government Director shall be at the pleasure of the County Board.
 - (c). Appointment. The Emergency Government Director shall be appointed in accordance with the standard employment procedures as used by the County Board.
 - (d). Statutory Provision. The provisions of Section 22.16(3) of the Wisconsin Statutes, relating to Personnel, shall apply to the selection of the Director and his staff.
- (3). Status. The County Emergency Government Director shall be considered to be an employe of the county not under Civil Service and shall be entitled to all of the rights, privileges and benefits that county employees have. He shall report to the County Emergency Government Committee.
- (4). Municipal Deputy Emergency Government Director.
 - (a). Each municipality passing a Joint Action Ordinance with the county may appoint a Deputy Emergency Government

Director.

- (b). The Municipal Deputy Emergency Government Director will operate under the administrative direction of the County Emergency Government Director.
- (c). Remuneration, if any, for the Deputy Municipal Emergency Government Director will be determined and paid by the governing body of that municipality.

Section 4. SHARING OF COSTS

- (1). Office and staff. The Vilas County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director and the cost thereof shall be defrayed by the County of Vilas, with the help of Federal matching funds.
- (2). Major Equipment and Services. Costs of equipment and services shall be borne 100 per cent by the municipal government requiring such procurement with Federal matching funds procured by the County/Municipal Director when applicable. Federal matching fund reimbursements shall be returned to the treasurer of the municipality procuring the equipment or services.

Section 5. JOINT ACTION MEETINGS. Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a Municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

Section 6. DUTIES OF THE COUNTY EMERGENCY GOVERNMENT DIRECTOR.

- (1). County-Wide Duties. The Director, in his capacity as county director, subject to the control and direction of the County Emergency Government Committee and under the general supervision of the County Board shall:
 - (a). Develop and promulgate emergency plans for the county, including planning for joint action municipalities, consistent with the State Emergency Operations Plan;
 - (b). Coordinate and assist in the development of non-joint action municipal emergency government plans within the county, and integrate such plans with the county plan;
 - (c). Direct the county and joint action municipality emergency government programs;
 - (d). Direct county-wide emergency government training programs and exercises;
 - (e). Advise the State Administrator of all emergency government planning for the county and render such reports as may be required by the State Administrator;
 - (f). In case of a state of emergency proclaimed by the Governor, direct the county and joint action municipalities emergency government activities and coordinate the non-joint action municipal emergency government activities within the county, subject to the coordinating authority of the State Administrator; and,
 - (g). Perform such other duties relating to emergency government as may be required by the County Board.
- (2). Municipal Duties. The Director in his capacity as a director for a municipality participating in joint action, shall:
 - (a). Direct the municipal emergency government organization;
 - (b). Develop, promulgate, and integrate into the county plan, emergency government plans for the operating services of the municipality;
 - (c). Direct participation of the municipality in such emergency government training programs and exercises as may be required on the county level or by the State Administrators;
 - (d). Direct the Municipal emergency government training programs and exercises;
 - (e). Perform all administrative duties necessary for the rendering of reports and procurement of matching Federal funds for each municipality requesting Federal Matching Funds;
 - (f). In case of a state of emergency proclaimed by the Governor, direct the activities of the municipal emergency government organization;
 - (g). Perform such other duties, relating to emergency government, as may be required by the municipal governing body.

Section 7. UTILIZATION OF EXISTING SERVICES AND FACILITIES

- (1). Policy. In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable; and the officer and personnel of all such department and agencies are directed to cooperate with and extend such services and facilities as are required of the.
- (2). Responsibility. In order to assure that in the event of an emergency all the facilities of the existing county government are expanded to the fullest to meet such emergency, the following specific responsibilities are assigned to the following department heads named as Directors of Emergency Government Service. The Emergency Government Director will assist them in organizing and planning for the expansion of their department prior to and during an emergency and for

recruiting necessary Emergency Government Volunteers to supplement regular department employees:

County Sheriff	Director of Police Services
County Highway Commissioner	Director of Engineering Services
Purchasing Agent	Director of Supply Services
Director of Public Welfare	Director of Emergency Welfare Services
County Coroner	Director of Mortuary Services
District Attorney	Director of Intelligence

Other department heads not specifically named will fulfill emergency and non-emergency duties as assigned under the State Emergency Operations Plan. Nothing in this section shall be construed so as to limit the Emergency Government Director from immediately commencing organizational and planning programs as required by the State Emergency Operations Plan adopted by the Vilas County Board of Supervisors.

- (3). Joint Action. Municipalities entering into joint action with Vilas County will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this section of the county ordinance.

Section 8. OTHER EMERGENCIES

- (1). Joint Action Municipalities. In the event the Governor determines that an emergency exists growing out of natural or manmade disasters, the County Emergency Government Director will activate and direct the Emergency Government Services at the appropriate level of government affected by the emergency.
- (2). Non-Joint Action Municipalities. In the event of a natural or manmade disaster, the County Director will coordinate the municipalities affected and render such assistance as is required and available from county resources.
- (3). Penalties. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance he shall forfeit not less than \$100.00 nor more than \$500.00, and in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding 90 days.
- (4). Repeal of Prior Resolutions. Any resolutions hereinbefore adopted by the County Board inconsistent with the provisions of this ordinance are hereby repealed.
- (5). Effective Date. This ordinance shall take effect and be in force upon passage and publication. This ordinance shall take effect and be in force on _____, 1973

EMERGENCY GOVERNMENT COMMITTEE

Glyn Roberts
Alvin Gongaware
Donald Kelsey
Charles Francis

COUNTERSIGNED:

Glyn Roberts
Chairman
County Board of Supervisors

I, Richard Breese, County Clerk of Vilas County, Wisconsin, do hereby certify that the foregoing Ordinance was adopted by the Vilas County Board at its April 17, 1973 meeting by a vote of _____ for and _____ against, there being _____ absent.

Richard Breese
County Clerk
Vilas County, Wisconsin

Subchapter 108. Recycling Ordinance.

- 108.1.PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- 108.2.STATUTORY AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 287.09(3)(b), Wis. Stats. to enact this ordinance.
- 108.3.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.
- 108.4.INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance.
- 108.5.SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of his ordinance shall not be affected.
- 108.6.APPLICABILITY. The requirements of this ordinance apply to all persons within Presque Isle.
- 108.7.ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Presque Isle or its designee.
- 108.8.EFFECTIVE DATE. The provisions of this ordinance shall take effect after publication as required by law.
- 108.9.DEFINITIONS. For the purpose of this ordinance:
- (1). "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (2). "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (3). "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
 - (4). "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
 - (5). "Magazines" means magazines and other materials printed on similar paper.
 - (6). "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, dehumidifier, boiler, furnace, or water heater.
 - (7). "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 4.
 - (8). "Multiple-family dwelling" means a property containing 5 or more dwelling units, including those which are occupied seasonally.
 - (9). "Newspaper" means newspaper and other materials printed on newsprint.
 - (10). "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - (11). "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
 - (12). "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
 - (13). "PETE" means polyethylene terephthalate plastic container marked by the SPI code No. 1.
 - (14). "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
 - (15). "PP" means polypropylene plastic containers marked by the SPI code No. 5.
 - (16). "PS" means polystyrene plastic containers marked by the SPI code No. 6.
 - (17). "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
 - (18). "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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; iron and steel containers; waste tires; and bi-metal containers.
 - (19). "Solid waste" has the meaning specified in s. 289.01(33) Wis. Stats.
 - (20). "Solid waste facility" has the meaning specified in s. 289.01(35) Wis. Stats.
 - (21). "Solid waste treatment" has the meaning specified in s. 289.01(39) Wis. Stats.
 - (22). "Waste tire" has the meaning specified in s. 3 89.55(1)

(c) Wis. Stats.

- (23). "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (24). "Ferrous metal" means iron or steel.
- 108.10. SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:
- (1). Lead acid batteries
 - (2). Major appliances
 - (3). Waste oil
 - (4). Yard waste
 - (5). Aluminum containers
 - (6). Bi-metal containers
 - (7). Corrugated paper or other container board
 - (8). Foam Polystyrene packaging
 - (9). Glass containers
 - (10). Magazines or other materials printed on similar paper
 - (11). Newspapers or other materials printed on newsprint
 - (12). Office paper
 - (13). Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
 - (14). Steel containers
 - (15). Waste tires
 - (16). Ferrous metals

108.11. SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of 108.10 do not apply to the following:

- (1). Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 108.10 from solid waste in as pure a form as is technically feasible.
- (2). Solid waste which is burned as a supplemental fuel at a facility of less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3). A recyclable material specified in 108.10 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(2m). Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

108.12. CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with 108.10 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and

other inclement weather conditions.

108.13. MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage the items listed below as follows:

- (1). Lead acid batteries shall be deposited with a retailer, pursuant to s. 287.18 Wis. Stats. or at the transfer station.
- (2). Major appliances:
 - (a). The following major appliances shall be deposited at an approved facility: air conditioners, dehumidifiers, microwave ovens, and refrigerators.
 - (b). The following major appliances shall be deposited at the transfer station: boilers, clothes dryers and washers, dishwashers, furnaces, ovens, stoves, and water heaters.
- (3). Waste oil shall be deposited with a retailer pursuant to s. 287.15 Wis. Stats. or at the transfer station.
- (4). Yard waste shall be composted.
- (5). Furniture, mattresses, carpeting, clothing, building materials such as lumber, drywall, roofing materials, etc., shall be deposited at an approved facility.
- (6). Waste tires shall be deposited with a retailer, or at an approved facility, pursuant to s. 289.55 Wis. Stats.

108.14. PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by order of the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the separation and collection of the following separated materials:

- (1). Aluminum containers shall be deposited at the transfer site in the container provided.
- (2). Bi-metal containers shall be deposited at the transfer site in the container provided.
- (3). Corrugated paper or other container board shall be cut to size no greater than 24"x30" and deposited in container provided. Brown paper bags may be recycled with corrugated cardboard.
- (4). Foam polystyrene packaging and packaging, and insulation from non-commercial waste shall be placed in packer truck.
- (5). Glass containers shall be wiped clean and deposited at the transfer site in the container provided. Window glass, drinking glasses, and ovenware are not recyclable.
- (6). Magazines or other materials printed on similar paper shall be tied in bundles and deposited in container provided.
- (7). Newspapers or other materials printed on newsprint shall be tied in bundles and deposited in container provided. Phone books and non-glossy TV guides shall have their covers removed and recycled with newspaper.
- (8). Office paper shall be tied in bundles and deposited in container provided. Remove slick or glossy materials

along with plastic windows on envelopes.

- (9). Plastic containers shall be prepared and collected as follows:
 - (a). Plastic containers made of PETE, including plastic labeled #1, shall be rinsed clean with cap removed and placed in container provided.
 - (b). Plastic containers made of HDPE, including plastic labeled #2, shall be rinsed clean with cap removed and placed in container provided.
- (10). Certain ferrous metals may be accepted, after prior inspection by the attendant. This would include stoves, ovens, dishwashers, clothes washers and dryers.

108.15. RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (1). Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in 108.10(5) through (15):
 - (a). Provide adequate, separate containers for the recyclable materials.
 - (b). Notify in writing at the time of lease or rental, and semi-annually thereafter, all users, tenants and occupants of the properties about the established recycling program.
 - (c). Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d). Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2). The requirement specified in 108.15(1) do not apply to the owners or designated agents or non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 108.10(5) through (15) from solid waste in as pure a form as is technically feasible.

108.16. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. No person may dispose of in a solid waste

disposal facility or burn in a solid waste treatment facility any of the materials specified in 108.10(5) through 915) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

108.17. ENFORCEMENT.

- (1). Any authorized officer, employee or representative of the Town of Presque Isle may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Presque Isle 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 any officer, employee or representative of the town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3). Penalties for violating this ordinance may be assessed as follows:
 - (a). Any person who violates 108.16 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation. Second violation may involve 8 hours of community service; third and subsequent violations may involve 16 hours of community service.
 - (b). Any person who violates a provision of this ordinance, except 108.16, may be required to forfeit no less than \$10 nor more than \$1000 for each violation.

Subchapter 109. Destruction of Public Records

- 109.1.PURPOSE. The purpose of this ordinance is to provide for the destruction of obsolete town records. The following records shall be held in perpetuity;
- (1). Town Meeting Minutes
 - (2). Town Board Meeting Minutes
 - (3). Board of Adjustment Meeting Minutes and Correspondence
 - (4). Building Permits and Correspondence
- 109.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.83 and 19.21(4)(a), Wis. Stats. to enact this ordinance.
- 109.3.FINANCIAL RECORDS. Town officers may destroy records of which they are the legal custodians and which are considered obsolete, but not less than seven years after payment or receipt of any payment involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 19.21(4)(a), Wis. Stats.
- 109.4.OTHER RECORDS. Town officers may destroy any other records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state Public Records Board pursuant to s. 19.21(4)(a), Wis. Stats.
- 109.5.HISTORICAL SOCIETY NOTIFICATION. Prior to the destruction of any Town public records which may be of historical value, the custodian of those records, at least sixty days prior to the destruction of these records, shall notify:
- (1). The State Historical Society of Wisconsin
 - (2). The Vilas County Historical Society
 - (3). The Presque Isle Heritage Society
- 109.6.TAPE RECORDINGS. Any tape recordings of a governmental meeting of the town may be destroyed, erased, or reused no sooner than ninety days after the minutes of the meeting have been approved, if the purpose of the recording was to take minutes of the meeting. Taped statements to the Town Board or other town committees shall be held 90 days after they are transcribed and approved as being correct.
- 109.7.LIMITATION. This chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State Administrative Regulations.
- 109.8.PENALTIES. For violations of the above chapter the Town of Presque Isle adopts s. 19.21(3), Wis. Stats. (Forfeiture of \$25 to \$2,000).
- 109.9.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 110. Accommodations Tax

110.1. PURPOSE. The purpose of this ordinance is to impose an Accommodations Tax for the general promotion of tourism, hospitality and recreation facilities in the Town of Presque Isle.

110.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 66.0615(1m)(a), Wis. Stats. to enact this ordinance.

110.3. LOCAL ORDINANCE.

(1). DEFINITIONS.

- (a). Hotel or Motel means a building or group of buildings in which the public may obtain accommodations for consideration, including, without limitations, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or groups of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitarium, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
- (b). Residential dwelling means any building, structure or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.
- (c). Lodging marketplace means an entity that provides a platform through which an unaffiliated 3rd party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.
- (d). Gross Receipts means total revenue received from the retail furnishing of rooms, lodging, or similar accommodations by a hotel or motel as defined herein.
- (e). Transient means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public, except as noted in (e).
- (f). Short Term Rental means a residential dwelling unit that is located in Zoning District R1 or R5 that is rented for periods of more than six (6) but fewer than 29 consecutive days.
- (g). Accommodations Tax means a tax on the Gross Receipts derived from the business of furnishing,

at retail, rooms or lodging to Transients or short term rentals by owners or operators of hotels or motels, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations.

- (h). Accommodations Tax Permit is a permit issued by the Town of Presque Isle to owners or operators of Short Term or Transient Rental properties.
 - (i). Quarterly Accommodations Tax Return is a form prescribed and provided by the Town Treasurer to the owners or operators of Short Term or Transient Rental properties, or their agent, for the purposes of computing payment.
 - (j). Quarterly Amended Accommodations Tax Return is a form provided by the Town Treasurer for the purpose of amending a Quarterly Accommodations Tax Return previously filed with the treasure that requires correction of clerical or accounting errors.
- (2). ENACTMENT OF TAX.

- (a). Accommodations Tax: Pursuant to s. 66.0615(1m)(a), Wis Stats. an Accommodations Tax in the amount of four and half percent (4 1/2%) is hereby imposed on the Gross Receipts derived from the business of furnishing, at retail , rooms or lodging to Transients by hotel keepers, motel operators and others persons furnishing accommodations that are available to the public as defined in Section 1(a) and (b) of this Ordinance. Such Accommodations Tax shall not be subject to the selective Sales Tax imposed by s. 77.52(2)(a)(1), Wis. Stats.
- (b). Membership Hotels: If membership is required for use of the accommodations and the accommodations are provided as part of a package rate which includes other goods and /or services such as food, boat and motor, educational instructions, etc. the tax referred to in Section 2(a) shall be applied only to that portion of the gross sales as is applicable to the accommodations and shall not be applied to the non-accommodations components of the package rate. The determination will be made by the Town Treasurer upon application by the owner or operator of the facility. In the event the Town Treasurer is unable to determine the percentage of gross sales for providing accommodations, he/she shall refer the determination to the Town Board which shall make the final determination. The Town Board shall make such determination based on evidence presented to it by the owner or operator of the facility and after investigation and recommendation by its Accommodations

Committee. The determination so made by the Town Board shall be based on the fair charge for the accommodations which are furnished other than those as an incident of membership. Such tax shall not be subject to the selective sales tax imposed by s. 77.52(2)(a)(1), Wis. Stats.

(c). Distribution of Tax: The revenues collected from the Accommodation Tax shall be allocated as follows:

- (i). Twenty-five percent (25%) shall remain with the Town of Presque Isle: said funds shall be used first for the cost of administration and any remaining balance shall be used for the maintenance and improvements of recreational facilities and promotional projects relating to tourism, upon the advice and with the assistance of the Towns Accommodations Committee.
- (ii). Seventy-five percent (75%) may be paid to the Presque Isle Chamber of Commerce for advertising and promotion of the hospitality and tourist business. The proceeds of this tax shall not be used for outdoor advertising, such as bill boards, etc. The allocation and distribution shall be made within sixty (60) days after each calendar quarter.

(3). ADMINISTRATION OF THE ACCOMMODATIONS TAX.

- (a). Administration: This ordinance shall be administered by the Town of Presque Isle Treasurer.
- (b). Application for an Accommodation Tax Permit: Every person furnishing rooms or lodging, or owning or operating a hotel or motel as defined in section 1(a) of this Ordinance shall file with the town Treasure an application for an Accommodations Tax permit for each place of business. Every application for an Accommodations Tax Permit shall be made upon a form prescribed and provided by the Town Treasurer and at no cost to the applicant.
- (c). Issuing of Accommodations Tax Permits: The Town Treasurer shall grant and issue to each applicant a separate Accommodations Tax Permit for each place of business within the Town. Such Accommodations Tax Permit is not assignable and is valid only for the applicant in whose name it is issued and for the transaction of the business at the place designated therein. It shall at all times be displayed conspicuously at the place for which issued.
- (d). All Lodging Marketplace companies shall provide the Town Treasurer with a list of all rental properties within the township that they represent (including owner's name and property address), to be updated whenever changes occur. A list of all

properties rented each quarter shall also be provided (along with the dollar amount for each) when quarterly returns are submitted as specified in the next section.

- (e). Quarterly Accommodations Tax Return and Tax Payment Due Dates: The Accommodations Tax is due and payable within thirty (30) days of the close of each calendar quarter. A Quarterly Accommodations Tax Return shall be filed with the Town Treasurer by owners or operators of hotels, motels, Lodging Marketplace, or others as defined in Section 1 of this Ordinance, at the same time that said Accommodations Tax is due and payable. A handling fee of 1% or a minimum of \$2.00 of the room tax collected shall be retained by the proprietor of said establishment.
- (f). Annual Accommodations Tax Reconciliation Return Due Date: An annual accommodations Tax Reconciliation shall also be required to be filed, along with any tax that may be due, with the Town Treasurer within thirty (30) days of the close of each calendar year. Said Annual Accommodations Tax Reconciliation shall summarize the Quarterly Returns, reconcile and adjust for errors in the quarterly Returns, and shall contain certain additional information as the Treasurer may require on said form.
- (g). Timely Filing of Returns: Any return required to be filed under the provisions of this Ordinance shall be postmarked by the United states Postal service no later than the due date of such return and shall be considered filed in a timely manner.
- (h). Extension of Time to File Returns: The Town Treasurer may, for good cause, grant an extension of time to file any Quarterly Accommodations Tax Return or Annual Accommodations Tax Reconciliation Return, but in no event shall said extension exceed one (1) month from the required filing date. Said extension will avoid the late filing penalty, but interest will accrue on any tax not paid by the original due date of the return.
- (i). Record Keeping Requirements: Every person liable for the tax imposed by this ordinance shall keep or cause to be kept accurate records of Gross Receipts for the business of providing rooms or lodging in hotels, motels or other as defined in section 1(a) and 1(c) of this Ordinance.
- (j). Interest Charges for Unpaid Taxes: All Accommodations Taxes not paid by the due date of any return required by this Ordinance shall bear interest at the rate of twelve percent (12%) per annum from the due date of the return until said tax is paid, exclusive of any other penalties.
- (k). Responsibility for Unpaid Tax: If any person liable for any amount of tax under this Ordinance sell his or her business, stock of goods, or quits

the business, his or her successors or assigns shall be responsible for any unpaid tax due under this ordinance.

- (l). Audit Procedures: The Town Treasurer may, by office of field audit, determine the tax required to be paid to the Town or the refund due any person under this Ordinance. This determination may be made upon the basis of the facts contained in the returns being audited or on the basis of any other information within the Treasurer's possession.
- (m). Confidentiality: All tax Returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Town Treasurer are deemed to be confidential, except that the Treasurer may divulge their contents to the following and no others:
 - (i). The persons who filed the return.
 - (ii). Officers or agents of the town as may be necessary to enforce collection.
- (n). Settlement: The Town Treasurer shall make payment of the Accommodation Taxes collected during any calendar quarter to the Presque Isle Area Chamber of Commerce within sixty days after the end of the quarter. Such settlement shall be on a form prescribed by the Town Treasurer.
- (o). The Presque Isle Chamber of Commerce shall provide a quarterly financial statement reflecting the proceeds that it receives and the amounts which it spent and for what purpose.

110.4. ENFORCEMENT.

- (1). Revocation of Permit: When any person fails to comply with any provision of this Ordinance, the Treasurer may, upon ten (10) days written notification and after affording such person the opportunity to show cause why his/her permit should not be revoked, revoke or suspend any or all of the permits held by such person under this Ordinance. In the event that such a permit is revoked or suspended, the Treasurer shall give to such person written notice of the same. The Treasurer shall not issue a new permit after the revocation of a permit until said person complies with the provisions of this Ordinance. A fee of ten dollars (\$10.00) shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.
- (2). Estimate of Taxes for Failure to File and Failure to File Penalty: If any person fails to file a return as required by this Ordinance, within thirty (30) days following the due date, the Town Treasurer shall give said person written notice that a Failure to File Penalty shall be assessed. In the event that said person fails to respond by written notification to the Town Treasurer within ten (10) days as to why said penalty shall not be assessed, the Treasurer shall make an estimate of the amount of the Gross Receipts under this Ordinance. Such estimate shall be made for the

period for which such person failed to file a return, based upon the prior year's returns, if available, or upon any Quarterly Returns as have been filed with the Treasurer, or upon any such information as the Treasurer may obtain concerning the business. On the basis of this estimate, the Treasurer shall compute and determine the amount of tax due the Town, adding to the sum thus arrived at a Failure to File Penalty equal to twenty-five percent (25%) of the Tax Due, exclusive of interest or other penalties.

- (3). Late Filing Penalty: Any delinquent tax return for which an Extension of Time to File has not been granted by the Town Treasurer, shall be subject to a twenty dollar (\$20.00) Late Filing Penalty, exclusive of interest or other penalties.
- (4). False or Fraudulent Return Penalty: Any person who files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this Ordinance shall be assessed a Fraudulent Filing Penalty of fifty percent (50%), of the tax due, exclusive of interest and other penalties.
- (5). Forfeiture: Any person who is subject to the tax imposed by this Ordinance who fails to obtain a permit as required in Section 3(b), or who fails or refuses to permit the inspection of his or her business records by the Treasurer after such inspection has been duly requested by the Treasurer, or who fails to file a return as provided in this Ordinance, or who violates any other provision of this Ordinance, shall be subject to a forfeiture not to exceed two hundred dollars (\$200.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.
- (6). Issuance of Citation: The Town Clerk, Town Treasurer or Town Board of Presque Isle shall be authorized to issue a citation pursuant to Wisconsin Statute 778.25 for any violation of this Ordinance.

110.5. VALIDITY. The provisions of this Ordinance shall be deemed severable. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be 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 portion of this Ordinance.

110.6. REFERENCES. Reference to the terms "person", "anyone", "others" or like references shall be deemed to refer to a person, a sole proprietorship, a company, a partnership, a corporation, a municipal corporation and also a responsible member or a responsible officer or a responsible managing agent or any single proprietorship, partnership, company of corporation unless the context clearly indicates otherwise.

110.7. STATE LAW ALSO APPLIES. Nothing contained in this Ordinance 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.

110.8. PREVIOUS ORDINANCES. All ordinances or parts of ordinances which are inconsistent or contrary to this ordinance are repealed.

110.9. EFFECTIVE DATE. This ordinance will become effective January 1, 1999 upon passage and publication as provided by law.

Subchapter 112. Alternate Members of the Board of Review

- 112.1.PURPOSE. The purpose of this ordinance is to authorize the Town of Presque Isle to appoint alternate members to the Board of Review. This is due to the changes to s. 70.47, Wis. Stats. which authorizes the removal of Board of Review members for individual cases under specific circumstances.
- 112.2.AUTHORITY. The Town of Presque Isle has this authority, pursuant to s. 70.47 (6m)(c), Wis. Stats. to appoint alternate members to serve on the Board of Review when standing members are removed from individual cases or unable to serve for any reason.
- 112.3.APPOINTMENTS.
- (1). Alternate members to the Board of Review shall consist of two (2) electors of the Town of Presque Isle and be appointed by the Town Chairperson and subject to the approval of the Town Board.
 - (2). The term of the appointments shall be from January 1 to December 31 and be for two years except that the first one shall serve for one (1) year and the next one for a full term.
 - (3). These alternate members shall be required to take the mandatory training as specified in s. 70.46 (4), Wis. Stats.
- 112.4.VALIDITY. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole.
- 112.5.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 113. Confidentiality for Assessment Purposes

- 113.1.PURPOSE. The purpose of this ordinance is to provide for the confidentiality of income and expense information provided to the assessor for assessment purposes.
- 113.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 70.47(7)(af), Wis. Stats. to enact this ordinance.
- 113.3.ORDINANCE.
- (1). 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 s. 19.35 (1), Wis. Stats.
 - (2). 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 or 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 of excessive assessment under s. 74.37, Wis. Stats., in which case the base records are open and public
- 113.4.SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.
- 113.5.EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting as required by law.

Subchapter 115. Uniform Dwelling Code (UDC) Inspector

The Town Board of Presque Isle does hereby ordain as follows:

115.1. PURPOSE. The purpose of this ordinance is to establish the position of Uniform Dwelling Code Inspector for the Town of Presque Isle.

115.2. AUTHORITY. The Town of Presque Isle has authority to establish this position, pursuant to s. 101.65, Wis Stats.

115.3. TERMS OF APPOINTMENT, DUTIES AND RESPONSIBILITIES.

- (1) The Uniform Dwelling Code Inspector shall be appointed by the Town Board annually for a term of one year.
- (2) The Town Board shall establish and review annually the Inspector's compensation, which shall be paid from permit fees submitted to the town for UDC inspections.
- (3) The Inspector shall report directly to the Town Chairman and work jointly with the Town Zoning Administrator.
- (4) The Inspector shall
 - (a) Enforce Chapter 912 of the Town of Presque Isle Comprehensive Shoreland District and Zoning Ordinance according to provisions of the Wisconsin Uniform Dwelling Code.
 - (b) Inspect ongoing construction projects for which Presque Isle Zoning permits have been issued to ensure that constructions practices conform with the requirements of the UDC
 - (c) Re-inspect construction projects at appropriate intervals of time and note construction milestones as required in the

UDC

- (d) Maintain comprehensive records of construction projects and inspections, including any copies of zoning applications and permits, plans, plats and notes taken by the inspector. The records shall be kept in the town offices where the public may view them for good and sufficient reason at stated town office hours.

115.4. UDC INSPECTION PROTOCOL.

- (1) The UDC Inspector shall perform his or her duties in a professional and courteous manner at all times.
- (2) The inspector shall respond to requests for inspection in a timely manner.
- (3) To exercise his duties, the inspector shall have the power to enter private property without the landowner's consent or a warrant, but he or she shall clearly identify him or herself when entering construction sites.
- (4) The inspector shall not be liable to any action for trespass or damages, provided the duties are properly executed and reasonable care is exercised.
- (5) The inspector shall use the identification of his or her position only in an official capacity.

115.5. SEVERABILITY. If any provision of this ordinance is deemed invalid, or if the application of this ordinance to any person's circumstance is deemed invalid, it shall not affect the remaining provisions.

115.6. EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 116. Broadband Forward

116.1. GENERAL PROVISIONS

- (1). Purpose and Policy. The propose of this chapter is to encourage the development of broadband access in the town of Presque Isle by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesated purpose.
- (2). Definitions. In this chapter:
 - (a). "Applicant" means a person applying for a permit for a broadband network project.
 - (b). "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Presque Isle.
 - (c). "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
 - (d). "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.
- (3). Point of Contact. The Town of Presque isle shall appoint a single point of contact for all matters related to a broadband network project. The Town of Presque isle shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

116.2. ELECTRONIC SUBMISSION OF APPLICATION. An applicant may sign and file all forms, applications, and documentation related to a broadband network project electronically.

116.3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of Presque Isle's ordinances, resolution, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application.

- (1). Completeness Review. Upon receiving a broadband

network project application the Town of Presque Isle shall

- (a). Determine whether an application is complete and notify the applicant of the determination by the Town of Presque Isle in writing within 10 calendar days of receiving an application. If the Town of Presque Isle does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

- (b). If the Town of Presque Isle determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

- (2). Approval or denial of complete applications.

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

- (b). If the Town of Presque Isle denies an application, the written notification of the denial under 1 shall include evidence that the denial is not arbitrary and capricious.

116.4. FEES. Any fee imposed by the Town of Presque Isle to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

116.5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Presque Isle on or after the effective date of this ordinance.

116.6. EFFECTIVE DATE. This ordinance shall take effect on the day after publication.

Subchapter 117. Citations

117.1 PURPOSE: The purpose of this ordinance is to designate the form for citations issued by the Town Constable or the Town Board designee for violations of town ordinances, including ordinances with statutory counterparts.

117.2 AUTHORITY. The Town of Presque Isle has the authority under s. 66.0113, Wis. Stats to adopt this ordinance.

117.3 LOCAL ORDINANCE. Citations for violations of Town ordinances shall include the following:

- (1) The name and address of the alleged violator.
- (2) The factual allegations describing the alleged violation.
- (3) The time and place of the alleged violation.
- (4) The number of the ordinance violated.
- (5) A designation of the offense.
- (6) The time to appear in court if the appearance is mandatory.
- (7) A statement that in essence informs the alleged violator of the following:
 - a) That the alleged violator may make a cash deposit of a specified amount.
 - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
 - c) That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus court costs, fees, and surcharges imposed under chapter 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgement under s. 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. Stats.
 - e) That if the court finds that the violation involves an ordinance that prohibits conduct that is the

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

(8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113(1)(b)7., Wis. Stats., and shall send the signed statement with the cash deposit.

(9) Any other information as may be deemed necessary.

117.4 ISSUANCE AND SERVICE OF CITATION. Town of Presque Isle citations may be issued by the Town Constable or the Town Board's official designee.

(1) FORFEITURES. Any person or entity violating a town ordinance shall forfeit not less than \$50 nor more than \$250 for the first offense and shall forfeit not less than \$100 nor more than \$500 for any subsequent offense. Deposits established in the Wisconsin Circuit Court Fee, Fine and Surcharge Tables shall also apply to any violation.

117.5 RELATIONSHIP TO OTHER LAWS. The adoption and authorization 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 not preclude the issuance of a citation under this ordinance.

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

117.7 EFFECTIVE DATE. This ordinance is effective on publication or posting as required under s. 60.80, Wis. Stats.

Subchapter 118. AN ORDINANCE ABOLISHING
SUBCHAPTER 106. MUNICIPAL JUDGE

WHEREAS, the Town of Presque Isle adopted Subchapter 106 on April 17, 1999 providing for the election of a municipal judge and to establish a municipal court in the Town of Presque Isle pursuant to sections 66.36, 66.37, and 755.01 of the Wisconsin Statutes; and

WHEREAS, the municipal court has been operating since that time; and.

WHEREAS, the Town's Judge resigned on June 30, 2018, but the balance of the Judge's term has not yet expired; and

WHEREAS, the Town no longer desires to operate and maintain a municipal court,

NOW, THEREFORE, the Town Board of the Town of Presque Isle, Vilas County, Wisconsin, does ordain as follows:

SECTION 1. Both Subchapter 106. Municipal Judge and the municipal court of the Town of Presque Isle are hereby abolished pursuant to section 755.01(2) of the Wisconsin Statutes.

SECTION 2. The Clerk is authorized and directed to transmit a certified copy of this ordinance to the Vilas County Clerk and the Director of State Courts.

SECTION 3. This ordinance shall take effect upon publication.

Adopted this 19th day of September, 2019.

Subchapter 124. Disbursements.

124.1.PURPOSE: The purpose of this ordinance is to establish the disbursement of funds from the Town's public depository.

124.2.AUTHORITY: The Town of Presque Isle has the authority pursuant to s. 66.0607 (3), Wis. Stats. to enact this ordinance.

124.3.LOCAL ORDINANCE:

(1). All drafts and checks drawn against the Town's depository shall require the signature of the Town Chairperson, Town Clerk, and Town Treasurer. In the absence of any of the previously mentioned signatories a designated Town Supervisor shall assume his/her function.

(2). Internal transfer of the funds in the public

depository shall require either the Town Treasurer or Town Clerk's signature.

(3). In lieu of personal signatures a facsimile adopted by that person and approved by the town Board can be used.

(4). The Town may, at times, process periodic payments through the use of direct deposit, electronic fund transfer and automated clearing house methods.

124.4.VALIDITY. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

124.5.EFFECTIVE DATE. This ordinance shall take effect after its passage and publicaion.

Subchapter 125. Alternative Disbursement.

125.1.PURPOSE: The purpose of this ordinance is to establish an expedited bill payment process for selected types of bills when Subchapter 124 is not adequate to make timely payment.

125.2.AUTHORITY: The Town of Presque Isle has the authority pursuant to s. 60.44(2), Wis. Stats. to enact this ordinance.

125.3.LOCAL ORDINANCE:

- (1). Payments may be made from the town treasury pursuant to this ordinance for bills or vouchers that are of a routine nature, such as: utility bills, invoices with prompt payment discounts, and payroll checks.
- (2). Payments may be made from the town treasury after the town clerk audits and approves each claim as a proper charge against the treasury by first determining that the following conditions have been complied with.
 - (a). Funds are available under the town budget to pay the bill or voucher.
 - (b). The item or service covered by the bill or voucher has been duly authorized.
 - (c). The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.

(d). The claim appears to be a valid claim against the town.

- (3). The town clerk may require submission of proof to determine compliance with the conditions under (a)-(d) prior to approval. For example, the clerk may require verification of quantity, quality, etc. by another town official or employee.
- (4). After determining that the above conditions have been met, the clerk shall indicate approval of the claim by placing his or her signature on the bill. Upon approval of a bill or voucher under this procedure, the clerk shall prepare and sign a check and have it countersigned by the town treasurer and the town chairperson, pursuant to s. 66.0607, Wis. Stats. The town clerk shall then ensure the check is mailed or delivered to the appropriate party.
- (5). At least monthly, the town clerk shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose, and amount.

125.4.VALIDITY. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

125.5.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Chapter 200. Public Roads and Traffic.

Subchapter 201. New Town Roads.

- 201.1. PURPOSE. This ordinance is entitled: THE TOWN OF PRESQUE ISLE REQUIREMENTS FOR NEW TOWN ROADS. The purpose of this ordinance is to set the specifications for all roads to be here-in-after accepted as a part of the town roads system.
- 201.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.50-2, 62.16, and 86.22, Wis. Stats. to enact this ordinance.
- 201.3. LOCAL ORDINANCE
- (1). New town roads shall conform to the following specifications:
- (a). Road Width, Grade and Shoulder
- (i). Right of way four rods.
- (ii). Roadway width of 26 feet.
- (iii). Surface width 20 feet.
- (iv). Maximum grades 8%
- (v). Have 3 feet of cleared shoulders on each side.
- (b). Road Construction
- (i). The base of all roads shall consist of a sandy loam or similar material to allow for proper drainage and contain no rock larger than 4 inches. The road base and shoulders shall be covered with not less than 6 inches of crushed road gravel no larger than 3/4 inches in diameter. The following corrective action must be taken on the base of any road that fails to meet these specifications: the area must be excavated and be filled 12 inches above the existing ground level with a sandy composition suitable for the location with no rock larger than 4 inches. This road base shall be covered with an asphalt black top hot mix compacted to a thickness of two (2) inches.
- (ii). No stumps, logs, or debris may be buried in or near the roadbed.
- (iii). Muck holes encountered before or during construction must be removed and filled with a sandy lift 12 inches above the existing ground level to provide for a solid base.
- (iv). Culverts shall be installed on any road bed where required for proper drainage. These culverts shall not be less than 12 inches in diameter and will extend 3 feet beyond each side of the road bed. All culverts to be approved by the Town Board prior to installation.
- (v). Where drainage ditches are required they shall be constructed with back slopes of a minimum of a 4 to 1 ratio. All back slopes and ditches shall be free of all rocks and debris.
- (vi). In areas that require shoulder slopes they shall be constructed with a minimum of a 4 to 1 ratio and free of all rocks and debris.
- (vii). The radius on any driveway or road abutting or connecting to a town road shall be determined by the Town Board.
- (viii). Crown of road shall be suitable for the width of roadway.
- (2). Deviations from the specifications in 201.03(1) can be granted by the Town Board if they feel an unnecessary hardship exists.
- (3). Acceptance of the road shall be by inspection of the Town Board.
- 201.4. VALIDITY. Shall any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.
- 201.5. EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

Subchapter 202 Traffic.

- 202.1. PURPOSE. This ordinance is entitled: The Town of Presque Isle Traffic Ordinance. The purpose is to regulate the safe operation of motor vehicles and preserve the well being of the citizens within the Township of Presque Isle.
- 202.2. AUTHORITY. The Town of Presque Isle has the authority pursuant to s. 349.06, Wis. Stats. to enact this ordinance.
- 202.3. LOCAL ORDINANCE.
- (1). General Provision: Except as specifically noted otherwise in this ordinance, in CH 340 to 348, and CH 941, Wis. Stats., describing and defining regulations with respect to vehicles, and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Presque Isle and made part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above noted statutory Chapters shall be incorporated herein and made part of this ordinance in order to secure uniform state regulations of traffic on the public highways, roads, streets and alleys of the State of Wisconsin. Vehicles servicing businesses from Highway W on Winegar Road North to "Old W" to Palmer Road North to the end are exempt from seasonal weight restriction.
 - (2). Additional Provisions: All town roads will be designated as 25 miles per hour zones unless otherwise officially designated.
 - (a). 35 mile per hour zone:
 - (i). Crab Lake Road
 - (ii). Papoose Landing Road
 - (iii). Pomeroy Road
 - (3). No person shall operate a motor vehicle in excess of 10 miles per hour on any town owned property or parking lot.
 - (4). Other than specified in state statute 346 the Town of Presque Isle may regulate parking by official sign or notice from authorized public official.
 - (5). Town officials have the legal authority to close any town road for road repair, natural disaster, and any other event authorized by the Town Board. It shall be specifically prohibited to remove any sign or barricade indicating such road is closed.
 - (6). No person shall make an annoying noise with a motor vehicle by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
- (7). It shall be unlawful to block, hinder, or retard any street traffic whether it is vehicular or otherwise by any of the following:
- (a). By driving into an intersection when such action will block said intersection to traffic.
 - (b). By parking in a lane designated for the movement of traffic.
 - (c). By receiving or discharging passengers or merchandise from a vehicle in a lane designated for the movement of traffic.
 - (d). By depositing excavated material, waste material, debris, junk, branches and brush, or other litter in a lane designated for the movement of traffic.
 - (e). By standing, sitting down, lying down, or loitering in any way in a lane designated for the movement of traffic.
 - (f). By the erection of signs or barricades without proper legal authorization.
 - (g). By other irregular or nefarious means cause disorderly conduct on a town road.
 - (h). Parking in an area designated for handicapped.
 - (i). No person shall park any motorized or non motorized vehicle on the traveled roadway of any town road from 12:01 am on October 1 to 11:59 p.m. on April 15 of the succeeding year.
 - (j). All other parking violations not specifically described in this ordinance.
- 202.4. PENALTIES. The Town of Presque Isle establishes, by this ordinance, that the enforcement of traffic ordinances in the Town of Presque Isle will be in accordance with s. 345.20 through 345.53, Wis. Stats. Stipulations shall conform to the form contained in the uniform traffic citation and may be accepted prior to the scheduled court date appearing on the citation. Stipulations and deposits may be accepted by the Town Clerk or the Town Treasurer of the Town of Presque Isle. Deposits shall be made in conformance with s. 345.26, Wis. Stats. If a particular deposit is not established by this statute, then the person shall deposit a forfeiture penalty as provided by the Town of Presque Isle and approved by the Town Board of the Town of Presque Isle.

Subchapter 203. Regulation of Off Premise Signs

- 203.1. PURPOSE. The purpose is to regulate the construction and maintenance of billboards, signs, and similar structures on property abutting town roads and county highways within the township so as to promote the safety of public travel.
- 203.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.23(29), Wis. Stats., to enact this ordinance.
- 203.3. ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing town or county ordinance. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- 203.4. GENERAL PROVISIONS.
- (1). "Sign" means any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of any portion of any town road or county highway. It does not include the flag, pennant, or insignia of any nation, state or town.
 - (2). "Residential directory sign" means an off-premise sign erected and maintained by an individual so to indicate the location of his/her residence.
 - (3). "Business directional signs" are off-premise signs indicating the direction to a particular business, point of interest, cultural, educational, or religious facility.
 - (4). No person shall erect or maintain any sign, or allow any sign to be erected or maintained, that is visible from the main traveled way of any town road or county highway, except for the following:
 - (a). Traffic signs, safety signs, or other official signs;
 - (b). On-premise business signs that are in conformance with the town zoning ordinance, provided such signs do not in any way impede visibility for traffic;
 - (c). Signs erected before June 1, 1996 that conform to town standards existing on that date;
 - (d). Signs advertising the sale, rent or lease of the property on which the sign is placed, provided there is only one (1) such sign, that the sign is less than 4 square feet in area, that the sign is not illuminated, and that the sign is removed immediately following the sale, rental or leasing;
 - (e). Residential directional signs, limited to one (1) per residence, single or double sided, which shall be uniform in construction, size and color, consisting of an 8" board 6 feet in length cut to a point at one end and a v-shaped tail at the other, a 1/4 inch black line to border the perimeter of the sign to be placed 3/4 inch from all edges, lettering to be 3 to 4 inches high using plain block letters on a white background;
 - (f). Business directional signs which have a uniform construction identical to residential directional signs, not exceeding two (2) in number for any facility;
 - (g). Banners or other signs promoting an approved community function.
- (5). No sign erected or maintained under 203.04(4) shall have any moving part, flag, banner, reflector, light-emitting or sound-emitting device. Indirectly illuminated signs permitted under 203.04(4) must use lighting that is shielded to prevent glare or stray light that could impair vision or otherwise interfere with safe driving.
- (a). The Town Board may permit the use of LED light-emitting messaging units by government agencies and non-profit community service organizations, provided they conform with the other provisions of this ordinance.
 - (i). Permit applications shall state:
 1. Location
 2. Size and dimensions
 3. Light color
 4. Light intensity
 5. Frequency of message changes
 6. Hours of operation
 7. Public benefit
 8. Cost to the town, including maintenance, operation and replacement
 - (6). No sign shall be located on any tree, rock or other natural feature of the landscape.
 - (7). Neither residential directional signs nor business directional signs shall be illuminated directly or indirectly.
 - (8). All permitted signs must be maintained in good condition and repair.
- 203.5. ENFORCEMENT AND PENALTIES.
- (1). The town constable, town chairman, and town supervisors shall have authority to enforce this ordinance and to remove signs not in conformance with this ordinance.
 - (2). PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- 203.6. VALIDITY. Shall any section or provision of this ordinance be found invalid, it shall not effect the validity of the balance of the ordinance.
- 203.7. EFFECTIVE DATE. This ordinance shall be effective after its passage and publication as required by law.

Chapter 300. Licensing

Subchapter 301. Alcohol Beverages

- 301.1. **PURPOSE** The purpose of this ordinance is to provide a uniform regulation of the sale of alcohol beverages and to set the fees for mandatory licenses.
- 301.2. **ADOPTION OF STATE ALCOHOL BEVERAGE STATUTES** The Town of Presque Isle adopts by reference, state alcohol beverage laws as found in CH 125, Wis. Stats., defining and regulating the sale, procurement, dispensing, and transfer of alcoholic beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes. A violation of any such provision will constitute a violation of this chapter.
- 301.3. **LICENSES, PERMITS, AUTHORIZATION REQUIRED** No person, except as provided by s. 125.06, Wis. Stats. will, within the Town of Presque Isle, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this section, or CH. 125, Wis. Stats., requires a license, permit, or other authorization without holding the appropriate licenses, permits, or other authorization as provided in this section.
- 301.4. **LOCAL ORDINANCE** It has been determined that the Town of Presque Isle will issue the following applicable licenses for the sale of alcohol beverages within the jurisdiction of the Town of Presque Isle:
- (1). Class “B” licenses (taverns, hotels, restaurants, clubs, societies, lodges, fair associations, etc.) for the retail sale of beer for consumption on or off the premises where sold.
 - (2). Class “A” licenses (stores, etc.) for the retail sale of beer in original packages to be consumed away from the premises where sold.
 - (3). “Class B” licenses (taverns, restaurants, hotels, etc.) for the retail sale of intoxicating liquor for consumption on the premises where sold.
 - (4). The Town of Presque Isle, by passage of this ordinance, elects that a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.
 - (5). “Class A” licenses (stores, etc.) for the retail sale of intoxicating liquor in original packages to be consumed away from the premises where sold.
 - (6). “Class C” licenses (restaurants) for the retail sale of wine for consumption on the premises where sold.
 - (7). Temporary licenses may be issued to bona fide clubs, to country or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans’ organizations.
 - (8). Temporary Class “B” licenses authorize the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
 - (9). Temporary “Class B” licenses authorize the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society.
 - (10). Operators’ Licenses (One year) required for the purpose of complying with CH 125, Wis. Stats.
 - (11). Temporary Operators’ Licenses (one day to 14 days) required for the purpose of complying with CH 125, Wis. Stats.

301.5. FEES The fees shown below (except for Temporary Licenses) are for a full license year, running July 1 to the next June 30. For applications made during the

license year, the fees will be pro-rated according to the number of months or fractions thereof remaining until the following June 30.

1) Operator's License		\$10.00
2) Temporary Operator's License		\$1.00
3) Class "A" Fermented Malt Beverages License	s. 125.25(4)	\$10.00
4) Class "B" Fermented Malt Beverages License	s. 125.26(4)	\$25.00
5) Temporary Class "B" Fermented Malt Beverages Licenses	s. 125.26(6)	\$1.00
6) Temporary "Class B" Wine	s. 125.51(10)	\$1.00
7) "Class A" Intoxicating Liquor License	s. 125.51(2)d	\$50.00
8) "Class B" Intoxicating Liquor License	s. 125.51(3)(e)	\$200.00
9) "Class C" Wine License	s. 125.51(3m)(e)	\$25.00
10) Publication Fee		\$5.00

301.6. TEMPORARY CLASS "B" LICENSE. As provided under s. 125.04(3)(f), Wis. Stats., a Temporary Class "B" License for a picnic or other gathering lasting less than four days, the application for such license must be filed with the Presque Isle Town Clerk at least seven days prior to the beginning of such events.

301.7. PUBLICATION OF APPLICATION FOR LICENSE (EXCLUDES TEMPORARY LICENSES). To meet the requirements under s. 125.04(3)(g), Wis. Stats., the Town Clerk will publish each application one time in the paper of record prior to issuance of the license.

301.8. WITHHOLDING OF LICENSE. A license may be withheld from any individual or corporation for failure to fulfill any financial obligation to the town.

(1). MAINTAINING AND KEEPING A LICENSE. As a condition of maintaining and keeping a "Class B" Liquor license in this town, any licensee must continue in business for the licensed purpose during regular and customary business hours for three (3) months per year, not necessarily consecutive.

(2). DISCIPLINARY ACTION. If, in the judgment of the Town Board, any licensed party violates and fails to meet the requirements and intent of this ordinance, the Town Board may take disciplinary action, including license suspension for a specified number

of days (up to 90 days), or revocation. Any license that has been revoked shall not be reinstated within the following 12 months.

(a). Disciplinary action by the Town Board shall follow the procedure mandated under s. 125.12 Wis. Stats. (or its successor). At present, this procedure requires personal service of the hearing notice (summons) and complaint followed by a hearing conducted by the Town Board within 3 to 10 days thereafter. In the event that the licensee cannot be found, the summons may be published in the newspaper of record.

(b). There shall be no refund of any license fee paid to a party whose license is revoked.

(3). PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

301.9. PREVIOUS ORDINANCE Upon adoption of this ordinance, Ordinances dated 7/6/50 (Ordinance No. I), 2/19/53, 3/7/85 and Ordinance 95-2 are rescinded.

301.10. VALIDITY If any section, clause or provision of this ordinance is declared by the courts to be invalid, the same will not affect the validity of the ordinance as a whole or any part thereof.

301.11. EFFECTIVE DATE This ordinance will be in effect beginning July 1, 2018 and after its passage and posting as required by law.

Subchapter 302. Cigarette Licenses

- 302.1. **PURPOSE** The purpose of this ordinance is to provide uniform regulation for the sale and licensing of cigarettes in the Town of Presque Isle.
- 302.2. **COVERAGE** Every person, pursuant to this ordinance, who sells in the Town of Presque cigarettes to a person who does not hold a Town of Presque Isle Cigarette License or who does not hold a permit under s. 139.30 to 139.41 or 139.79, Wis. Stats., will be required to obtain a cigarette sales license from the Town of Presque Isle.
- 302.3. **APPLICATION/LICENSE**
- (1). The application and license will designate the premises. Such licenses are not transferable from one person to another or are not to be amended from one premise to another. The application will include:
 - (a). the name of the applicant
 - (b). the address of the applicant
 - (c). the address of the premises
- (2). The fee for such license will be, by statute, five (\$5.00) per premises.
- (3). The license will be issued from July 1 of one year to June 30 of the next year. The license will be issued by the Town Clerk of the Town of Presque Isle prior to any person selling any cigarettes without the proper license or permit in the Town of Presque Isle.
- 302.4. **PENALTIES.** Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- 302.5. **VALIDITY** Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same will not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 302.6. **EFFECTIVE DATE** This ordinance will be in effect from and after its passage and posting as required by law.

Subchapter 303. Non-Intoxicating Beverage and Soda Water License

- 303.1. PURPOSE The purpose of this ordinance is to provide uniform regulation for the sale and licensing of non-intoxicating beverages and soda water in the Town of Presque Isle.
- 303.2. COVERAGE
- (1). NON-INTOXICATING BEVERAGE. Every person, pursuant to s. 66.0433, Wis. Stats., and this ordinance, in the Town of Presque Isle who sells beverages containing one-half of one percent (1/2 of 1%) of alcohol by volume or less to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of such beverages shall seek and obtain a non-intoxicating beverage license from the Town of Presque Isle.
- (2). SODA WATER. Every person, pursuant to s. 66.0433, Wis. Stats., and this ordinance, in the Town of Presque Isle who sells soda beverages to be consumed on or off the premise in the Town of Presque shall seek and obtain a license from the Town of Presque Isle.
- 303.3. APPLICATION/LICENSE
- (1). Both the application form and the license, for both of the above noted licenses, will designate the commercial premises for selling the beverages. The license may be amended, without charge, if the licensee changes premises in the Town of Presque. However, neither license is transferable from one person to another. Both applications shall include:
- (a). the name of the applicant
 - (b). the address of the applicant
 - (c). the address of the commercial premises
- (2). In the application form for the non-intoxicating beverage, the Town of Presque Isle may also request, pursuant to s. 66.0433, Wis. Stats., specific information regarding state residency and information regarding convictions for any felony.
- (3). The fee for the Non-Intoxicating Beverage License is \$5.00 per premise.
- (4). The fee for the Soda Water License is \$5.00 per premise.
- (5). The license shall be issued from July 1 of one year until June 30 of the next year. The license shall be issued by the Town Clerk of the Town of Presque Isle prior to any person selling the above noted non-alcoholic or soda water beverages in the Town of Presque Isle.
- 303.4. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- 303.5. VALIDITY Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 303.6. EFFECTIVE DATE This ordinance shall be in effect from and after its passage and posting as required by law.

Subchapter 310. Control and Licensing of Dogs

- 310.1. **PURPOSE** This ordinance is adopted for the control and licensing of all dogs within the Town of Presque Isle.
- 310.2. **LICENSES**
- (1). Every person who owns, harbors, or keeps a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, will annually pay the dog license tax and obtain a license therefore, as provided by the provisions of CH 174, Wis. Stats.
 - (2). The license year commences on January 1 and ends on the following December 31.
 - (3). This ordinance adopts s. 174.055, Wis. Stats. exempting dogs for blind, deaf and mobility-impaired.
- 310.3. **FEES**
- (1). The cost is \$5.00 for neutered males and spayed females, and \$10.00 for females and unneutered males. Municipalities are required to charge an additional \$5.00 Late Fee on or after April 1 or after the 30-day period has elapsed in the case of new dogs and young dogs, pursuant to s.174.05(5), Wis. Stats. Owners of dogs will make application for licenses to the Town Treasurer.
 - (2). Bona fide evidence of rabies inoculation for each dog must be provided before any license is issued.
- 310.4. **DOGS AT LARGE, UNLICENSED**
- (1). Dogs running at large or untagged are subject to impoundment as specified in s. 174.046, Wis. Stats..
 - (2). A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
 - (3). A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
- 310.5. **PENALTIES.** Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- 310.6. **ENFORCEMENT** For the purpose of this ordinance, designated officers may be any duly elected Town Constable, or duly appointed Police Officer, or Dog Catcher of the Town of Presque Isle. Such officers will be charged with the enforcement of this ordinance and will be responsible for any notification required when a dog is to be destroyed or disposed of, or when a dog is impounded for any reason as set forth in this ordinance.
- 310.7. **PREVIOUS ORDINANCE** Upon adoption of this ordinance, Ordinance #1 for 1964, as adopted by the Town Board of Presque Isle is rescinded.
- 310.8. **VALIDITY** Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same will not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 310.9. **EFFECTIVE DATE** This ordinance will be in effect from and after its passage and posting as required by law.

Chapter 400. Public Peace and Order.

Subchapter 401. Public Peace, Order, and Other Interests

- 401.1. PURPOSE. The purpose is to promote peace and harmony, and maintain the tranquility of the town of Presque Isle.
- 401.2. AUTHORITY. The Town of Presque Isle has the authority to create this ordinance pursuant to s. 60.10 and 167.10(5), Wis. Stats.
- 401.3. LOCAL ORDINANCE.
- (1). General Provision: CH 941 and 947 are adopted in their entirety, with respect to public health and safety, public peace, public order, and other interests.
 - (2). Ordinance described by reference of state statutes.
 - (a). Chapter 941
 - (i). CRIMES AGAINST PUBLIC HEALTH AND SAFETY
 - 941.01 Negligent operation of vehicle.
 - 941.10 Negligent handling of burning material.
 - 941.11 Unsafe burning of buildings.
 - 941.12 Interfering with fire fighting.
 - 941.13 False alarms.
 - 941.20 Endangering safety by use of dangerous weapon.
 - 941.21 Disarming a peace officer.
 - 941.23 Carrying a concealed weapon.
 - 941.235 Carrying firearm in public building.
 - 941.24 Possession of switchblade knife.
 - 941.25 Manufacturer to register machine guns.
 - 941.26 Machine guns and other weapons; use in certain cases.
 - 941.27 Machine guns.
 - 941.28 Possession of short-barreled shotgun or short barreled rifle.
 - 941.29 Possession of a firearm.
 - 941.295 Possession of electric weapon.
 - 941.30 Recklessly endangering safety.
 - 941.31 Possession of explosives.
 - 941.32 Administering dangerous or stupefying drug.
 - 941.325 Placing foreign objects in edibles.
 - 941.327 Tampering with household products.
 - 941.34 Fluoroscopic shoe-fitting machines
 - 941.35 Emergency telephone calls
 - 941.36 Fraudulent tapping of electric wires or gas or water meters or pipes.
 - 941.37 Obstructing emergency or rescue personnel.
 - 943.13 Trespass to lands
- (b). Chapter 947
 - (i). CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS
 - 947.01 Disorderly conduct.
 - 947.012 Unlawful use of telephone.
 - 947.013 Harassment.
 - 947.015 Bomb scares.
 - 947.02 Vagrancy.
 - 947.04 Drinking in common carriers.
 - 947.06 Unlawful assemblies and their suppression
- (3). Any future amendments, modifications, revisions, additions, or deletions of the above statutory chapters shall be incorporated herein and made part of this ordinance.
- 401.4. ADDITIONAL PROVISIONS
- (1). No person shall ride any bicycle or motorcycle, or drive any automobile, wagon, snowmobile, ATV, or other vehicle of any kind over a fire hose which may be in use by the fire department in any street or public highway in the town. No person shall trample on such hose or cause or permit any horse or other beast of burden, which may be in his or her charge, to trample on such hose when in use by the fire department.
 - (2). No person shall knowingly turn in or otherwise give a false alarm of fire or interfere with any of the poles, wires, alarm boxes, keys to alarm boxes or other apparatus appertaining to the fire alarm system, or make or cause to be made any key to any alarm box or other part of such system, or mutilate or destroy any notice affixed to any part of the same.
 - (3). Every person who may be present at a fire shall be subject to the orders of the chief or other officer in command, and it shall be the duty of every such person to render such assistance as may be ordered by the officer in charge. Any person refusing to obey any such order, after the official status of the officer is made known to him, shall be punished as prescribed in this ordinance.
 - (4). No person shall bathe in any public place within the town, without being suitably clothed and no person shall publicly expose his or her person in an obscene or indecent manner.
 - (5). No person of either sex shall improperly accost, insult, follow, pursue, lay hands on, or otherwise molest any person, heretofore to him or her unacquainted, within the limits of the town.
 - (6). No person shall give, produce or exhibit any show, exhibition, amusement or entertainment which is immoral or indecent.

- (7). Disorderly conduct:
- (a). No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
 - (b). No person shall discharge a firearm from sunset to sunrise within the township.
- (8). Unlawful use of telephone: No person shall do any of the following:
- (a). With intent to frighten, intimidate, threaten, abuse or harass, make a telephone call and threaten to inflict injury or personal harm to any person or the property of any person.
 - (b). With intent to frighten, intimidate, threaten, abuse, harass or offend, telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.
 - (c). Make or cause the telephone of another repeatedly to ring, with intent to harass any person at the called number.
 - (d). Make repeated phone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.
 - (e). Make a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten, or harass any person at the called number.
 - (f). Knowingly permit any telephone under his or her control to be used for any purpose prohibited by this section.
- (9). No person shall make any unnecessary and annoying noise. No person shall, through the means of sound amplifiers or other instruments, make or emit loud or raucous noises in the public streets, public parks, lakes or other public places.
- (10). No person shall prowl about the premises of another's premises, or do any other act intended or naturally tending to frighten or alarm other persons.
- (11). No person shall remain on any school grounds in the town when requested to move by the principal of the school or his/her authorized representative or any police officer.
- (12). No person shall remain in a group or crowd upon the public streets, sidewalks, or adjacent doorways or entrances, street crossings or bridges or any other public place, under circumstances in which such conduct tends to cause or provoke a disturbance, after being requested to move by any police officer.
- (13). No person shall climb, lie or sit upon the motor vehicle of another person without permission from the owner or person in charge of such vehicle, while such vehicle is parked or standing upon the public streets, public parking lots or other public areas of the town.
- (14). No person or vehicle shall enter or remain in any cemetery from one-half hour after sunset until one-half hour before sunrise unless authorized by the Town Board. This provision shall not apply to the duly elected or appointed officers or agents of the association that operate the cemetery or law enforcement personnel. Persons violating this chapter are subject to the penalties provided.
- (15). No person may intentionally cause damage in the amount of five hundred dollars (\$500) or less to any physical property of another without the owner's consent.
- (16). Trespassing.
- (a). No person may intentionally enter or remain upon any real property without the consent of the owner or the person in lawful possession of the property as per s. 943.13.
 - (b). No person may intentionally enter or remain within the dwelling or structure of another without the consent of the owner or possessor of the dwelling or structure.
- (17). No person shall have in his possession at any time, whether concealed or visible, any switchblade knife or other knife, the blade of which opens automatically by pressure or the touching of a button, or other device rather than manually. No person shall possess, whether concealed or visible, any karate stick, karate club, or similar instrument consisting of two straight bars, each less than twenty-five inches in length, jointed together by leather, cloth, metal hinge or any other type of flexible joint.
- (18). No person shall cause, allow or permit any person in the Town of Presque Isle to maintain on land owned by that person the following:
- (a). open cisterns.
 - (b). open holding tanks.
 - (i). All exposed inspection or maintenance openings for septic and holding tanks must be secured with a proper cover and locking device.
 - (ii). Only a licensed septic hauler may remove waste from septic or holding tanks and then haul such waste to a certified disposal area.
 - (c). open wells.
 - (d). open cesspools.
 - (e). unused uncovered basements unless protected by approved fencing or similar barrier.
 - (f). unenclosed excavations unless protected by approved fencing or similar barrier.
 - (g). Unsightly conditions such as but not limited to:
 - (i). appliances.
 - (ii). Construction material.
 - (iii). Partially dismantled or dismantled vehicles.
 - (iv). Garbage or refuse of any type.
 - (v). Brush piles in public view.
 - (h). No land owner shall allow any building or

structure on such land to become dilapidated or deteriorated to such an extent as to produce blight and offend the aesthetic character of the neighborhood. No unnatural act or act of God shall negate the land owner's responsibility to comply with this ordinance. Any town officer may issue a written notice respecting the existence of such defect. Such written notice, shall be served on the owner of such building and shall direct the owner of such building to promptly remedy the defect within 30 days. If owner fails to remedy or improve the defect in accordance with the written notice the landowner shall be issued a citation. The owner shall be fined in accordance with the penalties of this section; each day thereafter that the landowner remains in violation of this ordinance constitutes a separate violation and penalty.

- (i). No person shall cause, allow or permit any person the in the Town of Presque Isle to maintain outside any habituated building or structure or inside any uninhabited building or structure in a location accessible to small children, any abandoned, any unattended or discarded ice box, refrigerator, deep freezer or other container or equipment which has an air tight door or lid which may not be released from the inside without removing the door or lid or removing the lock from such container or equipment unless the person securely locks or fastens the door to prevent access by small children. Any town official, responding to a complaint of this kind, being unable to locate the owner, may take measures to disable the above items in such a manner as to render them safe.
 - (j). Having being issued a citation and adjudicated guilty for the above violations, the property owner has 30 days to correct the violation after that period of time. The Town of Presque Isle is hereby authorized to take measures to correct the violation at the owner's expense. If the costs for the corrections of these violations, are not paid, the Town Board at its discretion, may place these costs on the tax rolls of the property in question.
- (19). Fireworks.
- (a). No person may possess, use or sell fireworks, except those listed below.
 - (i). A cap containing not more than 1/4 gram of explosive mixture, if the cap is used and discharged in a device which prevents direct body contact with the cap when it explodes.
 - (ii). A toy snake which contains no mercury.
 - (iii). A model rocket engine.
 - (iv). A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in diameter which does not contain

magnesium, chlorate, or perchlorate.

- (v). A device designed to spray out paper confetti or streamers and which contains less than 1/4 gram of explosive mixture.
 - (vi). A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
 - (vii). A device that emits smoke with no external flame and does not leave the ground.
 - (viii). A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inches designed to sit on the ground and emit only sparks and smoke.
 - (ix). A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (b). The fire chief and/or his/her designee, Town Board member, or any bona fide law enforcement officer, may inspect any fire works stand or other business open to the public to determine if all fireworks products presented for sale are legal and take any appropriate enforcement action including confiscation of any items that are determined to be illegal. Such items will be held in evidence until disposition of any judicial proceedings or immediate disposal if items are determined to be hazardous to the community.
 - (c). Guidelines to determine the legality of fireworks will be determined by guidelines set forth by the Wisconsin Crime Laboratory.
- (20). No person shall cause, allow, or permit any person in the Town of Presque Isle to illegally dump material such as, but not limited to appliances, construction material, partially dismantled or dismantled vehicles, brush, or garbage or refuse of any type.
- (21). Firearms or Weapons Prohibited in Certain Municipal Buildings.
- (a). No person carrying a firearm or weapon as defined by state law shall enter any building owned, operated, or controlled by the Town of Presque Isle where the building is posted in accordance with state law by the Town Board or their designee that the person shall not enter or remain in the building while carrying a firearm.
 - (b). The prohibition under par. (a) does not apply to a current law enforcement officer.
- 401.5. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- (1). Any person violating this section shall pay the recommended forfeiture for every offense for each day of the continuance of the violation, after being so notified by the town's representative. Each day thereafter shall constitute a separate violation of each

offense.

401.6. UNIFORM REGULATIONS. Any future amendments, modifications, revisions, additions or

deletions of the above noted statutory Chapters shall be incorporated herein and made part of this ordinance in order to secure uniform regulations of the State of Wisconsin.

Subchapter 402. Town Parks and Other Town Properties

- 402.1. PURPOSE. The purpose of this ordinance is to regulate activities in town parks and other town properties.
- 402.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.23(23), Wis. Stats. to enact this ordinance.
- 402.3. GENERAL PROVISIONS
- (1). Definitions
 - (a). TOWN. The term "town" shall mean the Town Board of Supervisors of the Town of Presque Isle.
 - (b). PERSON. The term "person" shall include any individual, firm, partnership, corporation and association of persons, and the singular number shall include the plural.
 - (c). The term "camping" or "camp" shall include the use of a shelter such as a tent, tent trailer, motor vehicle, tarpaulin, bed roll or sleeping bag for temporary residence or sleeping purpose.
 - (2). Additional Rules and Exceptions
 - (a). Rules and regulations may be authorized by the Town Board or other designated Town personnel for use and enjoyment of parks, parkways, hiking trails, cross-country ski trails, playgrounds, boat landings, or other town land and the facilities thereof.
 - (b). Any person who refuses to subject himself or herself thereto, may be excluded from the use of such facility.
 - (c). Nothing in this ordinance shall prohibit or hinder the Town of Presque Isle, its supervisors, constable or other duly authorized agents, or any peace officers from performing their official duties.
- 402.4. PUBLIC MEETINGS AND SALES
- (1). MEETINGS. Any person desiring to hold a public meeting or event in any park or boat landing shall first submit a request to the Town or its duly authorized agent. Persons without an approved request will have no right to exclusive use or to interfere with any other public activity at the park or boat landing.
 - (2). SALES. Except as authorized by the Town Board or its designated officials, it shall be unlawful for any person to peddle or solicit business of any nature, in any park or public recreation facility. Unless authorized, no one is permitted to distribute handbills or other advertising matter post unauthorized signs or decorative matter as a base of commercial operations for soliciting or conducting business, peddling, or providing services within or outside of town lands, structures, or property.
- 402.5. PERSONAL CONDUCT, DESTRUCTION, AND TRESPASS
- (1). CONDUCT. As outlined in Subchapter 401 of the Town Code of Ordinances (Public Peace, Order, and Other Interests), it shall be unlawful for any person to engage in disorderly conduct or make unnecessary, disruptive noise on town parkland or other town properties
 - (2). DESTRUCTION: It shall be unlawful for any person to destroy, deface, disturb, or remove public or personal property. This prohibition includes trees, shrubs, or plants; and signs, structures, fences, tables, watercraft and other property.
 - (3). TRESSPASS. It shall be unlawful for any person enter or tamper with any building, area, or structure that is closed to public use, locked or fenced off, under construction, or related to water control structures, such as dams, culverts, intake pipes, and flow control gates.
 - (4). CLEANING AND REFUSE
 - (a). The washing of cars, persons, pets, cooking utensils, or clothing is prohibited at any lakes, streams, or any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways, or within 50 feet of any pump, fountain, or drinking water outlet in any town park.
 - (b). It shall be unlawful for any person to clean, butcher, scale, or skin any fish, game, livestock, poultry in any town park or boat landing.
 - (c). It shall be unlawful for any person to dispose of any garbage, sewage, bottles, aluminum cans, paper or other waste materials in any manner or to dump refuse of any kind in any town park or town owned property. Throwing of bottles, aluminum cans, garbage, sewage, or other refuse in or on the roads in any town park is prohibited. Charcoal residue must be left in a grate or fireplace until cool.
- 402.6. VEHICLES
- (1). VEHICULAR TRAFFIC
 - (a). No person shall operate any vehicle at a speed in excess of 20 miles per hour or contrary to official traffic signs in any town park.
 - (b). No person shall operate any vehicle in any park in a reckless manner contrary to the provision of Section 346.62 of the Wisconsin Statutes.
 - (c). It shall be unlawful to operate or park any motor vehicle, except as noted herein, upon any hiking trail, beach area, playground, picnic area, or any area other than established roads, parking areas, boat ramps and service areas, or contrary to posted notice, or within any park seasonally

closed to vehicular traffic.

(2). PARKING

- (a). No person shall park, stop, or leave standing whether attended or unattended, any vehicle, obstruction, or watercraft in any manner so as to block, obstruct, or limit the use of any road, trail, parking lot, boat landing, waterway or winter sport facility.

402.7. FIRES, FIREWORKS, FIREARMS

(1). FIRES

- (a). It shall be unlawful for any person to start, tend or maintain any fire, or to burn any refuse. except at designated fireplaces, fire rings or grills within any town park, except that fires for cooking or heating may be made in portable stoves, heaters or grills.
- (b). It shall be unlawful for any person to ignite any fire in town parks or on other town properties when WDNR fire bans are in effect.

- (2). FIREWORKS. It shall be unlawful for any person to possess, fire, discharge, explode, or set off any explosive or pyrotechnic device; excepting the exhibitions of fireworks given under the direction or by the permission of the Town Board.

- (3). FIREARMS. Except for authorized hunting or game management activity permitted and regulated in Wis. Stats 29, it shall be unlawful to discharge any firearm or draw a bow within the boundaries of a town park or boat landing.

- 402.8. CAMPING. It shall be unlawful for any person to camp in any town park or boat landing under town jurisdiction.

- 402.9. ENFORCEMENT. This ordinance shall be enforced by the town constable, public safety officer, town board member and/or any other town official or employee as delegated by the town board pursuant to Wis. Stat. 66.0113(2).

- 402.10. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

402.11. EFFECTIVE DATE, REPEALS, SEVERABILITY

- (1). This ordinance shall take effect and be in force from and after its passage and publication.

- (2). Each separate section and provision of this ordinance shall be deemed independent and separate from every other section and provision and the invalidity of any section or provision of this ordinance shall not affect the validity of the remainder of this ordinance. The Town Board of Presque Isle hereby declares that it is the intention of the Board to enact each separate provision of this ordinance regardless of its relationship to any or all of the provisions and regardless of the invalidity of any other provision and that if any provision of this ordinance or the application hereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Subchapter 403. Public Nudity

WHEREAS, the Town Board of the Town of Presque Isle has explicit authority under s. 125.10(1), Wis. Stats. to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in CH 125, Wis. Stats.; and

WHEREAS, the Town Board has authority under the general powers set forth in s. 60.22, and s. 61.34, Wis. Stats. to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the Town Board recognizes it lacks authority to regulate obscenity in light of s. 66.0107(3), Wis. Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

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

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

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

WHEREAS, among these secondary effects are:

The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses,

The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exists,

Health risks associated with the spread of sexually transmitted diseases, and

The potential for infiltration by organized crime for the

purpose of unlawful conduct; and

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

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

NOW, THEREFORE, the Town Board of the Town of Presque Isle do ordain as follows:

403.1. NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

- (1). 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:
- (2). Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
- (3). Shows any portion of the female breast below a point immediately above the top of the areola; or
- (4). Shows the covered male genitals in a discernibly turgid state.

403.2. EXEMPTIONS. The provisions of this ordinance to 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.

403.3. DEFINITIONS. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Town Board of the Town of Presque Isle to sell alcohol beverages pursuant to CH 125, Wis. Stats. The term "licensee" means the holder of a retail "Class

A”, “Class B”, Class “A”, Class “B”, or “Class C” license granted by the Town Board of the Town of Presque Isle pursuant to CH. 125, Stats.

403.4. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

403.5. SEVERABILITY. If any section of this

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

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

Subchapter 404. Lighting

- 404.1. PURPOSE. The purpose of this ordinance is to balance the need for safety and security with the need to eliminate glare, light trespass, light pollution and the obstruction of the night sky.
- 404.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.22(3), 60.23(29) and CH 61, Wis. Stats. to enact this ordinance.
- 404.3. DEFINITIONS
- (1). Fixture - the assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and attached parts.
 - (2). Full-cutoff - a light fixture which prevents all transmission of light above the horizontal.
 - (3). Fully shielded - a fixture with housing or attachment which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.
 - (4). Glare - a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment and/or discomfort experienced by an observer with a direct line of sight.
 - (5). Shoreline lighting – a light source within the 75 foot shoreline setback.
 - (6). Light trespass - light projected onto a property from a fixture not located on that property.
 - (7). Light source - the bulb and lens, diffuser, or reflective enclosure.
- 404.4. ORDINANCE
- (1). Exterior lighting, such as vapor, flood and spot, within the Town of Presque Isle shall be controlled and directed to minimize glare and light trespass onto neighboring properties, roadways, water bodies and the overhead sky by:
 - (2). Using fully shielded, or full cut-off fixtures, so that the light emitting portion of the fixture cannot be seen from off of the property;
 - (3). Directing light from fixtures directly downward rather than outward or upward;
 - (4). Using motion-detecting fixtures rather than dawn-to-dusk fixtures when automated activation is necessary;
- (5). Flashing or rotating exterior lighting is prohibited, except for emergency purposes.
 - (6). Shoreline lighting shall be prohibited, except that no more than one (1) permanent fixture shall be permitted on a berthing structure; and said fixture shall be configured in such a way to prevent illumination more than 50 feet beyond the berthing structure. Illumination shall only be activated during those times when the dock or watercraft is in use.
- 404.5. EXEMPTIONS
- (1). Outdoor holiday lights and decorations shall be exempted from the shielding and directional requirements of this ordinance.
 - (2). Lighting otherwise prohibited may be authorized by written permit from the Town Board if there are special circumstances relating to public safety and if the public interest in the provisions of this section can be adequately protected.
 - (3). Messaging units permitted under Subchapter 203-04(5)(a)(i).
- 404.6. COMPLIANCE. Exterior lights on structures for which building permits were issued after December 31, 2004 shall comply with the provisions of this ordinance. A copy of this ordinance shall accompany all building permits issued by the Zoning Administrator. A violation of this ordinance shall be deemed a public and/or private nuisance.
- 404.7. ENFORCEMENT. No unnatural act or act of God shall negate the land owner's responsibility to comply with this ordinance. Any town officer may issue a written notice respecting the existence of such defect. Such written notice shall be served on the owner of such property and shall direct the owner of such property to promptly remedy the defect within 30 days. If owner fails to remedy or improve the defect in accordance with the written notice the landowner shall be issued a citation.
- 404.8. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- 404.9. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as required by law.

Chapter 500. Watercraft, Snowmobiles, and Other Recreational Vehicles.

Subchapter 501. Motorboats.

501.1. PURPOSE. The purpose of this ordinance is:

- (1).To adopt s. 30.50 to 30.71, Wis. Stats. by reference;
- (2).To adopt regulations for safe boating on lakes and rivers within the township boundaries consistent with public rights and interests and the capability of the water resources.

501.2. AUTHORITY. The Town Board of Presque Isle has the authority, pursuant to s. 30.77, Wis. Stats. to enact this ordinance.

501.3. LOCAL ORDINANCE. In addition to the provisions of s. 30.50 to 30.71, Wis. Stats., the following safe boating regulations are adopted:

- (1).Racing: There will be no power boat racing without a permit from the Town Board.
- (2).Speed Restrictions: Motorboats shall be operated no faster than slow-no-wake on any lake less than 50 acres in size or on any river within the township boundaries.
- (3).Other Controlled areas:
 - (a).No boat shall be operated faster than slow-no-wake within 200 feet of the mainland shoreline or island(s) shoreline on any lake or any river at any time, except when leaving or returning from shore while towing a water-skier, as provided in 501.03(4), below. Ski boats leaving or returning to shore shall yield the right-of-way to all other watercraft within the 200 ft shore zone.
 - (b).The Towns of Boulder Junction and Presque Isle Joint Boating Ordinance (Ordinance No. 1-95) is included herein and appended hereto.
 - (c).No person shall operate a motorboat, as defined in s. 30.50(6), Wis. Stats. that is propelled by an internal combustion engine or engines on the waters of Rice Creek in Presque Isle township.
 - (d).The Town may post certain regulatory markers on its waters which are consistent with state and federal laws.
- (4).No person shall operate a motorboat towing a person on water-skis, aquaplane, or similar device, nor shall any person engage in water-skiing, aquaplaning or

similar activity except between the hours of 10:00 AM and 7:00 PM local time. No water-skiing or similar activity shall be permitted on any river within the town at any time.

- (a).No more than two (2) riders shall be in tow at any time.
- (b).Neither the towing boat nor the towed-rider shall approach another water craft within 200 feet, nor shall they approach the mainland shoreline or island shoreline within 200 feet, except starting out from or returning to shore.
- (c).No person shall operate a boat towing a water-skier or engage in similar activity unless there are at least two people in the towing boat.
- (d).Water ski shows, competitions, water ski jumping, or similar activities shall require a permit from the Town Board.
- (5).Regulation of Mooring: No person shall place or use a mooring without first obtaining a permit from the Town Board. Applicants shall demonstrate compliance with township standards and with the requirements of s. 30.772, Wis. Stats. and NR 5.09. No more than one mooring shall be allowed for every 200 ft of shoreline or platted lot, and only one boat shall be tethered to any mooring. No moorings shall be allowed more than 100 ft from shore.
- (6).The boating laws of the state of Wisconsin and the DNR rules promulgated under these laws shall be included in this ordinance.

501.4. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

501.5. VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

501.6. EFFECTIVE DATE

- (1).This ordinance shall be in effect after its passage and publication as required by law.
- (2).The boat ordinance of Presque Isle (Ordinance No 71-1) shall be repealed upon its passage.

Appendix to Subchapter 501 - Motorboats
Towns of Boulder Junction and Presque Isle
Joint Boating Ordinances

A joint ordinance to regulate boating upon the waters of Big Lake in the Towns of Boulder Junction and Presque Isle in Vilas County, Wisconsin, and prescribing penalties for violation thereof.

The Town Board of Boulder Junction and Presque Isle do ordain as follows:

Section I Applicability and Enforcement

- (1). The provisions of this ordinance shall apply jointly by the Towns of Boulder Junction and Presque Isle to the waters of Big Lake, S4,5,6,31,32,33 T42-43N, R6E.
- (2). This chapter shall be enforced by any authorized law enforcement officers of the Towns of Boulder Junction and Presque Isle and any other authorized law enforcement officer.

Section II Intent

The intent of this ordinance is for the protection of loon nesting sites at a critical time of year, which is in the best interest and welfare of the public, while still providing the public access and use of the aquatic resource.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wisconsin Statutes, are adopted by reference.

Section IV Definitions

Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section V Speed Restricted Areas

- (1). First Saturday in May to the First Saturday in August
- (2) No person shall operate a boat faster than slow-no-wake at any time during the first Saturday in May to the first Saturday in August in the following locations on Big

Lake:

- (a). Back Bay at any point west of a line from the eastern-most point of Stone Haven Point due south to the south shore of Big Lake.
- (b). Papoose Bay at any point north of a line from the Big Lake Campground public boat landing due east to the east shore of Papoose Bay of Big Lake.

Section VI Special Events

There shall be no organized water events, special events, or contests without the expressed permission of the Town Boards of Boulder Junction and Presque Isle.

Section VII Posting Requirements

This ordinance, or information within this ordinance, shall be prominently posted by the Towns of Boulder Junction and Presque Isle as required by s. 30.77(4), Wisconsin Statutes.

Section VII Penalties

Wisconsin State boating penalties as found in s. 30.80, Wisconsin Statutes, are adopted by reference.

Section IX Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section X Effective Date

501.7. This ordinance will become effective upon passage, and the day after publication.

"SHARE THE ROAD"

— W I S C O N S I N ' S L E A S T W I L L E S S E S —
PRESQUE ISLE

ORDINANCE NO.: Subchapter 502
SPONSORED BY: N/A
INTRODUCED BY: Carl Wolter
SECONDED BY: John A. MacLean IV

THE TOWN BOARD OF THE TOWN OF PRESQUE ISLE, WISCONSIN, DO
ORDAIN that Chapter 500 Subchapter 502 All-Terrain Vehicles (1) State Laws Adopted, (2)
Town of Presque Isle All-Terrain/Utility Terrain Vehicle Use are hereby amended as follows:

(1) State laws adopted. Except as otherwise specifically provided, the provisions of Chapters NR 45 (State Parks and State Forests), NR 50 (Administration of Outdoor Recreation Grants and State Aids), and the provisions of W.S.A. s. 27.01, are hereby adopted by reference, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which a statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this section as if fully set forth herein. Any future amendments, revisions, modifications or renumbering of said statutes or rules incorporated herein are intended to be made a part of this section.

(2) Town of Presque Isle All-Terrain/Utility Terrain Vehicle Use.

(A) Purpose. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Presque Isle and to regulate the operation of all-terrain and utility terrain vehicles in the Town of Presque Isle.

(B) Definitions. For this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this section, shall be interpreted based on common usage.

1. All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.
2. Town: means the Town of Presque Isle, the Town Board, or any other Town of Presque Isle official(s) or agent authorized by the Town Board to act on behalf of the Town of Presque Isle.

3. Utility Terrain Vehicle (UTV): means any of the following:

- a. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart-low-speed vehicle, dune buggy mini-truck and that has, and was originally manufactured with, all the following:
 - i. A weight, without fluids, of 2,000 pounds or less.
 - ii. Four or more tires.
 - iii. A steering wheel.
 - iv. A taillight(s).
 - v. A brake light(s).
 - vi. Two headlights.
 - vii. A width of not more than 65 inches.
 - viii. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - ix. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- b. A commercially designed and manufactured motor driven device to which all of the following applies:
 - i. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 - ii. It has a width of 50 inches or less.
 - iii. It is equipped with a seat designed to be straddled by the operator.
 - iv. It travels on 3 or more tires.

(C) Designation of All-Terrain and Utility Terrain Vehicle Routes. Pursuant to s. 23.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., persons may operate an all-terrain or utility terrain vehicle on any road, freeway, or highway and designated parking lots on Town properties.

(CI) The route(s) does not include public properties, cemeteries, School District property, etc. except for those with designated parking areas where motorized vehicles normally park. Permission of any other public entity or private landowner is the obligation of any ATV/UTV user.

(D) Signage. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. Further, no person may do any of the following regarding signs marking Town ATV/UTV routes unless authorized to do so.

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility

vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

(F) Maintenance of All-Terrain and Utility Terrain Vehicle Routes.

1. Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road.
2. Operators of ATV/UTVs on Town roads assume all the usual and normal risks of ATV/UTV operation.
3. The Town accepts no liability for the operation of ATVs/UTVs on any Town roads under the provisions of this ordinance.

(G) Operation of All-Terrain and Utility Vehicles.

1. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
2. Operators must abide by all traffic laws set forth under chapter 346 of the Wisconsin statutes, notwithstanding the provisions of §346.02(11) and any additional restrictions of this Ordinance.
3. The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Town roads designated as ATV/UTV routes.
4. All ATV/UTV operators shall ride single file if they are traveling in a group.
5. No ATV/UTV may be operated on any designated route(s) without fully functional Headlights (turned on), taillights, and brake lights.
6. All ATV/UTV operators shall ride on the right-hand side of the traveled portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
7. No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
8. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

(F) Maintenance of All-Terrain and Utility Terrain Vehicle Routes.

1. Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road.
2. Operators of ATV/UTVs on Town roads assume all the usual and normal risks of ATV/UTV operation.
3. The Town accepts no liability for the operation of ATVs/UTVs on any Town roads under the provisions of this ordinance.

(G) Operation of All-Terrain and Utility Vehicles.

1. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
2. Operators must abide by all traffic laws set forth under chapter 346 of the Wisconsin statutes, notwithstanding the provisions of §346.02(11) and any additional restrictions of this Ordinance.
3. The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Town roads designated as ATV/UTV routes.
4. All ATV/UTV operators shall ride single file if they are traveling in a group.
5. No ATV/UTV may be operated on any designated route(s) without fully functional Headlights (turned on), taillights, and brake lights.
6. All ATV/UTV operators shall ride on the right-hand side of the traveled portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
7. No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
8. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

9. No person may operate an ATV/UTV with a passenger if the vehicle is not intended or designed for carrying a passenger(s).

(H) Disturbing of the Peace, and Nuisance activities

1. Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth.
2. Exhaust system/Muffler modifications prohibited. No person shall operate on a Town route any ATV/UTV unless such ATV/UTV is equipped with a muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke per state statute.
3. Radios or the electric sound amplification devices: No person may operate or park, stop or leave standing an ATV/UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
4. Use of trailers or sleds prohibited. No person shall operate an ATV /UTV upon any street within the Town with any person, trailer or sled attached or trailing said vehicle, unless it is designed for such activities. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this section.

4) Enforcement.

- (A) This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Vilas County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the Town of Presque Isle's jurisdiction.
- (B) Penalties. The penalties under s. 23.33(13)(a), Wis. Stats. are adopted by reference. Any person who shall violate this section shall pay a forfeiture plus costs established in Ordinance 502.4.2 of the Presque Isle Municipal Code.
- (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.

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

Adopted: By the Town Board on June 3rd/2021

Published:

Signed: _____
Town Clerk

Signed: 
Town Chairman

Subchapter 503. Personal Watercraft

503.1. APPLICABILITY AND ENFORCEMENT.

- (1). The provisions of this ordinance will apply to the waters of the Town of Presque Isle.
- (2). The ordinance shall be enforced by the officer(s) of the Town of Presque Isle.

503.2. INTENT. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

503.3. STATE BOATING AND SAFETY LAWS ADOPTED. State boating laws as found in s. 30.50 to 30.71, Wis. Stats..

503.4. DEFINITIONS.

- (1). "Personal watercraft" shall be any watercraft as defined in s. 30.50(9d), Wis. Stats.
- (2). "Slow-No-Wake" means that speed at which a Personal Watercraft moves as slowly as possible while still maintaining steerage control.
- (3). "Shore zone" means all surface water within 200 feet of the mainland shoreline or island(s) shoreline.

503.5. LOCAL ORDINANCE.

- (1). Personal Watercraft shall only be operated in a "slow-no-wake" manner within the shore zone on all lakes.
- (2). "Slow-No-Wake" Designated Waters
- (3). (a). Personal Watercraft shall only be operated in a "slow-no-wake" manner on all lakes less than 50 acres in size.

(4). (b). Personal Watercraft shall only be operated in a "slow-no-wake" manner on all lakes and riverine stretches between 50 and 200 acres.

(5). Hours of Operation. On waters 200 acres in size or larger the operation of Personal Watercraft shall be limited to the hours between 11:00 A.M. and 4:00 P.M. local time.

(6). Posting Requirements. The Town of Presque Isle shall place and maintain a copy of this Ordinance at all lake public access points within the jurisdiction of the Town of Presque Isle.

503.6. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more of provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

503.7. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

503.8. EFFECTIVE DATE.

- (1). This section will become effective upon passage and posting or publication as provided by law.
- (2). This ordinance passed this 1st day of December 1994.

Subchapter 504. Snowmobiles

504.1. PURPOSE. The purpose of this ordinance is:

- (1). To adopt CH350 of the Wisconsin State Statutes;
- (2). To designate certain town roads and highways as snowmobile routes or local access roads;
- (3). To establish operating conditions for the use of snowmobiles on designated roads and highways within the township.

504.2. AUTHORITY. The Town Board of Presque Isle has the authority, pursuant to s. 350.18, Wis. Stats. to enact this ordinance.

504.3. LOCAL ORDINANCE

- (1). Snowmobile Routes. The following town roads and highways within the township shall be designated and marked for snowmobile travel as snowmobile routes according to NR 50.10(3)1.c:

- (a). Katinka Lake Road
- (b). West Van Vliet Road
- (c). Round Lake Road
- (d). Bay View Road
- (e). Crab Lake Road
- (f). Kitten Lane
- (g). Old W Road
- (h). Papoose Landing Rd
- (i). Lower Papoose Lake Rd
- (j). Pomeroy Lake Road
- (k). Wildcat Road
- (l). Lynx Lake Road
- (m). South Crab Lake Rd
- (n). Casper Road
- (o). County Highway P from Crab Lake Road to Papoose Landing Road

- (2). Local Snowmobile Access Roads. The following town roads and highways within the township shall be designated and marked for snowmobile travel by persons residing on or rooming at a lodging establishment located on said road or highway solely for the purpose of traveling the shortest distance necessary to reach the snowmobile trail or route that is closest to the residence or lodging establishment:

- (a). All town roads not designated as snowmobile routes;
- (b). County Highway P from Crab Lake Road north to the snowmobile trail spur just north of Katinka Lake Road.

- (3). Conditions. Snowmobiles traveling on any road within

the township shall abide by the following rules and conditions for use:

- (a). Travel on all town roads shall be limited to the extreme right-hand side of the roadway;
 - (b). Travel on all roads shall conform to the flow of motor vehicle traffic;
 - (c). Speed shall not exceed 20 mph and shall be reduced to 10 mph when meeting pedestrians, motor vehicles or when within 150 feet of a residence;
 - (d). Snowmobiles shall be operated in single file;
 - (e). Headlights shall be on at all times;
 - (f). Proper signals shall be given for turning or stopping;
 - (g). Parking, standing, or dismounting snowmobiles on the traveled portion of the roadway shall not be allowed;
 - (h). Pedestrians and all other vehicles shall have the right of way;
 - (i). No person under the age of 12 years shall be allowed to operate a snowmobile on any town or county road; no person over the age of 12 or under the age of 16 years shall operate a snowmobile on any town or county road unless she/he holds a valid snowmobile safety certificate and is under the direct supervision of a parent or legal guardian.
- (4). Except as provided by s. 350.02, Wis. Stats., and this ordinance, snowmobile travel on County, State or Federal highways within the town boundaries shall not be allowed;
 - (5). The snowmobile laws of the state of Wisconsin shall be included in this ordinance except as otherwise modified by the provisions of this ordinance.

504.4. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

504.5. VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

504.6. EFFECTIVE DATE

- (1). This ordinance shall be in effect after its passage and publication as required by law.
- (2). The snowmobile ordinance of Presque Isle dated January 4, 1973 and Resolution 1-87 shall be repealed upon its passage.

Subchapter 505. Motorboats and Watercraft
Joint Ordinance Towns of Presque Isle and Winchester⁽²²⁻⁰³⁾

505.1. PURPOSE.

- (1). The purpose of this ordinance is to adopt regulations for the safe operation of motorboat and personal watercraft, consistent with the public rights and interest, upon the waters of Papoose Lake in the Towns of Presque Isle and Winchester in Vilas County Wisconsin.
- (2). To adopt s. 30.50 to 30.71 Wis. Stats. by reference.

505.2. AUTHORITY. The Town Boards of Presque Isle and Winchester have the authority, pursuant to s. 30.77(3) Wis. Stats. to enact this ordinance.

505.3. DEFINITIONS

- (1). "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. (s. 30.50(6)Wis. Stats.)
- (2). "Personal watercraft" shall be any craft that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft. (s. 30.50(9)(d)Wis. Stats.)
- (3). "Slow-No-Wake" means that speeds at which a boat moves as slowly as possible while still maintaining steering control. (s. 30.50(12)Wis. Stats.)
- (4). "Shore Zone" means all surface water within 200 feet of the mainland shoreline or island(s)

505.4. LOCAL ORDINANCE.

- (1). Personal Watercraft.
 - (a). Shall only be operated in a "slow-no-wake" manner within the shore zone on Papoose Lake and within 200 feet of any other personal watercraft, boat, pier, dock or buoyed restricted area.
 - (b). Hours of operation shall be limited to the hours between 10:00 A.M. and 5:00 P.M. local time.
 - (c). Shall not be used for towing of persons engaged in water skiing, aquaplaning or similar activities.
- (2). Motorboats.
 - (a). Shall only be operated in a "slow-no-wake"

manner within the shore zone on Papoose Lake, except when leaving or returning from shore while towing a water-skier, as defined in 505.4(2)(e)

- (b). Shall only be operated in a slow-no-wake manner within 200 feet of any other boat, personal watercraft or buoyed restricted area.
 - (c). No person shall operate a motorboat towing a person on water-skis, aquaplane, or similar device, nor shall any person engage in water-skiing, aquaplaning or similar activity except between the hours of 10:00 A.M. and 7:00 P.M. local time.
 - (d). No more than two (2) riders shall be in tow at any time.
 - (e). Neither the towing boat nor the towed rider shall approach another watercraft within 200 feet, nor shall they approach the mainland shoreline or island shoreline within 200 feet, except when starting out from or returning to shore.
 - (f). Ski boats leaving or returning to shore shall yield the right-of-way to all other watercraft within the 200 foot shore zone.
- (3). Competitions, such as water ski shows, water ski jumping, watercraft racing or similar activities shall require a permit from the Town Boards of Presque Isle and Winchester.

505.5. ENFORCEMENT AND PENALTIES.

- (1). Enforcement of this ordinance shall be in conformance with Chapter 30 of the Wis. Stats. The town constables and town officers shall have the power to enforce this ordinance.
- (2). Wisconsin State boating penalties as found in s. 30.80 Wis. Stats. and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted.

505.6. VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

505.7. EFFECTIVE DATE. This ordinance shall be in effect after its passage by the Town Boards of Winchester and Presque Isle and publication as required by law.

**Subchapter 506. Slow-No-Wake Areas and Placement of Waterway
Markers on Papoose Lake, Vilas County, Wisconsin
Joint Ordinance Towns of Presque Isle and Winchester**

506.1. APPLICABILITY AND ENFORCEMENT

- (1). The provisions of this Ordinance shall apply to the waters of Papoose Lake, Vilas County, Wisconsin.
- (2). This chapter shall be enforced, in conformance with Chapter 30 of the Wisconsin Statutes, by the officers of the Towns of Winchester and Presque Isle.
- (3). Enforcement of this ordinance may be by any duly authorized persons of the Vilas County Sheriff Water Safety Patrol.

506.2. AUTHORITY

- (1). The Town Boards of Presque Isle and Winchester have the authority, pursuant to ss.30.77(3) and 30.74(2) Wis. Stats., to enact this ordinance.

506.3. INTENT. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

506.4. DEFINITIONS

- (1). "Boat" means every description of watercraft used or capable of being used as a means of transportation on waters.
- (2). "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (3). "Regulatory markers" are floating anchored devices conforming to State of Wisconsin and U.S. Coast Guard standards.

506.5. LOCAL ORDINANCE. In addition to the slow-no-wake areas designated in Joint Ordinance 505, the Town Boards of Winchester and Presque Isle do ordain as follows:

- (1). No person shall operate a boat faster than slow-no-wake in an area beginning at the mouth of and including the entire northern-most bay, known locally as the "Inkpot", of Papoose Lake.

- (2). No person shall operate a boat faster than slow-no-wake in the bay adjacent to the public boat landing on Papoose Lake, an area that begins at the southern end of Saw Mill Bay and continues to 200 feet north of Round Island.

- (3). Approved slow-no-wake marker buoys will be put in place to demark these two slow-no-wake areas.

- (4). The marker buoys may be placed annually in Papoose Lake not sooner than April 25th and shall be removed not later than the 15th day of the following November.

506.6. POSTING REQUIREMENTS The Towns of Winchester and Presque Isle shall place and maintain a synopsis of this ordinance at all public access points to Papoose Lake, pursuant to the requirements of NR 5.15 Wis. Admin. Code.

506.7. PENALTIES. Wisconsin state boating penalties as found in s. 30.80, Wis. Stats. and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

506.8. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Boards of Winchester and Presque Isle would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

506.9. This ordinance will become effective upon passage and publication as required by law. The prior Joint Ordinance 506, dated 5 April 2001 is hereby rescinded.

Ordinance 2023-__
An ordinance to enact Subchapter 507 of the Presque Isle Municipal Code
Restricting Certain Artificial Wake Enhancement

WHEREAS, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Presque Isle ("Town") has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by Sections. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, there are 70 pristine, named lakes within the township boundaries, the majority being small water bodies less than 200 acres; and

WHEREAS, artificially enhanced wakes can cause environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and possible increased algal blooms, turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

WHEREAS, boats with ballast systems increase the likelihood of aquatic invasive species being introduced and spread on lakes; and

WHEREAS, artificially enhanced wakes can damage shoreline, lake bottom, moored boats, and shoreline structures including docks; and

WHEREAS, operating boats in a stern down manner creates downward prop wash, disturbing the lake bottom far below the wave zone, up to 20 feet and more below the surface; and

WHEREAS, artificially enhanced wakes can endanger swimmers, anglers, and other watercraft; and

WHEREAS, the use of ballast and wake enhancing fins can cause unsafe operation by causing the bow to rise obscuring vision forward; and

WHEREAS, the Town submitted a draft of this ordinance to the Wisconsin DNR for advisory review at least 60 days prior to passage, pursuant to 30.77(3)(d), Wis. Stats.; and

WHEREAS, some public uses must yield if other public uses are to exist at all (93 Wis.2d 78, 286 N.W.2d 622);

WHEREAS, the Town Board, after considering public comments and any DNR suggestions, determines that adopting this Ordinance is consistent with all other ordinances of the Town and would promote the public health, safety and welfare, including the public's interest in preserving natural resources;

NOW, THEREFORE, the Town Board of the Town of Presque Isle does ordain as follows:

Subchapter 507. AN ORDINANCE RESTRICTING CERTAIN ARTIFICIAL WAKE ENHANCEMENT

507.1 AUTHORITY. The Town Board of Presque Isle has the authority under Ch. 30.77(3)(a) Wis. Stats. to enact ordinances relating to the equipment, use, or operation of boats in the interest

of public health, safety, or welfare, including the public's interest in preserving the state's natural resources.

507.2 APPLICABILITY AND ENFORCEMENT: The provisions of this ordinance shall apply to all waters within the Town of Presque Isle, Vilas County, Wisconsin. This ordinance shall be enforced by all officers of Presque Isle and all other individuals empowered to enforce ordinances in this Town.

507.3 CERTAIN ARTIFICIAL WAKE ENHANCEMENT PROHIBITED

(1) **Prohibited Equipment.** No person may use or employ ballast tanks, water sacks or fins to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

(2) **Prohibited Operation.** No person may operate a boat in an artificially bow-high manner having the effect of increasing the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast tanks, or ballast bags, or mechanical fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).

(3) **Certain Operations Excluded.** In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, water sacks or wake enhancing fins: i) water skiing, ii) tubing, iii) boarding employing a tow rope at all times. iv) transition operation to empty a boat of water, or v) transition operation of a boat accelerating to a planing condition.

(4) **Oxbow Lake Excluded.** Sections 507.3(1) and 507.3(2) shall not apply to Oxbow Lake (WBIC 2954800) between the hours of 11:00am and 3:00pm on parts of the lake farther than 300 feet from any shoreline or island.

507.4 PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.

507.5 SEVERABILITY. Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

507.6 EFFECTIVE DATE. Upon adoption, this Ordinance shall take effect the day after publication or posting as required by law.

Chairman

Date

Supervisor

Date

Attest

Clerk

Date _____

Supervisor

Date

Chapter 600. Environmental Protection and Conservation.

Subchapter 601. Trapping Along Roadsides.

601.1.PURPOSE. The purpose of this ordinance is to adopt regulations for the trapping of fur-bearing animals along roadways within township boundaries consistent with public safety and environmental conservation.

601.2.AUTHORITY. The Town Board of Presque Isle has the authority to adopt ordinances relating to the use of public lands owned by the township.

601.3.DEFINITIONS. The term “trap” shall mean any device used to capture wild fur-bearing animals.

601.4.LOCAL ORDINANCE.The following regulations are hereby adopted:

(1). It shall be unlawful to set any trap within the right-

of-way of any town road.

601.5.ENFORCEMENT AND PENALTIES.

(1). The constable and town board shall have the power to enforce this ordinance.

(2). Any person who violates this ordinance shall be subject to a forfeiture of not less than \$250 for a first offense and not less than \$500 for any subsequent offense.

601.6.VALIDITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

601.7.EFFECTIVE DATE. This ordinance shall be in effect after its passage and publication as required by law.

Subchapter 602. Noxious Weeds.

602.1. **PURPOSE.** The purpose of this ordinance is to provide for the control of invasive terrestrial plant species (“noxious weeds”) considered to be deleterious within the township of Presque Isle.

602.2. **AUTHORITY.** The Town of Presque Isle has authority to enact this ordinance pursuant to s. 66.0517 and 66.0407(b), Wis. Stats.

602.3. **LOCAL ORDINANCE.** The Town of Presque Isle hereby establishes the Office of Weed Commissioner (WC) for the township, subject to annual appointment by the Town Chairman. The Town Board hereby directs the WC to focus on the eradication of garlic mustard (*Alliaria petiolata*), Japanese knotweed (*Polygonum cuspidatum*), and bush honeysuckle (*Lonicera tatarica*) through the powers and duties invested in the WC by this ordinance.

(1). **Duties.**

(a). The WC will notify property owners by registered letter if noxious weeds exist on their premises. The letter will describe the responsibilities of the property owner to rectify the noxious weed problem, including a date certain for eradication.

(b). After the date certain, the WC will verify eradication by visiting the site. If the landowner has not destroyed the weeds, the WC shall be

authorized to enter the property and destroy them, or have them destroyed, in the most economical manner.

(2). **Powers**

(a). If the landowner neglects to remove noxious weeds as required by 602(1)(b), the WC may enter private property without the landowner’s consent as specified in s. 66.0517(3)(a) Wis. Stats.

(b). The WC shall NOT be liable to any action for trespass or damages, provided the duties are properly executed and reasonable care is exercised.

(3). **Compensation.** The WC shall receive compensation for time and expenses as determined by the Presque Isle Town Board; pursuant to s. 66.0517(3)(b) Wis. Stats.

602.4. **VALIDITY.** Should any section, clause or provision of this ordinance be declared invalid by the courts, such declaration shall not affect the validity of the ordinance as a whole or any other part thereof.

602.5. **EFFECTIVE DATE.** This ordinance shall be effective after its passage and posting as required by law.

602.6. **ASSESSMENTS.** Landowners shall be liable for all costs associated with weed eradication as specified in s. 66.0517(3)(b) Wis. Stats.

Chapter 800. Land Use

Subchapter 801. An Ordinance to Adopt the Year 2020 Comprehensive Land Use Plan .

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain as follows:

801.1. Pursuant to s. 62.23(2) and 62.23(3), Wis. Stats. for cities, villages and towns exercising village powers under s. 60.22(3), Wis. Stats. of the Wisconsin Statutes, the Town of Presque Isle, is authorized to prepare and adopt a comprehensive plan as defined in s. 66.1001(1)(a) and 66.1001(2), Wis. Stats.

801.2. The Presque Isle Land Use Planning Committee, by a majority vote and Resolution No. 2009-2 has recommended to the Town Board the adoption of the document entitled "YEAR 2020 COMPREHENSIVE LAND USE PLAN, TOWN OF PRESQUE ISLE, VILAS COUNTY, WISCONSIN" as their comprehensive plan according to s. 66.1001(2), Wis. Stats.

801.3. Numerous public meetings have been held with respect to town goals and public opinion, including a public Issues Workshop held May 18, 1999, and August 19, 2000 and a public hearing on June 29, 2002 and September 26, 2009 in compliance with the requirements of s. 66.1001(4), Wis. Stats.

801.4. The Town Board of Presque Isle, Vilas County, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, YEAR 2020 COMPREHENSIVE LAND USE PLAN, TOWN OF PRESQUE ISLE, VILAS, COUNTY, WISCONSIN" as their comprehensive plan pursuant to s. 66.1001(2), Wis. Stats. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication as required by law.

Chapter 802. Town of Presque Isle Plan Commission .

- 802.1. **PURPOSE.** The purpose of this ordinance is to establish a Town of Presque Isle Plan Commission and set forth its organization, powers, and duties to further the health, safety, welfare, and 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 plan with significant citizen involvement.
- 802.2. **AUTHORITY.** The Town of Presque Isle with village powers granted the 1st day of May, 1959 with a population under 2500 and a Zoning Ordinances under s. 61.35, Wis. Stats. has the authority pursuant to s. 62.23(1)(a), Wis. Stats. to enact this ordinance.
- 802.3. **MEMBERSHIP.** The Plan Commission shall consist of five (5) members who are appointed by the Town Board chairperson and subject to confirmation by the Town Board. The town chairperson shall also appoint the presiding officer of the commission and subject to confirmation by the Town Board. These five (5) members shall also serve as the five (5) member Zoning Committee as noted in Zoning Ordinance 901.2.
- 802.4. **VACANCIES AND REMOVALS.** A person appointed to fill a vacancy on the Plan Commission shall serve for the remainder of that term. Appointees to the town Plan Commission may be removed only by a majority vote of the Town Board.
- 802.5. **TERMS OF OFFICE.** Terms of office shall be the same as noted in Zoning Ordinance 901.2 except that the chairperson shall be appointed by the Town Board chairperson as in 801.3.
- 802.6. **GENERAL AUTHORITY.** The Plan Commission shall make and adopt a comprehensive plan under s. 66.1001, Wis. Stats. which contains the elements specified under s. 66.1001(2), Wis. Stats. and follows the procedures in s. 66.1001(4), Wis. Stats. Amendments to the comprehensive plan require a public hearing preceded by a class 1 notice under s. 985, Wis. Stats., published at least thirty (30) days before the hearing. Said amendments will be enacted following procedures outlined in s. 66.1001(4)(b), Wis. Stats.
- 802.7. **VALIDITY.** Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.
- 802.8. **EFFECTIVE DATE.** This ordinance shall take effect after its publication as required by law.

Chapter 803. An Ordinance to Readopt the Year 2020 Comprehensive Land Use Plan .

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain as follows:

- 803.1. Pursuant to s. 62.23(2) and 62.23(3), Wis. Stats. for cities, villages and towns exercising village powers under s. 60.22(3), Wis. Stats., the Town of Presque Isle, is authorized to prepare and adopt a comprehensive plan as defined in s. 66.1001(1)(a) and 66.1001(2), Wis. Stats..
- 803.2. The Presque Isle Land Use Planning Committee, by a majority vote and Resolution No. 2010-1 has recommended to the Town Board the re-adoption of the document entitled “YEAR 2020 COMPREHENSIVE LAND USE PLAN, TOWN OF PRESQUE ISLE, VILAS COUNTY, WISCONSIN” as their comprehensive plan according to s. 66.1001(2), Wis. Stats..
- 803.3. Numerous public meetings have been held with respect to town goals and public opinion, including a public Issues Workshop held May 18, 1999, and August 19, 2000 and a public hearing on June 29, 2002 and September 26, 2009 in compliance with the requirements of s. 66.1001(4), Wis. Stats.
- 803.4. The Town Board of Presque Isle, Vilas County, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, YEAR 2020 COMPREHENSIVE LAND USE PLAN, TOWN OF PRESQUE ISLE, VILAS, COUNTY, WISCONSIN” as their comprehensive plan pursuant to s. 66.1001(2), Wis. Stats..
- 803.5. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and publication as required by law.

Chapter 804. An Ordinance to Amend the 2020 Comprehensive Land Use Plan.

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain as follows:

804.1. That it concurs with the Presque Isle Land Use Plan Commission Resolution 2012-2 that changed the Land Use Planning Map for

Mermaid Lake from Recreation (Rec.) District to R-1 (Single Family) District.

804.2. This ordinance shall take effect upon passage by a majority vote of the members of the Town Board

Chapter 805. An Ordinance to Amend the 2020 Comprehensive Land Use Plan.

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain as follows:

805.1. That it concurs with the Presque Isle Land Use Plan Commission Resolution 2012-2 that changed the Land Use Planning Map for parcel #22-544-18 on Retreat Dr. from R-1

(Single Family) District to F (Forestry) District.

805.2. This ordinance shall take effect upon passage by a majority vote of the members of the Town Board

Chapter 806. An Ordinance to Amend the 2020 Comprehensive Land Use Plan.

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain as follows:

806.1. That it concurs with the Presque Isle Land Use Plan Commission Resolution 2015-1 that removes Table 12-1 from the plan as no longer relevant.

806.2. This ordinance shall take effect upon passage by a majority vote of the members of the Town Board

Adopted this 20th day of August, 2015

Chapter 807. An Ordinance to Amend the 2020 Comprehensive Land Use Plan.

The Town Board of the Town of Presque Isle, Vilas County, Wisconsin, do ordain:

807.1 That it concurs with the Presque Isle Land Use Plan Commission Resolution 2016-1 as follows:

807.1.1 Removal of Table 8-1 from the plan as no longer relevant.

807.1.2 Revision of description of Zoning Districts in Section 12

807.2 This ordinance shall take effect upon passage by a majority vote of the members of the Town Board

Adopted this 21st day of July, 2016

Chapter 900 Comprehensive Shoreland District and Zoning Ordinance

900 PREAMBLE: WHEREAS, the Electors of the Town of Presque Isle, Vilas County, at adjourned annual meetings, voted on the 1st day of May, 1958 to grant village powers to the Town Board and by referendum pursuant to State Statute 60.74(7) held on the 8th day of May 1959 authorized the Town Board to adopt a Town Zoning Ordinance; this Town Zoning Ordinance has since been amended on the 5th day of July 1979 on the 17th day of June, 1991, on the 6th day of May, 1999, and on the 26th day of March 2001. As amended per Statute 60.62 this 17th day of November, 2016, be it ordained by the Town Board of the Town of Presque Isle, Vilas County, Wisconsin as follows:

900.1 PURPOSE: The provisions of this Ordinance shall be for the purpose of promoting the health, safety, comfort, prosperity, aesthetics, and general welfare of the Town of Presque Isle by maintaining safe, healthful conditions; controlling water pollution; preserving shore cover, preventing erosion of the soil, and preserving the compatibility of proposed development with existing land and water usage.

900.2 COMPLIANCE: The use of any land or water, the size, shape and placement of lots, the use, size, and placement of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, and lagooning, dredging of any land, the cutting of shoreland vegetation, the sub-division of lots, shall be in full compliance with the terms of this Ordinance and other applicable regulations.

900.3 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 to be a limitation or repeal of any other powers granted by Wisconsin Statute.

900.4 SAVING CLAUSE: Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or Ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

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

900.6 VALIDITY OF OTHER LAWS: Nothing in this Ordinance shall be construed to prevent the

enforcement of other laws which prescribe more restrictive limitations.

900.7 INCONSISTENT ORDINANCES REPEALED: Inconsistent Ordinances or parts thereof in force at the time that this Ordinance shall take effect are hereby repealed.

900.8 NONIMPAIRMENT OF DEEDS: It is not intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions, easements, or covenants or Ordinances, other than zoning, except where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

900.9 TITLE & SCOPE: The title of this Ordinance is "The Comprehensive Shoreland District and Zoning Ordinance of the Town of Presque Isle". The provisions of this Ordinance apply to the construction, alteration, use & occupancy, location, maintenance of and additions to buildings and structures and to appurtenances such as roadways, public and private drives, and street encroachments hereafter erected, and where expressly stated, existing on land or over water in the Town of Presque Isle. As used in this Ordinance, the words "Town", "Town of Presque Isle", "Township", and "Township of Presque Isle" are synonymous.

900.10 EFFECTIVE DATE OF THIS ORDINANCE: The term effective date of this Ordinance shall be upon adoption and upon public notification thereof. After the effective date of this Ordinance, it shall be unlawful to maintain, occupy or use a building or structure, or part thereof, that has been erected, constructed, altered or added to in violation of the provisions of this Ordinance, and no building or structure shall be occupied or used unless it is in a safe and habitable condition.

901. ADMINISTRATION

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901.1. ZONING ADMINISTRATOR: The Town Board shall appoint a Zoning Administrator for a term of one year, and shall review and annually fix his/her compensation plus expenses. All permit fees paid under this Ordinance are paid to the Town. The Zoning Administrator shall perform duties under guidelines and supervision of the Zoning Committee with the advice and consent of the Town Board. The duties and responsibilities of the Zoning Administrator shall include the following:

- 901.1.1. To enforce the provisions of this Ordinance diligently and to the best of his or her ability.
901.1.2. To issue Zoning Permits as required by this Ordinance when the applicant conforms to the restrictions of this Ordinance and other applicable laws and regulations and to deny or revoke permits when the applicant fails to conform, and issue citations to those found in noncompliance with the provisions of this Ordinance.
901.1.3. To make the necessary inspections and re-inspections within five (5) business days after notification that the footings and/or slabs have been set, to insure conformity with the terms of this Ordinance.
901.1.4. To keep comprehensive records of applications, of permits issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans, plats, and all documents relating to construction work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to

public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Zoning Administrator without his written consent.

- 901.1.5. To report any violations of this Ordinance as to location or construction of buildings, roadways, or structures within the town to the Town Board and the Zoning Committee along with his recommendations. To issue citations to those found in noncompliance with the provisions of this Ordinance.
901.1.6. To appear at any appeal of a decision of his with facts and/or illustrations to indicate the basis of his decision, and to attend all meetings of the Zoning Committee and the Board of Adjustment.
901.1.7. To notify the Town Board and the Zoning Committee of any change in the county sanitary Ordinance of which he may become aware.
901.1.8. To serve as staff to the Zoning Committee. In this capacity the Zoning Administrator shall present staff reports on all applications for zoning amendments, and other matters requiring Zoning Committee action.
901.1.9. Wherever the language of this Ordinance purports to grant to the Zoning Administrator or any other official any discretionary authority, his power shall be limited to determining factually whether or not the conditions required by this Ordinance have been complied with; however this limitation does not apply to the powers of the Zoning Board of

Adjustment as later defined.

901.1.10. The Zoning Administrator shall have access to building, structure, or premises for the purpose of performing his duties. This power shall be exercised at a reasonable hour.

901.1.11. The Zoning Administrator shall establish and post regular office hours weekly in the Town Offices.

901.2. CREATION OF THE ZONING COMMITTEE:

The five-member Zoning Committee shall be appointed by the Town Board and shall also serve on the Town's Plan Commission as provided in Section 60.62(4)(a) of the Wisconsin Statutes. Terms of office for committee members shall be three (3) years. Of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The Town Chairperson shall also select the presiding officer. The Zoning Committee shall have the following duties and responsibilities:

901.2.1. Supervise the administration of the Zoning Ordinance.

901.2.2. To hold public hearings on proposed amendments to this Ordinance and to make recommendations on such amendments to the Town Board.

901.2.3. To perform other duties in connection with zoning or land use planning as may be delegated to it by Wisconsin Statutes, or specified in any section of this Zoning Ordinance or by the Town Board.

901.2.4. To hold hearings on applications for conditional use permits and to recommend issuance of conditional use permits, where appropriate, after holding a public hearing.

901.2.5. To advise and assist the Zoning Administrator in the interpretation of this Ordinance.

901.2.6. The members of the Zoning Committee shall serve as volunteers.

901.3. RULES AND PROCEDURES FOR RECOMMENDING AMENDMENTS IN THE ZONING ORDINANCE TEXT OR ZONING MAP:

901.3.1. The Town of Presque Isle may from time to time alter, supplement, or change the boundaries and regulations contained in this Ordinance in the manner provided by Section 60.61(4)(c) of the Wisconsin Statutes.

901.3.2. Petitions for amendments of the Zoning Ordinance may be made by any property owner. Petitions for amendments of the Zoning Map may be made by any property owner(s) of a minimum of 10 acres in the area to be affected by the amendment. Petitions for amendments of the

Zoning Ordinance or Map may also be made by the Town Board or by the Zoning Committee. Forms for submitting petitions shall be provided by the Zoning Administrator.

901.3.3. Completed petition forms shall be filed with the Town Clerk who shall immediately refer the petition to the Zoning Committee.

901.3.4. Upon receipt of the petition, the Zoning Committee shall schedule a public hearing thereon. Notice of the time and place of such hearing shall be given by publication of Class 2 Notice as provided under Section 985 of the Wisconsin Statutes.

901.3.5. As soon as possible after the public hearing, the Zoning Committee shall act on the petition either recommending approval, modification, or disapproval. If its action is favorable to granting the requested change or any modification thereof, it shall cause an Ordinance to be drafted effecting its determination and shall submit such proposed Ordinance directly to the Town Board with its recommendation. If the Zoning Committee recommends denial of the petition it shall report its recommendations directly to the Town Board with its reasons for such action.

901.3.6. In addition, such amendments as here above provided, shall be submitted to Vilas County for approval before adoption by the Presque Isle Town Board.

901.3.7. Upon receipt of the recommendation of the Zoning Committee, the Town Board shall either approve, modify, or deny the petition. Actions of the Town Board are subject to protest as provided in Section 60.61(4)(c)2. of the Wisconsin Statutes.

901.3.8. The Zoning Administrator shall send certified copies of all shoreland amendments to the Department of Natural Resources if approval is required, and also a copy to Vilas County as reference.

901.4. RULES AND PROCEDURES FOR OBTAINING A ZONING PERMIT

901.4.1. It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction of a building or structure, including private roadways and driveways, without first filing with the Zoning Administrator a written application and obtaining a zoning permit. Any structure used for habitation must be connected to an approved sanitary system. Should a structure or use be started prior to the issuance of a permit, the applicant will pay a minimum fee of \$200 or a double fee, whichever is greater, and may be subject to citation. under 5. Exceptions to this

requirement are:

- 901.4.1.1. Public telephone and electrical service equipment.
- 901.4.1.2. Decorative fences (those ornamental flower garden fences with a height of less than two (2) feet).
- 901.4.2. An application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe. The application shall contain the full name(s) and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officer. The application shall also include the legal description of the property and briefly describe the proposed work, the name(s) of the contractor(s) involved and the estimated total cost of the proposed work. Applications for permits shall be accompanied by drawings of the proposed work showing dimensions of the proposed building(s), all setbacks (measured in feet) from all lot lines, waterways, streets and roads and the size and locations of all existing buildings, waste disposal systems and water wells.
- 901.4.3. The Zoning Administrator shall require evidence of compliance with the Vilas County Sanitary Code, and the issuance of a sanitary permit, Vilas County Land Division & Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other Federal, State, County, or Town requirements as a condition precedent to the issuance of a Zoning Permit.
- 901.4.4. The Zoning Administrator shall not be responsible for the determination of lot line locations and may require the applicant to furnish a land survey of such lines. It is the responsibility of each landowner to properly and clearly identify lot lines and boundaries. The Zoning Administrator may also require any additional information deemed necessary for the issuance of a zoning permit.
- 901.4.5. The application shall be signed by the owner; provided however, that if a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such a person may apply for a permit, and, if a permit be denied, may appeal to the Zoning Board of Adjustment.
- 901.4.6. Any permit obtained through misrepresentation shall be null and void.
- 901.4.7. Normal repairs may be made without filing an application or obtaining a zoning permit. Major repairs, or structural alterations, such as foundation replacement require zoning permits.
- 901.4.8. A permit issued pursuant to the provisions of this section shall expire six (6) months from the date of issuance of all necessary

permits if construction has not started within that time. Such a permit will expire if the construction, once started, does not diligently proceed to completion of all exterior portions of the building or structure within one (1) year of the date of issuance of all necessary permits. Within that one-year period, one one-year renewal may be granted by the Zoning Administrator

- 901.4.9. No permit to move a building or structure shall be issued until notice of application shall have been given to owner(s) of adjacent property and to owner(s) of wires and other impediments, the temporary removal of which will be necessary, and an opportunity has been given said owners to be heard upon such application. A bond in an adequate sum may be required to be filed with the officer of proper authority to indemnify and save harmless the Town from damage.
- 901.4.10. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application, plans and amendments thereto. The location of all new construction as shown on the approved plan or an approved amendment thereto, shall be strictly adhered to.
- 901.4.11. The Zoning Administrator may revoke a permit or approval issued in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. When a permit has been revoked by the Zoning Administrator, reinstatement of the permit after correction of the violation shall require the owner or his agent to file a new application with the Zoning Administrator and pay the prescribed fee as for a new permit.
- 901.4.12. A copy of the permit shall be conspicuously posted on the premises for public inspection until the completion of the work.
- 901.4.13. An application for a Fire Number shall be filed with the Zoning Administrator prior to, or at the same time, an application is made for a zoning permit.
- 901.5. TEMPORARY PERMITS AND CONDITIONAL USE PERMIT RULES AND PROCEDURES:
 - 901.5.1. A Temporary Permit may be issued owing to unforeseen circumstances arising, or under special conditions whereby a regular zoning permit cannot be secured and/or is not applicable, such as the following, but not limited thereto:
 - 901.5.1.1. For the storage of chattel on a town road right-of-way.
 - 901.5.1.2. For any temporary uses or structures inadvertently omitted from this Ordinance.

901.5.1.3. For the parking of a mobile home or other form of habitation structure during the construction of a dwelling provided the temporary structure is located on the same lot where a zoning permit has been issued for the dwelling under construction and the structure's waste water and sewage is connected to the approved sanitary disposal system that will serve the dwelling.

901.5.1.4. In order to accommodate individuals in emergency situations.

901.5.2. Conditional Use Permit Rules and Procedures: Any person, firm, corporation or organization, having a freehold, possessory, or contractual interest in the land for which a conditional use permit is sought, may file an application to use said land for one or more of the conditional uses permitted by this Ordinance in the zoning district where the land is located, as shown in Table 1.

901.5.2.1. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator or Zoning Committee. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or Zoning Committee.

901.5.2.2. Upon receipt of the application, the Zoning Committee shall hold a public hearing on each application for a conditional use permit at such time and place as shall be established by the Zoning Committee. The hearing shall be conducted and a record of the proceedings shall be preserved. Notice of the public hearing shall be noticed as prescribed by Wisconsin Statutes.

901.5.2.3. A conditional use permit shall not be granted by the Zoning Committee unless the Committee finds that all of the following conditions are met:

901.5.2.3.1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

901.5.2.3.2. That the uses, values and enjoyment of surrounding properties shall be in no foreseeable manner substantially impaired or diminished by the issuance of the conditional use permit.

901.5.2.3.3. That adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided.

901.5.2.3.4. That adequate measures

have been or will be taken to provide safe ingress and egress for the general public, and so designed as to minimize traffic congestion on public streets.

901.5.2.4. Prior to the granting of a conditional use permit, the Zoning Committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to promote public health, safety, and general welfare. In all cases where a conditional use permit is granted, the committee may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the issuance of conditional use permit are being and will be complied with.

901.5.2.5. An appeal from the decision of the Zoning Committee may be taken as provided by section 6 of this Ordinance.

901.5.2.6. A conditional use permit may be revoked by the Zoning Committee upon any one of the following conditions:

901.5.2.6.1. Construction not begun within one year of the issuance of the conditional use permit.

901.5.2.6.2. Non-compliance with the conditions and stipulations, if any, in the conditional use permit.

901.5.2.6.3. Original use, as provided for in the conditional use permit, ceases for a period of one year.

901.5.3. These permits shall be posted as specified in section 3.

901.6. UNSAFE BUILDINGS AND STRUCTURES:

901.6.1. The term unsafe building or structure shall apply to buildings and structures or portions thereof, existing or hereafter erected as follows:

901.6.1.1. Those deemed structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use of occupancy to which they are put, constituting a hazard of health or safety to others.

901.6.1.2. Vacant buildings or structures or portions thereof deemed to constitute a hazard.

901.6.2. REMOVAL OR MADE SAFE: When a building or structure or any portion thereof is found unsafe by the Zoning Administrator or other town official, the Zoning Administrator shall order such building or structure or any portion to be made safe, secured or taken down and removed.

901.6.3. NOTICE OF UNSAFE BUILDINGS OR STRUCTURES: Upon determining that a building, structure, or portion thereof is unsafe, the

Zoning Administrator shall serve written notice to the owner or owner's agent, containing an explanation as to why the building, structure, or portion thereof is unsafe, and an order requiring same to be made safe or removed, as may be deemed necessary by him. If the owner or owner's agent cannot be located after diligent search, then such notice shall be sent by certified mail to the last known address of such owner or owner's agent, and a copy of the notice shall be conspicuously posted on the premises. Such notice and mailing shall be deemed adequate service.

901.6.4. **DISREGARD OF UNSAFE NOTICE:**

If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail, within thirty (30) days to respond to the notice or order, or fail to comply with same, the Zoning Administrator shall notify the Town Board of all the facts in the case and the Town Board shall then institute an appropriate action in the courts to compel compliance.

901.6.5. **EMERGENCY WORK:**

In case there shall be, in the opinion of the Zoning Administrator, actual and immediate danger of failure or collapse of a building, structure, or portion thereof so as to endanger life or property, the Zoning Administrator shall obtain approval from the Town Board to procure the necessary funds from the Town Treasurer, purchase such material and labor, and cause the necessary work to be done to render such building, structure, or portion thereof, temporarily safe, whether the procedure prescribed in section 4 and section 4 has been instituted or not.

901.6.6. **VACATING UNSAFE BUILDINGS OR STRUCTURES AND CLOSING STREETS:**

When a building, structure, or portion thereof is in an unsafe condition so that life is endangered, the Town Board, upon recommendation of the Zoning Administrator, shall order and require all occupants to vacate the same. They shall, when necessary for public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used.

901.6.7. **RECOVERY OF COSTS:**

The Town Board shall institute proper action against the owner(s) of premises for the recovery of costs incurred by the Zoning Administrator in the performance of emergency work.

901.7. **NOTICES OF VIOLATION:**

901.7.1. Whenever the Zoning Administrator finds that any structure, activity, or other condition is in violation of this Ordinance, or of a permit issued in accordance with the terms of this Ordinance, he/she shall post a Notice of Violation

at the site of the offense and may issue a Wisconsin Uniform Municipal Court Citation in person or by certified mail, return receipt requested, to the owner and/or their agent directing discontinuance of said activity and/or the condition that is in violation. The Citation shall specify the structure, activity, or other condition that is in violation of this Ordinance and specify the date of the hearing of this Citation in the Municipal Court. Service of Citation may be made by any Town Officer.

901.7.2. **STOPPING WORK:** The Zoning Administrator may order, in writing, all further defective or illegal work to be stopped and may require suspension of all work until the condition in violation has been corrected.

901.7.3. **DISREGARD OF VIOLATION NOTICE:** In case a notice of violation/citation is not properly complied with, the Zoning Administrator shall notify the Town Board of such non-compliance. The Town Board, upon such notice, shall institute an appropriate action at law, or in equity, to correct, said violation.

901.8. **PENALTIES:**

901.8.1. **NON-COMPLIANCE:** A person who violates the provisions of this Ordinance or fails to comply with any of the requirements of this Ordinance shall be guilty of a misdemeanor. Persons in violation may include the owner of the premises that is the subject of the violation, and any architect, engineer, builder, contractor, agent, person or corporation who assisted in the commission of such violation. Each such person shall be guilty of a separate offense for each and every day during which a violation is committed or continued. Each violation shall be punished within the limits of state law, except that forfeitures shall be not less than fifty dollars (\$50.00) per day nor more than one thousand dollars (\$1000.00) per day plus the cost of prosecution. In the discretion of the Court, a limit may be placed on the total forfeiture levied. Persons accused of violations under this Ordinance shall be served with a Wisconsin Uniform Municipal Court Citation as specified in Section 5.

901.8.2. **INJUNCTION:** Any use or action which violates any provision of this Ordinance shall be subject to a court injunction prohibiting such violation.

901.8.3. **ABATEMENT:** The imposition of the penalties herein prescribed shall not preclude the Town Board from instituting an appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or

portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

901.9. BOARD OF ADJUSTMENT:

901.9.1. APPOINTMENT: A Board of Adjustment is hereby established, which shall consist of three (3) members appointed by the Town Chairman subject to the approval of the Town Board of Supervisors for terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, one for two (2) years and one for three (3) years. The members of the Board shall be removable by the Town Chairman for cause upon written charges and after a public hearing. The members of the Board shall designate one member of the Board as chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Town Chairman may appoint, for a term of three (3) years, two (2) alternate members of such Board, in addition to the three (3) members above provided for, who shall act, with full power, only when a member is absent or refuses to vote because of interest. Such alternate member will automatically fill any vacancy in the Board of Adjustment for the unexpired term remaining. In addition to the appointed members of the Board of Adjustment, the Town Chairman may, subject to the approval of the Town Board of Supervisors, appoint a Secretary who shall be responsible for performing the clerical duties of the Board of Adjustment. Such duties include, but are not limited to publication of notices to all parties concerned, transcribing the minutes of the board meetings, and notification of all board decisions. The Secretary shall be present at the on-site inspections of the Board.

901.9.2. QUORUM: Three members of the board shall constitute a quorum. In varying the application of any provision of this Ordinance or in modifying an order of the Zoning Administrator, affirmative votes of two (2) of the three (3) members shall be required. No member of the Board shall pass upon any question in which he, or any corporation in which he is a shareholder, is interested.

901.9.3. MEETINGS: Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its meetings and proceedings, showing the votes of each member upon every question, or if a member be absent or fail to vote, indicate such facts, and shall also keep records of its examinations and other official actions. Such minutes and actions shall be public records. All hearings before the Board shall be

open to the public.

901.9.4. PROCEDURE: The board shall establish rules and regulations for its own procedure which are not inconsistent with the provisions of this Ordinance and Wisconsin Statute(s). The Board of Adjustment shall notify adjacent landowners by certified mail, prior to the Board of Adjustment hearing. In addition to the powers and duties as set forth therein, the board shall have such additional powers and duties as set forth in Section 60.6.14 or 62.23 (7)(c) Wisconsin Statutes.

901.9.5. APPEALS TO THE BOARD: Appeals to the Board may be taken by any person aggrieved or affected by the terms and conditions of this Ordinance or the decision rendered by the Zoning Administrator regarding the terms and conditions of this Ordinance. Appeals must be taken within thirty (30) days from the date of the decision by filing a written notice of appeal with the Zoning Administrator and the Town Clerk specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Zoning Administrator, is unsafe or dangerous, the Zoning Administrator may limit the time for such appeal to a shorter time. The Town Clerk shall forthwith transmit to the Board of Adjustment all the papers upon which the action appealed was taken.

901.9.6. MODIFICATIONS AND VARIATIONS BY THE BOARD OF ADJUSTMENT: The Board of Adjustment, when so appealed to and after public hearing, shall have the power to authorize variance from the terms of this Ordinance. A decision of the Board of Adjustment to vary the application of any provision of this Ordinance, or to modify an order of the Zoning Administrator, shall specify in what manner such modification or variation is made.

901.9.7. DECISIONS OF THE BOARD OF ADJUSTMENT: The Board of Adjustment shall in every case reach a decision without unreasonable or unnecessary delay. Such decision shall be rendered within thirty (30) days following the date of appeal unless precluded by special conditions. Every decision of the Board of Adjustment shall be in writing and shall indicate the reasons for granting or denial and the vote upon the decision. Every decision shall be promptly filed in the office of the Zoning Administrator and shall be open to public inspection. A certified copy shall be sent via mail or otherwise to the appellant and a copy shall be kept publicly posted for two (2) weeks after filing. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Zoning Administrator, or

varies the application of any provision of this Ordinance, the Zoning Administrator shall take action immediately in accordance with such decision. Decisions of the Board of Adjustment modifying or varying any of the terms of this Ordinance shall be valid for a period of one (1) year. If no valid zoning permit is acquired nor action commenced to initiate the variance, the variance shall become null and void. Variances granted by the Board of Adjustment are granted to the owner of record at the time the variance is granted and remain with a property transfer to a different owner or owners. Decisions should be filed in the office of the Zoning Administrator on the proper form.

901.9.8. Standards and Criteria for Variances. To qualify for a variance from the Board of Adjustment, the applicant must demonstrate that all of the following requirements are met:

901.9.8.1. UNNECESSARY HARDSHIP:

For a variance in use, the applicant must demonstrate that he/she will have no reasonable use of the property without granting of the variance. For an area variance, the applicant must demonstrate that strict compliance with these regulations would prevent the owner from using the property for a permitted purpose or would result in unnecessary hardship not justified by the underlying purpose of this ordinance. The applicant cannot claim hardship due to conditions which are self-imposed or created by a previous owner. Economic loss or financial hardship does not justify a variance. Decks and other accessory structures not essential to the reasonable use of the property shall not be eligible for a variance.

901.9.8.2. UNNECESSARY HARDSHIP IS DUE TO THE PROPERTY: The unnecessary hardship must be due to the unique physical limitations of the property. The circumstances of the applicant are not a factor.

901.9.8.3. NO HARM TO THE PUBLIC INTEREST: A variance may not be granted which results in harm to the public interest.

901.9.9. All decisions and findings of the Board of Adjustment on appeal shall in all instances be final administrative decisions and shall thereafter be only subject to review by a court of law upon the filing of a writ of certiorari within thirty (30) days of the board's decision.

901.10. NOTIFICATION TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES: Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to hearings on proposed variances,

appeals for map or text interpretations, map or text amendments, or other matters over which they exercise jurisdiction. Submission shall be made to the same office of decisions rendered in such matters within ten (10) days after they are granted or denied.

901.11. RESERVED POWER: The Vilas County Zoning office personnel shall have sole authority to issue county & state sanitary permits with the exception of "privies" which require approval of the Presque Isle Town Board in addition to the county & state sanitary permit.

901.12. APPLICABLE CODES ADOPTED BY REFERENCE: All applicable sections of the Wisconsin Uniform Dwelling Code (inspections excepted) are hereby adopted by reference. The Wisconsin State Plumbing Code and the National Electrical Code are also adopted by reference. Exemption from inspections does not eliminate responsibility from compliance with all applicable sections of adopted codes.

901.13. PERMIT FEES: The fee structure for all permits shall be established by the Town Board. See Exhibit "A" of this Ordinance for the current fee schedule.

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902. ZONING DISTRICTS, LOT SIZES, SETBACKS AND PERMITTED USES

<p>902.1. Description of Zoning Districts and Related Permitted and Conditional Uses</p> <p>902.1.1. SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)</p> <p>902.1.1.1. Purpose: the single-family residential district is created to provide areas for exclusive low density residential use and prohibit the intrusion of uses incompatible with the quiet and comfort of such area.</p> <p>902.1.1.2. Permitted Uses:</p> <ul style="list-style-type: none"> • Single-Family • Mobile Home - Individual • Guest House - Non-Rental • Home Occupations • Essential Services • Parks, Playgrounds & Golf Courses <p>902.1.1.3. Conditional Uses:</p> <ul style="list-style-type: none"> • Private Clubhouses • Public & Semi-Public Uses <p>902.1.2. MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)</p> <p>902.1.2.1. Purpose: The Multi-Family Residential District is created to provide areas for two-family, multi-family, and condominiums, with the necessary supporting uses, but free from incompatible land uses.</p> <p>902.1.2.2. Permitted Uses:</p> <ul style="list-style-type: none"> • Essential Services • Group Lodging • Guesthouse - Non-Rental • Home Occupations • Mobile Homes - Individual 	<ul style="list-style-type: none"> • Parks, Playgrounds & Golf Courses • Private Clubhouses - over 1000 sq. ft. • Residential - Multi-Family: A building containing three or more single-family dwelling units • Residential Two-Family: A building containing two single-family dwelling units • Residential single-family Dwelling Unit • Parks & Playgrounds <p>902.1.2.3. Conditional Uses</p> <ul style="list-style-type: none"> • Community Living (CBRF) • Golf Courses • Public & Semi-Public Uses • Resorts • Utility Facilities <p>902.1.3. RESIDENTIAL DISTRICT (R-5)</p> <p>902.1.3.1. Purpose: The R-5 residential district is created to provide areas for exclusive low density residential use and prohibit the intrusion of uses incompatible with the quiet and comfort of such area. This district shall be all lands within 600 feet of Crab Lake and have a minimum lot size of 5 acres and 400 feet of water frontage.</p> <p>902.1.3.2. Permitted Uses</p> <ul style="list-style-type: none"> • Single Family • Guest House - Non-Rental • Home Occupations • Essential Services <p>902.1.3.3. Conditional Uses: None</p> <p>902.1.4. RECREATION DISTRICT -</p>
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(REC)

902.1.4.1. Purpose: The recreation district is created to provide areas primarily oriented toward outdoor recreation and areas located along and in proximity to lakes.

902.1.4.2. Permitted Uses:

- Agri-Business Forest Crops
- Auto & RV Sales, Service & Repair
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Campgrounds & Camping Resorts
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Non-Rental
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Marinas - Commercial
- Mini Storage
- Mobile Homes - Individual
- Outdoor Amusement Facilities
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Riding Stables
- Sales, Service & Repair (misc)

902.1.4.3. Conditional Uses:

- Airports & Landing Fields (private)
- Body Shops
- Gun Clubs
- Utility Facilities

902.1.5. COMMUNITY BUSINESS DISTRICT (CB)

902.1.5.1. Purpose: The Community

Business District is established to create, preserve and protect unincorporated villages, which have historically been places where retail stores and services have located. Lot area and dimension requirements in the CB District are lower than in other districts in order to promote compact business district environments.

902.1.5.2. Permitted Uses:

- Community Living (CBRF)
- Bed & Breakfasts
- Hotels/Motels
- Resorts
- Auto Service Stations
- Eating & Drinking Establishments
- Financial Services
- Healthcare Facilities
- Hobby Farms
- Home Occupations
- Indoor Recreation Establishments
- Mini Storage
- Professional Offices
- Roadside Stands - Farm Produce
- Essential Services
- Golf Courses
- Public & Semi Public Uses
- building & Trade Contractors
- Guest House - Rental, Apartment, etc.
- Residential - Multi-Family Units on 2nd Stories
- Residential - Single Family Attached to Commercial Use

902.1.5.3. Conditional Uses:

- Residential - Single Family
- Mobile Home - Individual
- Residential - Multi-Family
- Guest House - Non-Rental
- Auto & RV Sales, Service & Repair
- Body Shops
- Kennels - Commercial
- Marinas - Commercial
- Private Clubhouses (over 1,000 square feet)
- Retail Sales & Services
- Riding Stables
- Sales, Service & Repair (misc)
- Warehouseing & Wholesaling

902.1.6. GENERAL BUSINESS DISTRICT (GB)

902.1.6.1. Purpose: The General Business District is established to create areas for a wide variety of commercial purposes on relatively large lots. Non-commercial property owners in this district should be prepared to accept inconveniences associated with mixing potentially non-compatible land use.

902.1.6.2. Permitted Uses:

- Auto & RV Sales, Service & Repairs
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Mini Storage
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Roadside Stands - Farm Produce
- Sales, Service & Repair (misc)

902.1.6.3. Conditional Uses:

- Airports & Landing Fields (private)
- Body Shops
- Campground & Camping Resorts
- Guesthouse - Non-rental
- Kennels - Commercial
- Marinas - Commercial
- Mobile Homes - Individual
- Recycling Center: Objection - Emission of Odor, Dust, Fumes, Smoke & Noise
- Outdoor Amusement Facilities
- Residential - Single Family
- Riding Stables
- Utility Facilities
- Warehousing & Wholesaling

902.1.7. ALL PURPOSE (AP)

902.1.7.1. Purpose: The All-Purpose District is created to provide areas for a variety of mixed uses. Land in the District may be used for any purpose;

however, such uses are subject to the provisions of the Ordinance and all other local, state, and federal regulations.

902.1.7.2. Permitted Uses:

- Agri-Business - Forest Crops
- Agri-Business - Not requiring public services
- Agriculture - Animal Husbandry
- Agricultural Use, Improvements to
- Auto & RV Sales, Service & Repairs
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Body Shops
- Campgrounds & Camping Resorts
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Farmhouses & Farms
- Forest Products - not requiring public services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Nonrental
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Heavy Equipment Storage Yards
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Kennels - Commercial
- Manufacturing/Industrial
- Marinas - commercial
- Mini Storage
- Mobile Homes - Individual
- Motor Freight Terminals
- Outdoor Amusement Facilities
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Riding Stables

- Roadside Stands - Farm Produce
 - Sales, Service & Repair (misc)
- 902.1.7.3. Conditional Uses:
- Airports & Landing Fields (private)
 - Communication Towers
 - Gun Clubs
 - Recycling Center: Objection - Emission of Odor, Dust, Fumes, Smoke & Noise
 - Salvage & Junkyards
 - Septic Disposal Sites
 - Utility Facilities
 - Warehousing & Wholesaling

902.1.8. FORESTRY (F)

902.1.8.1. Purpose: The Forestry District is created to set aside areas for forestry and other land uses. It is designed to reduce the demands on public services and to promote the preservation of forestlands for sustained yield forestry, wildlife habitats, aesthetics and recreation. It includes public lands, industrial forest areas, land without public access or services, and lands dedicated to a sustained natural undeveloped condition.

- 902.1.8.2. Permitted Uses:
- Agri-Business - Forest Crop
 - Agri-Business (Not Requiring Public Services)
 - Campgrounds & Camping Resorts
 - Eating & Drinking Establishments
 - Essential Services
 - Farmhouses & Farms
 - Forest Products - Not Requiring Public Services
 - Forest Products Industries
 - Parks, Playgrounds & Golf Courses
 - Residential Multi Family
 - Residential Single Family
 - Riding Stables

- 902.1.8.3. Conditional Uses:
- Airports & Landing Fields
 - Communication Towers
 - Gun Clubs
 - Hobby Farms
 - Mobile Homes - Individual
 - Public & Semi-Public Uses
 - Quarries & Mines
 - Utility Facilities

902.2. DETERMINATION OF DISTRICT BOUNDARIES The boundaries of the districts established by this Ordinance for general zoning purposes are shown on the map entitled: "ZONING MAP OF THE TOWN OF PRESQUE ISLE". The aforementioned map, together with all explanatory matter

thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The map is on file in the Zoning Office and in the office of the Town Clerk. The map on file in the Zoning Office shall be the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district map are as much a part of this Ordinance as though specifically described therein. The Zoning Administrator shall periodically update the district map to reflect adopted changes.

902.3. ZONING DISTRICT REQUIREMENTS All Zoning Districts shall meet those requirements as specified in these sections.

902.4. LOT & FRONTAGE REQUIREMENTS - ALL DISTRICTS OFF WATER

902.4.1. For all property with frontage on a navigable body of water see Section 908.2. For off water property this section applies.

902.4.2. The area included within a private road right-of-way or a private road easement which runs through a lot to serve other property, shall be excluded in determining whether a lot meets minimum lot size requirements.

902.4.3. Residential Lots Without Water Frontage: Such lots created between May 9, 1959 and July 4, 1979 shall have a minimum of 100 feet of road frontage and be not less than 1½ acres in size (65340 sq. ft.), for single-family dwellings. Such lots created between July 5, 1979 and March 25, 2001, shall have a minimum of 200 feet of road frontage and be not less than 2 acres in size (87120 sq. ft.), for single-family or two-family dwellings. All lots created after March 25, 2001 shall not be less than 2 acres (87,120 square feet) in size for a single-family dwelling. Such lots shall have at least 50 feet of road frontage.

902.4.4. Commercial Lots Without Water Frontage:

902.4.4.1. Lots without water frontage created between May 9, 1959 and July 4, 1979, located along public roads and to be used for commercial purposes shall have a minimum of 100 feet of road frontage and shall not be less than 1½ acres in size (65340 sq. ft.) plus ½ acre (21780 sq. ft.) for each additional building used commercially. Lots

created between July 5, 1979 and March 25, 2001, to be used for commercial purposes shall have a minimum of 200 feet of road frontage and shall not be less than 2 acres in size (87,120 square feet) plus one acre (43560 sq. ft.) for each additional building used commercially.

902.4.4.2. New Commercial Lots:

Such lots shall have at least 200 feet of road frontage and shall not be less than two (2) acres in size (87,120 sq. ft.) plus one (1) acre (43560 sq. ft.) for each additional building over one (1) to be used for commercial purposes.

902.4.4.3. Commercial Residential Multi-Family:

Developments with three (3) or more residential units per structure shall each have at least 50 feet of road frontage and two (2) acres (87,120 square feet) of land for the first dwelling unit plus 20,000 square feet for each contiguous additional dwelling unit.

902.4.4.4. Commercial Mixed:

a mixture of single- and multi-family dwelling units and commercial establishments on the same lot. Requirements set forth in 5, 4, and 5 shall apply dependent on the type of structures on the lot.

902.5. GUESTHOUSES:

902.5.1. On Water:

One guesthouse with a footprint no greater than eight hundred (800) square feet and a total living area no greater than one thousand six hundred (1600) square feet shall be permitted on residential lots with water frontage, provided such lots have at least two hundred (200) feet of frontage and are at least two (2) acres in size. A guesthouse with a footprint no greater than one thousand (1000) square feet and no greater than two thousand (2000) square feet of living space shall be permitted on lots with at least three hundred (300) feet of frontage and three (3) acres of land. A guesthouse with a footprint no greater than one thousand two hundred fifty (1250) square feet and no greater than two thousand five hundred (2500) square feet of living space shall be permitted on lots with at least 400 feet of frontage and four (4) acres of land. Guesthouses shall not be allowed on two-family or multi-family dwelling sites.

902.5.2. Off Water:

One guesthouse

with a footprint no greater than eight hundred (800) square feet and a total living area no greater than one thousand six hundred (1600) square feet shall be permitted on residential lots that are at least two (2) acres in size. A guesthouse with a footprint no greater than one thousand (1000) square feet and no greater than two thousand (2000) square feet of living space shall be permitted on lots that have three (3) acres of land. A guesthouse with a footprint no greater than one thousand two hundred fifty (1250) square feet and no greater than two thousand five hundred (2500) square feet of living space shall be permitted on lots that have four (4) acres of land. Guesthouses shall not be allowed on two-family or multi-family dwelling sites.

902.6. IMPERVIOUS SURFACE STANDARDS OFF-WATER:

902.6.1. The cumulative amount of impervious surface on residential off-water lots shall not exceed 20% of the total surface area of the lot.

902.6.2. The cumulative amount of impervious surface on commercial off-water lots shall not exceed 30% of the total surface area of the lot.

902.7. WETLANDS: No more than 20% (8712 square feet per acre) of the required minimum square footage of the parcel shall be comprised of wetland.

902.8. SETBACK REQUIREMENTS & HEIGHT RESTRICTIONS OFF WATER:

902.8.1. No dwellings, cottages, cabins, or main buildings, including garages, service buildings or other structures shall be permitted within fifteen (15) feet of the lot line except that in the limits of the platted village and Community Business District all structures shall be permitted up to five (5) feet from the lot line.

902.8.2. No structure shall be permitted within thirty (30) feet of the right of way to public roads except for County roads. In the platted village or on any land located in the Community Business District the setback shall be ten feet from the right of way of a public road as indicated on the map of the platted village. These setbacks apply to the lot frontage setback only except in cases of lots with frontage on the two roads, in which case, frontage setback applies to both frontages.

902.8.3. Principal buildings shall not

exceed thirty-five (35) feet in height. Garages (unattached) shall not exceed twenty-five (25) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height. The maximum height of guesthouses shall not exceed twenty-five (25) feet.

902.8.4. Movable Structures: A movable structure may not be placed within 75 feet of the ordinary high water mark (OHWM) of any lake, river or stream, 15 feet of any side lot line, and 30 feet of a rear lot line. Nor may a moveable structure be placed within thirty (30) feet of the right of way adjacent to a public road. A movable structure one hundred sixty (160) square feet or less in area, and less than twelve (12) feet in height at its roof peak, shall not require a zoning permit or fee. A movable structure larger than one hundred sixty (160) square feet in area, or greater than twelve (12) feet in height at its roof peak shall require a zoning permit as outlined in Section 901.4.2, and shall require the payment of a permit fee as prescribed in the zoning fee schedule.

902.9. DIVISION OF LAND

902.9.1. Land divisions are those changes to property descriptions that result in the creation of a new tax parcel. All divisions of land require the preparation of a plat (a map) prepared by a Wisconsin Professional Land Surveyor (PLS).

902.9.2. All proposed divisions of land, whether on or off water regardless of size of the original parcel or of size of proposed new parcels, shall be submitted to the Zoning Committee for review. At least six (6) copies of a Certified Survey Map (CSM), or of a subdivision plat, must be submitted to the Zoning Administrator at least one week prior to a scheduled meeting of the Zoning Committee. Both CSM plats and subdivision plats must be prepared in accordance with requirements set forth in Wis. Stats. Chapter 236. Surveyors should also note the requirements set forth in Chapters 902, 906, 908 and 909 of the Town of Presque Isle Comprehensive Shoreland District and Zoning Ordinance. Land dividers may submit a preliminary CSM or subdivision plat, prior to submitting the final plat, or they may present only a final plat. The Zoning Committee has no jurisdiction to approve plats but acts as an advisory

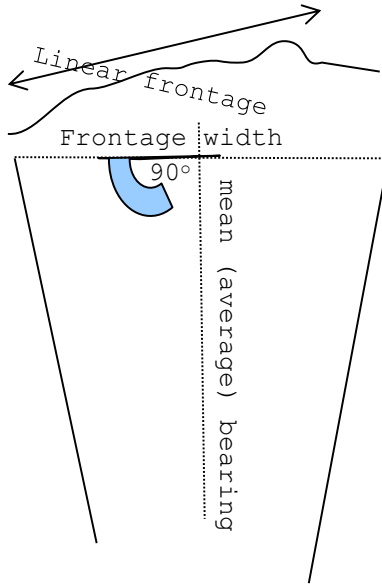
Committee to the Town Board. The Zoning Committee shall recommend approval of the plat, conditional approval, or denial of the plat, stating in writing and in detail any conditions of approval, or reasons for denial. The minutes of the Zoning Committee may serve as written documentation for the decision. Only final plats of land divisions that meet the requirements of the Presque Isle Comprehensive Shoreland District and Zoning Ordinance will be recommended to the Town Board for their approval; the Committee shall submit this recommendation to the Town Board within 30 days of the recommendation decision meeting. Failure of the Town Board to act within 60 days after receipt of the Committee's recommendation shall constitute approval.

902.9.3. A single lot may not be separated by a public roadway, a private roadway in which the roadbed is wholly or partially owned by someone or some entity other than the owner of the lot in question, or land owned by others.

902.9.3.1. Lands under common ownership separated by a public road shall not constitute a single lot and if a nonconforming lot is created with no water frontage, said lot may have a non-habitable private storage structure on it if the following requirements are met. The non-conforming lot shall have a minimum lot size of three thousand (3000) square feet and the private storage structure shall have a maximum foot print of nine-hundred-fifty (950) square feet with a roof consisting of a single gable without dormers and shall meet all other garage height and setback requirements set forth in the ordinance. In addition, no water or sanitary facilities are permitted within or in connection with the structure.

902.9.4. Property owners proposing any dimensional or land description changes to existing parcels, both on and off water, must submit the proposed modifications to the Zoning Administrator for review. The Zoning Administrator shall have the authority to approve these changes providing the following factors are met: 1) No new parcels are created; 2) Proposed changes do not produce a land parcel that violates

property dimensional features required by the Presque Isle Comprehensive Shoreland District and Zoning Ordinance provisions. Parcel boundary changes resulting in the creation of new parcels are land divisions and will be governed by applicable subsections of Section 902.9.



902.10. NON-CONFORMING USES

902.10.1. LOTS OFF WATER:

902.10.1.1. The lawful use of a lot existing at the time of adoption or amendment of this zoning Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

902.10.1.2. Lots platted and recorded prior to May 8, 1959 are exempt from the minimum frontage and area requirements heretofore mentioned except that any lot must meet the impervious surface and setback requirements of this Ordinance. Any guest house must meet the requirements of section 5 of this Ordinance.

902.10.1.3. Lots created after May 8, 1959 that do not meet the minimum requirements of this Ordinance are deemed unbuildable. No structure, whether permanent or moveable, shall be permitted.

902.10.2. STRUCTURES:

902.10.2.1. The lawful use of a building, structure or premise existing at the time of adoption or amendment of this Ordinance may be continued

although such use does not conform to the provisions of the Ordinance. If such non-conforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the Ordinance with the exception of building(s) or premise(s) in probate, foreclosure or other form of litigation, or actively listed on the market. If a building(s) or premise(s) does not meet any of the four previous exceptions, the twelve-month grace period may also be renewed after the building(s) or premise(s) has been fully used for its prior purposes thirty (30) consecutive days within each twelve-month period.

902.11. VISUAL CLEARANCE

TRIANGLES: At the intersection of highways with highways where the grades are not separated, visual clearance triangles are established across each corner between the intersecting highways. Such visual clearance setbacks shall be straight lines connecting two points on the intersecting highway centerlines, which points are located one hundred (100) feet distant from the intersection of the highway centerlines. No building, structure, or chattel of any kind, except necessary highway and traffic signs, public telephone and/or electrical equipment, temporary structures, and open fences, through which there shall be unobstructed vision, shall be hereafter constructed, erected, or moved into the space within such setback lines. Except as herein provided, no buildings or structures presently existing within such setback lines shall be removed or replaced in any way, except outside of the setback lines. No building or structure inside the established setback lines except open fences, necessary highway and traffic signs, and temporary structures herein before mentioned, shall be altered enlarged, or added to in any manner.

902.12. SPECIAL REQUIREMENTS FOR THE PLATTED VILLAGE

902.12.1. Existing lots in the unincorporated platted village shall not be sub-divided for the purpose of creating smaller lots. They may, however, be divided and the parcels attached to adjacent lots for the purpose of creating larger lots, so long as no smaller parcel remains.

902.12.2. Any new building constructed on

Main Street of the platted village shall be for commercial purposes, except that owner occupied living quarters may be attached.

902.12.3. If the principal structure on the lot is used for residential purposes, an accessory building may be constructed on the lot.

902.13. MISCELLANEOUS REQUIREMENTS

902.13.1. Island Access Lots: No structures shall be permitted on island access lots unless only one island dwelling unit has access via this access lot and then only one structure of 160 square feet or less in area and less than twelve(12) feet in height at its roof peak shall be allowed. Such structure must meet all set-back requirements of this Ordinance. An island access lot shall meet the applicable base minimum size and frontage requirements for that particular body of water as set forth in this Ordinance.

902.13.2. Outside Privies: Outside privies shall be prohibited except by special permission of the Town Board, provided they do not constitute an eyesore or create a nuisance to adjacent properties. If permitted, construction must be in accordance with DSPS Regulations, Vilas County Sanitation Ordinance, and other applicable regulations. Complaints will be filed in writing with the Zoning Administrator who shall notify the Town Board, which shall conduct a public hearing, and if such hearing discloses a nuisance exists, shall order the removal of the nuisance within 30 days.

902.13.3. Tree Removal: It shall be unlawful for any person, firm, or corporation to cut trees within one hundred (100) feet of the centerline of any public roadway in the Town of Presque Isle, except in the following two instances: (1) Such cutting may be done under the direction of the Town Board to improve such roadway; (2) Such cutting may be done in preparation for properly permitted building and driveway construction projects; in these instances, no trees shall be removed except to make room for the building foundation and driveway to allow minimal operating space for the construction crews and equipment, not to exceed thirty (30) feet around the building foundation and four (4) feet along each side of the driveway (See 906.3). Slash

resulting from such directed cutting shall be removed with three (3) months of completion of the cutting operation. This provision shall not apply to the removal of dead and dying or diseased trees and shrubbery or silvi-cultural thinning upon recommendation of a forester.

903. MOBILE HOMES, TRAVEL TRAILER PARKS, & CAMPING

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903.1. MOBILE HOMES: It shall be unlawful for any person, firm, or corporation to maintain a mobile home park within the limits of the Town of Presque Isle. Before placing any mobile home on one's property within the township a written permit in accordance with the following provisions of this Ordinance must first be obtained.

903.1.1. Each mobile home must be placed on either:

903.1.1.1. A reinforced concrete pad which shall be not less than four (4) inches thick; or

903.1.1.2. A masonry foundation on suitable concrete footings which extend below the frost penetration level., but in no case less than forty-eight (48) inches below grade; or

903.1.1.3. A treated wood foundation on suitable concrete footings which extend below the frost penetration level., but in no case less than forty-eight (48) inches below grade; or

903.1.1.4. Concrete block piers placed on suitable concrete footings, which extend below the frost penetration level., but in no case less than forty-eight (48) inches below grade.

903.1.2. All mobile homes shall be skirted within thirty (30) days of placement on the lot. Skirting material shall consist of properly treated all-weather material which may include wood, cemented concrete blocks, decorative lattice, or commercially available metal or plastic skirting.

903.1.3. Each mobile home shall be tied down by one of the following methods. Either tie-down method requires a minimum of two cross frame ties which shall be located at the front and rear of the mobile home.

903.1.3.1. A steel rod of not less than 5/8 inch in diameter with a forged or welded eye at the top with a yoke type tensioning device or a threaded connector tensioning device. The end of the rod shall be hooked to prevent pulling out of concrete footings a minimum of three (3) feet below grade; or

903.1.3.2. An auger type anchor of not less than 5/8 inch in diameter with auger head of not less than six (6) inches in diameter. The auger must have a forged or welded eye and be anchored at least four (4) feet deep in ground through a minimum of a four (4) inch thick concrete pad.

903.1.4. Each mobile home foundation shall have

vents and an access opening measuring at least twenty-four (24) by thirty-six (36) inches.

903.1.5. All sewage system regulations pertaining to single family dwellings apply to individual mobile homes.

903.1.6. For purposes of enforcement, all provisions of this Ordinance pertaining to single family dwellings shall also apply to individual mobile homes.

903.1.7. The size of each mobile home shall be a minimum of forty five (45) feet in length and ten (10) feet in width and shall have at least two hundred (200) square feet of living area per person occupying same.

903.1.8. Only one (1) permit for one (1) mobile home shall be issued for any one lot or parcel of land .

903.1.9. Any additions or alterations to a mobile home may be done only after the issuance of a zoning permit by the Zoning Administrator.

903.1.10. A zoning permit for the location of a mobile home to be located within the Town of Presque Isle shall be issued only after an application has been filed with the Zoning Administrator and the moving fee required by this Ordinance has been paid.

903.1.11. All mobile homes must have a fair market value of ten thousand dollars (\$10,000) at the time of issuance of the zoning permit for its location within the town. All trailer homes and mobile homes shall be assessed as permanent dwellings.

903.2. TRAVEL TRAILERS. All travel trailers permitted in the Town of Presque Isle must be self-contained and have waste storage compartments, which shall be emptied as needed in an approved sanitary system or storage container. A state and county approved holding tank shall be considered an approved "system" for the purposes of this section of the Ordinance. Holding tanks require Town Board approval.

903.2.1. PRIVATE PROPERTY STORAGE OF CAMPERS:

903.2.1.1. Campers may be stored on private property only after gaining written permission of the legal property owner.

903.2.1.2. A total of three (3) weeks in any one calendar year is the maximum time any one camper may be parked in the Town of Presque Isle without written permission of the Zoning Administrator. EXCEPTION: Resident owners of campers are permitted to store their camper at the rear of their lot

or parcel, observing all required setbacks of this Ordinance. Such storage specifically prohibits all uses as habitation during the storage period.

903.2.1.3. All setbacks pertaining to dwellings apply to campers.

903.3. REQUIREMENTS FOR CAMPING TRAILER PARKS, AND CAMPGROUNDS.

903.3.1. MINIMUM AREA RE-QUIRED - 5 Acres

903.3.2. PLAN DRAWINGS shall be submitted to the Town Board for approval prior to submission to Vilas County. Plans shall show all sites, locations of water supply and sanitation facilities and be accompanied with soil boring and percolation results signed by a certified soil tester. Plans shall indicate roadway locations within the park or camp.

903.3.3. DENSITY – There shall be no more than ten (10) camping trailer sites per acre. There shall be no more than twelve (12) campsites per acre in a camp ground.

903.3.4. ACCESS ROADS - There shall be no more than two (2) access roads from any town road, street, or highway into any, camping trailer park, or campground.

903.3.5. BUFFER ZONE - The outer boundaries of all camping trailer parks or campsites shall contain a thirty (30) foot wide buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No mobile home, camping trailer or campground shall be within thirty (30) feet of the exterior boundary of the park or campground. No sites will be within the 75 foot setback from the ordinary high water mark of any navigable waterway.

903.3.6. SITE IDENTIFICATION - All sites shall be marked with permanent letters and/or numbers and all four corners of each site shall be permanently marked.

903.3.7. DIMENSIONS - All camp trailer sites and campsites shall be not less than forty (40) feet wide and fifty (50) feet long and corners marked by permanent markers and numbered.

903.3.8. SITE SALES PROHIBITED - The sale of individual sites in parks and campgrounds is prohibited.

903.3.9. RESTROOM FACILITIES - Park and/or campground management shall provide restroom facilities, which shall consist of a minimum of two restroom facilities per acre.

903.3.10. WATER SUPPLY - An accessible, adequate, and safe potable water supply shall be provided to each site consisting of a private community supply (well & piping system), which shall be developed and approved by appropriate state agencies. Individual sources (wells) for each campsite shall not be permitted.

903.3.11. SEWAGE SYSTEM: An adequate and safe sewage system (community) or public sewers shall be provided. Such systems shall be designed, constructed and maintained in accordance with the Vilas County Sanitary Ordinance and other applicable state and local codes.

903.3.12. REFUSE DISPOSAL: Storage, collection and disposal of refuse shall be conducted so as not to

create health hazards or air pollution. The collection and disposal of refuse shall be the responsibility of the park or campground operator.

903.3.13. RETAIL SALES: Sales of commercial nature such as gasoline, grocery and convenience items may be provided except that such establishments and their attendant parking areas may not occupy more than ten (10) percent of the total park or camp area and shall be located and designed with the intention of serving primarily the needs of the park or campground occupants.

903.4. CAMPING NOT WITHIN PARKS OR CAMPGROUNDS: Camping is defined as: the act of temporarily occupying a plot of land for a maximum period of 96 hours during which normal essential living and/or recreational activities are conducted without the benefit of a permanent structure having local or state government approved sanitary facilities for the disposal of human or other sewage or waste generated by the normal essential activities undertaken. Camping for more than 96 hours on undeveloped lots is permitted with approval of the Zoning Administrator, who shall not grant such approval unless all requirements of the Vilas County Sanitary Ordinance are fully complied with and all setback provisions of this Ordinance are complied with.

903.5. Campers may be utilized for dwelling or sleeping purposes where used for temporary occupancy during the construction of a home or cottage, provided that it is on the same lot where a zoning permit and building permit have been issued for the building of a home or cottage. Such temporary dwellings shall be used for one period of no longer than one year unless a renewal of the building permit is allowed under Section 901.4.8, in which case temporary occupancy may be extended to coincide with any such renewal. Any such camper must be connected to, or have available, and use approved sanitary facilities and fully comply with all requirements of the Vilas County Sanitary Ordinance and all setback provisions of this Ordinance.

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904. CONDOMINIUMS

- 904.1. INTRODUCTION: This section specifies density requirements on all off water parcels of land not within the Shoreland Zoning District parcels of land to be covered by condominium declarations, and contains procedures for obtaining approval. For those parcels within the Shoreland Zonind District see Vilas County Shoreland Zoning Ordinance.
- 904.2. PRELIMINARY CONDOMINIUM PLAT COMPONENTS: A preliminary plat of a new condominium, a condominium conversion, or an expandable condominium shall be clearly marked ‘preliminary plat’, and shall contain the following information:
- 904.2.1. The name of the condominium
 - 904.2.2. The approximate boundary of the parcel to be dedicated as common area for the condominium complex, including any expansion area in case of an expandable condominium.
 - 904.2.3. The exact location of any existing buildings and general location of any proposed buildings to be constructed on the property.
 - 904.2.4. The area in square feet of the total parcel.
 - 904.2.5. The linear footage of lake, pond, stream, or watercourse frontage and the total square footage of all wetland areas.
 - 904.2.6. Every unit or proposed unit shall be designated by consecutive numbers.
 - 904.2.7. Computations (on the preliminary plat) which verify compliance with the parcel size required by this Ordinance.
 - 904.2.8. Proposed alternative sewage system areas.
 - 904.2.9. Roads which provide access to the condominium, and which meet other requirements of this Ordinance.
 - 904.2.10. Existing easements which affect the condominium property.
 - 904.2.11. A minimum of two off-street parking spaces per unit.
 - 904.2.12. First floor square footage of any existing structure(s)
 - 904.2.13. Limited common elements
 - 904.2.14. A boundary survey map, prepared by a registered land surveyor authorized to practice that profession in this State.
 - 904.2.15. An indication whether the condominium will be an expandable condominium.
- 904.3. FINAL CONDOMINIUM PLAT COMPONENTS: In addition to all sections of 1, the final plat shall contain the following:
- 904.3.1. Proof that these proposed areas conform to the requirements of the Vilas County Sanitary Ordinance and SPS 383 and other applicable regulations.
- 904.4. CONDOMINIUM PLAT APPROVAL PROCEDURES:
- 904.4.1. The preliminary plat shall be provided to the Town Zoning Administrator by registered mail, certified mail, or receipted delivery. The Zoning Administrator shall then place the proposal before the Presque Isle Zoning Committee for review and recommendations. The Zoning Committee shall forward its recommendations to the Town Board within sixty (60) days. The Town Board shall then act on the proposal within ninety (90) days of receipt of the plan by the Zoning Administrator. Failure of the Town Board to act within this time frame shall constitute approval of the preliminary plat. If the Town Board rejects the preliminary plat, the minutes of the meeting shall include reasons for the decision, and shall be supplied to the developer of the proposed condominium.

- 904.4.2. The final condominium plat shall be provided to the Town Board within twenty-four (24) months of approval of the preliminary plat. The Town Board shall take action on the plat within sixty (60) days of receipt of same. If the final plat is rejected, the minutes of the meeting shall include reasons for the decision, and shall be supplied to the developer of the proposed condominium.
- 904.4.3. Amendments to any recorded condominium plat shall be made pursuant to the procedures listed in Wis. Stats.703, and shall be provided to the Town Zoning Administrator in the manner stated in 904.4.1. The procedure for approval of all such proposed amendments is identical to that specified in 904.4.1. Such amendments shall not be submitted to the Vilas County Zoning Committee for their approval until Town Board approval is obtained.
- 904.5. CONDOMINIUM STANDARDS:
- 904.5.1. COMMERCIAL CONDOMINIUMS: Commercial condominiums shall be subject to the filing requirements, and all units and parts thereof shall not be used for any residential purposes. Building sizes, setbacks, and construction shall conform to all other applicable provisions of this Ordinance.
- 904.5.2. EXPANDABLE CONDOMINIUMS: Expandable condominiums shall be subject to the 1 filing requirements, and must indicate the final total number and placement of units on the parcel so that it can be verified that parcel size is in accordance with other applicable Ordinances. The condominium plat must be drafted in accordance with Wis. Stats. 703.11 and 703.26 (2). The Town Board may give final approval to that portion of the expandable condominium which is to be recorded initially, and may also give tentative approval to the portion indicated for later expansion. Proof of availability of alternate sewage system areas, which conform to the Vilas County Sanitary Ordinance and ILHR and other regulations, shall be provided and shown on the plat.
- 904.5.3. NEWLY CONSTRUCTED CONDO-MINIUMS OFF-WATER:
- 904.5.3.1. Condominiums containing only one dwelling unit per structure not within the designated limits of the Town business district shall meet the following standards:
- 904.5.3.1.1. The lot shall not be less than 87,120 square feet and shall have a minimum average width of 175 feet.
- 904.5.3.1.2. No more than 20% (8712 square feet per acre) of the required minimum square footage of the parcel shall be comprised of wetland.
- 904.5.3.1.3. Proof of the availability of alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code Comm. 83 shall be provided and shown on the plat.
- 904.5.3.1.4. No structure shall exceed at the roof ridge thirty-five (35) feet in height.
- 904.5.3.1.5. No more than 30% of the area of the lot may be covered by impervious surfaces.
- 904.5.3.2. Condominiums containing more than one unit per structure, and not within 200 feet of a lake, pond, stream, or watercourse, and not within the designated limits of the Town business district shall meet the following standards:
- 904.5.3.2.1. Parcel size shall not be less than 87,120 square feet, plus 43,560 contiguous square feet for each additional contiguous unit.
- 904.5.3.2.2. No more than 20% (8712 square feet per acre) of the required minimum square footage of the parcel shall be comprised of wetland.
- 904.5.3.2.3. The parcel shall have a minimum average width of 200 feet over the 87,120 square foot minimum area.
- 904.5.3.2.4. Proof of the availability of alternate sewage system area complying with the Vilas County Sanitary Ordinance and Wisconsin Administrative Code SPS 383 shall be provided and shown on the plat.
- 904.5.3.2.5. No structure shall exceed thirty-five (35) feet in height at the roof ridge.

904.5.3.2.6. No more than 30% of the lot may be covered by impervious surfaces.

904.5.4. CONDOMINIUM

CONVERSIONS:

904.5.4.1. Final plats shall contain the following:

904.5.4.1.1. A boundary survey of the condominium, the location of all structures, the size and location of any limited common elements, the area available in square feet, the water frontage width, and the size and location of alternate sewage system area(s).

904.5.4.1.2. All units shall be consecutively numbered on the plat. The plat shall be drafted in compliance with Wis. Stats. 703.

904.5.4.1.3. The limited common element surrounding each dwelling shall not exceed a distance of fifteen(15) feet measured at right angles from the protrusion of the dwelling.

904.5.4.1.4. All existing and new roads shall be located on the zoning permit. Each unit must be serviced by a private driveway. The total of the present and the future impervious area shall be labeled. If the impervious area exceeds the maximum allowed, a drainage plan shall be required.

904.5.4.2. Condominium conversions involving the disposition and sale of existing cabins in resorts licensed as of January 1, 1979 must meet the following procedures and standards:

904.5.4.2.1. Such resort shall not be converted until the final condominium plat is approved by the Vilas County Zoning Committee.

904.5.4.2.2. Approval shall be obtained before the first condominium plat is recorded with the County Register of Deeds.

904.5.4.2.3. No condominium plat shall be approved for a resort which was not constructed in compliance with the County zoning Ordinances applicable at the time such resort was constructed, and

before such alterations, additions, or corrections as are necessary to bring such resort into compliance with the then applicable Ordinances have been completed.

904.5.4.2.4. Rental and non-rental resort buildings may be converted to condominium units provided that the existing number of bedrooms in each unit conforms with the number on the resort license (plus one non-rental home), and will not be increased.

904.5.4.2.5. No more than 20% (8712 square feet per acre) of the required minimum square footage of the parcel shall be comprised of wetland.

904.5.4.2.6. Proof of the availability of alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code Comm. 83 shall be provided and shown on the plat.

904.5.4.3. Condominium conversions not involving the disposition and sale of existing cabins in resorts licensed as of January 1, 1979 shall meet the following procedures and standards:

904.5.4.3.1. Such conversion shall not take place until the final plat is approved by the Vilas County Zoning Committee

904.5.4.3.2. Such approval shall be obtained before the final condominium plat is recorded with the Register of Deeds.

904.5.4.3.3. The parcel size and other requirements shall be as specified in section 2 and/or 2 of this Ordinance. NOTE: See also Vilas County Zoning Ordinance Section 5.8, pages 5-8.

905. ON PREMISE SIGNS

This section applies to all on premise signs within the township. All other signage shall be regulated by municipal code Subchapter 203.

905.1 All signs and placards except as indicated, shall be subject to town zoning permits and fees. All signs and placards shall be made of wood or metal construction; shall be erected on their own self-supporting standards; and shall not exceed 32 square feet in aggregate area (total signage excluding small signs less than two (2) square feet marking exits, entrances and similar facilities on the premises), shall not extend higher than eight (8) feet above ground level, except as hereinafter noted. No sign of any type may be affixed to any tree, with the exception of no trespassing signs which conform to Wis. Statute requirements. Any sign so affixed to any tree may be removed by a designated town official or employee.

905.2 Signs advertising a customary home occupation or professional office shall not exceed sixteen (16) square feet in area, shall not exceed one (1) in number, and, if illuminated, shall be indirectly lighted. Neon tubing shall be considered indirect lighting. Wattage may not produce more than 4000 lumens of illumination per sign.

905.3 Signs advertising the sale, rent, or lease of the property on which the sign is placed:

905.3.1 Shall not exceed six (6) square feet in area and two (2) in number for sale of a residence and thirty-two (32) square feet and one (1) in number for sale of commercial property.

905.3.2 May be placed at the right-of-way line of the highway.

905.3.3 May be placed at the high water mark on the shoreline of any lake or stream. They shall be immediately removed upon sale, rental, or lease of the property upon which located.

905.3.4 May be attached to a building.

905.3.5 Shall be exempt from permit and fee.

905.4 Signs attached to a commercial or an industrial building advertising a business conducted or a service available on the premises:

905.4.1 Shall not exceed 40 square feet in aggregate area.

905.4.2 Shall be no higher than four feet above the roof ridge.

905.4.3 Shall not exceed the maximum height limitation permitted in the district.

905.5 Signs advertising a public or semi-public use:

905.5.1 Shall not exceed sixteen (16) square feet in area and have no more than one such sign for each highway on which the property faces.

905.5.2 May be placed at the right-of-way line of the highway.

905.5.3 May be double-faced signs, which shall be considered one sign.

905.5.4 Shall be exempt from permit and fee.

905.6 Temporary signs: Flagging, streamers, banners of any kind, or portable signs may be placed on the exterior of a premise for only a period of thirty (30) days prior and seven (7) days after a special event. Political signs shall not exceed an aggregate of eight (8) square feet and must be removed within seven (7) days following the election. Such signs cannot be lighted and are exempt from permit and fees. Prohibited characteristics of signs include:

905.6.1 No sign shall be so placed as to interfere with the visibility of traffic or effectiveness of any official traffic sign.

905.6.2 No sign shall contain, include, or be illuminated by flashing light or by any light directed toward a neighboring residence, roadway, or toward the water.

905.6.3 No sign shall contain, include, or be composed of, any conspicuous animated part.

905.7 Mobile or Trailer Mounted Signs: Mobile or trailer mounted signs shall conform with the terms of this Ordinance as to setbacks and illuminated characteristics and shall be counted as one sign.

905.8 Non-Conforming Signs: All signs not in conformance with this Ordinance existing at the time of the adoption or amendment of this Ordinance may be continued although such use does not conform to the provisions of the Ordinance.

905.9 All signs shall be maintained in a painted and legible condition. Signs not so maintained shall be subject to removal by designated town officials.

905.10 Any person aggrieved by any portion of this Ordinance may appeal to the Town of Presque Isle Board of Adjustment through the Zoning Administrator for variance from the terms of the Ordinance.

906. DRIVEWAYS & PRIVATE ROADWAYS

- 906.1 All private driveways and private roadways abutting any portion of any public road require a permit.
- 906.2 The following provisions apply to private driveways and private roadways abutting public roads.
- 906.2.1 All work shall be performed without danger to or interference with traffic using the town road or street.
- 906.2.2 Unless otherwise stated, a minimum of twelve (12) inch by twenty-four (24) foot long culvert shall be installed and maintained by the property owner under the proposed private entrance to provide proper drainage under the entrance and along the public roadway. Fill shall be made over culverts so that the ends are free and the ends shall be riprapped or sodded to prevent fill material from spilling into the ditch and clogging the culvert. Work of placing culverts and placing riprap and/or sod shall proceed diligently and be completed promptly after it is begun and shall present a neat appearance when completed.
- 906.2.3 Entryways within fifty (50) feet of the centerline of any public roadway shall not exceed a five-percent (5%) up or down slope. However, when existing property slopes exceed ten percent (10%), the Zoning Administrator may allow the entryway slope to be increased to minimize grading damage to property, but in no case shall entryways exceed fifteen percent (15%) and entryways exceeding ten percent (10%) shall provide rounding at the intersection with the public road so as to prevent rear-end or mid-wheel dragging to vehicles entering or leaving the property. Driveways should align with the public roadway at right angles to facilitate turning moves from both directions. Entryways should not be located adjacent to sharp vertical or horizontal curves in the public roadway, but shall be located in positions where adequate stopping sight is available to all vehicles.
- 906.2.4 Unless otherwise stated, the town road right of way at the place of construction extends thirty-three (33) feet from the center line of the town road.
- 906.2.5 Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored.
- 906.2.6 All costs of installation and maintenance of culverts under private drive and private road installations, as well as any public roadway or right of way restoration shall be the sole responsibility of the property owner.
- 906.2.7 All work shall be carried out to the satisfaction of the Zoning Administrator as to compliance with the permit.
- 906.3 All private driveways and private roadways require a roadbed of eighteen (18) feet in width with an overhead clearance of fifteen (15) feet clear for ingress and egress of emergency vehicles. Private roadways serving three (3) lots require a thirty (30) feet easement width, fifteen (15) feet in each direction from the center of the road. Private roadways serving more than three (3) lots require a sixty-six foot easement width, thirty-three (33) feet in each direction from the center of the road. A private roadway with a 30 foot easement may not be extended to serve more than 3 lots unless the easement width is extended to 66 feet.
- 906.4 The edge of all private driveways and roadways shall be located at least fifteen (15) feet from the nearest side lot line except in the case of a driveway abutting a public road and providing access to two adjacent parcels. Said driveway can be on the lot line or split between both parcels. A maintenance agreement and easement agreement must be recorded.
- 906.5 There shall be no fee charged for private driveways if they are accompanied by another zoning permit. A permit shall be required for private roadways prior to commencement of construction. Permits for temporary driveways or roadways shall also require the permit holder to return the affected area to its natural state within six months after use is halted.
- 906.6 Construction of private roadways shall be completed prior to the Zoning Committee recommending approval of any land division to the Town Board. Private roadways shall be graveled to a width of eighteen (18) feet with a minimum of four (4) inches of compacted gravel over an appropriate base with sufficient drainage. All private roadways serving three (3) or more parcels shall have a recorded maintenance agreement acceptable to the Zoning Committee in place prior to the Committee recommending approval of any land division to the Town Board.

907. WRECKING, JUNK YARDS AND UNCOVERED STORAGE AREAS

It shall be unlawful for any person, firm, or corporation to operate commercially any junk or wrecking yard or uncovered storage area (campers, piers, boats and water related equipment) or to commercially store 2 or more partially dismantled or disabled vehicles within the limits of the township (except for service stations who may temporarily store disabled vehicles for a period of two months) unless a Conditional Use permit has been obtained for a "Storage Area" from the Presque Isle Zoning Administrator. No permit shall be issued if such

yard will create a nuisance by being unsightly, creating excessive noise, or odor, or is in any way exposed along any public roadway. See Exhibit "A" for the cost of such permits. Such permits must be renewed annually. Renewal applications shall be cause for reinspection for compliance with the terms of this Ordinance prior to the issuance of the renewal permit. This provision shall be strictly enforced by the Zoning Administrator or any designated town officer.

908. SHORELAND ZONING ORDINANCE

Preamble: As stated in s.59.692(2)(b) Wis. Stats and as noted in Hegwood v. Town of Eagle Zoning Board of Appeals, 351 Wis. 2D 196, 839 NW 2d 111, (2013): “If an existing town ordinance related to shorelands is more restrictive than an ordinance later enacted under this section affecting the same shorelands, it continues as a town ordinance in all respects to the extent of the greater restrictions, but not otherwise.” Shoreland Zoning was adopted by the Town of Presque Isle on May 8, 1959 and Shoreland Zoning was adopted by Vilas County on May 11, 1967. The following provisions of the Town of Presque Isle's Shoreland Ordinance preceded the Vilas County Shoreland Ordinance, were more restrictive than the county's ordinance, and remain in full force and effect. This Chapter 908 is a Restatement of existing Presque Isle ordinances related to shoreland zoning for the Town of Presque Isle, which remain in full force and effect.

908.1 Shoreland District: This district includes all lands within 1000 feet of a lake, pond or flowage and 300 feet from a river or stream. The purpose of this section is to protect the scenic beauty, control erosion, and prevent the flow of nutrients from the shoreland.

908.2 All property with frontage on a navigable body of water in the Town of Presque Isle shall meet Vilas County Shoreland Zoning Ordinance requirements except for the following.

908.2.1 Non-Commercial Dwelling

908.2.1.1 Shall have a minimum width of two hundred (200) feet of frontage as measured as in 1, and one (1) acre of land in all Presque Isle Zoning Districts except in Zoning District R5.

908.2.1.2 Zoning District R5 shall have a minimum of four hundred (400) feet of lake frontage as measured in 1 and five (5) acres of land.

908.2.1.3 One (1) guest house shall be permitted as referenced in both 1 and 1.

908.2.1.4 Such lots shall have at least fifty (50) feet of road frontage.

908.2.2 Commercial, Resorts and Business Establishments

908.2.2.1 Such lots shall have a minimum width of three hundred (300) feet of frontage for a structure.

908.2.2.2 Each additional structure will require another 75 feet of width of frontage.

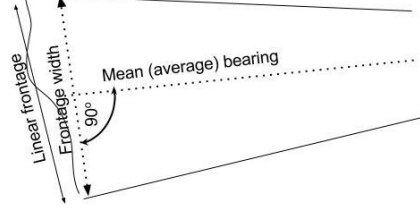
908.2.2.3 Such lots shall be at least one (1) acre in size and an additional one (1) acre for each additional structure.

908.2.2.4 Lake frontage shall be measured as in 1.

908.3 The lake frontage width shall be measured

perpendicular to the mean (average) bearing of the side lot lines. This measurement shall

start at the point where the side lot lines intersect the ordinary high water mark (OHWM) and then measured on the perpendicular mean (average) to intersect the opposing side lot lines.



908.4 Presque Isle General Zoning Ordinance is adopted by reference for all other zoning and UDC requirements.

908.5 Boathouse construction size and location shall conform to the requirements of the Vilas County Shoreland Zoning Ordinance Sec. 7.1, Subsections A through E only. A boathouse may be permitted by the property owner only after a zoning permit has been issued by the Town of Presque Isle and all applicable permits have been issued by Vilas County.

909. ACCESS PROVISIONS

- 909.1 As used in this section, "offshore land or lands" shall mean parcels of land of any size, whether or not improved and whether or not subdivided, or platted which do not abut the high water shoreline of any lake or the shoreline of any navigable stream; and, in addition, shall also mean any lands lying more than 200 feet distant from the high water shoreline of any lake and/or the shoreline of any navigable stream, whether or not such land is part of a parcel abutting upon any such lake or stream.
- 909.2 As used in this section a "dwelling unit" shall mean a family dwelling designed for use by only one family or occupant, whether for seasonal, all season, temporary or other use, or condominium
- 909.3 No land in the Town of Presque Isle shall be used or provided for use as an access from offshore lands to a lake or stream.
- 909.4 The minimum shoreline frontage for all lots granted riparian or water access rights shall be 200 feet per dwelling unit, except as follows:
- 909.4.1 In zoning district R5 where the minimum shoreline frontage shall be 400 feet per dwelling unit.
- 909.4.2 On all lakes smaller than 50 acres and lakes classified as low development/high sensitivity and all class I rivers and streams the minimum shoreline frontage per dwelling unit shall be three hundred (300) feet.
- 909.5 Plats - Public Way. No plat or subdivision or dedication which provides for a public way, street, highway or road as an access facility to any lake or stream in said Town shall be accepted or approved by the Town Board of Supervisors of said Town. This provision shall not prevent the lawful establishment of or provision for public access facilities to any lake or stream by the town, county, state, or federal government according to law.

911. COMMUNITY LIVING (CBRF)

911.1 No community living arrangement may be established within 2,500 feet of any other such facility, but two such arrangements may be adjacent if approved by the Town Board. The number of these facilities may not be restricted, so long as the total capacity of the community living arrangements does not exceed 25 or 1% of the Town's population, whichever is greater.

911.2 A foster home or treatment foster home that is the primary domicile of a foster parent or treatment foster parent and that is licensed under Wis. Stats 48.62, or an adult family home certified under Wis. Stats. 50.032 (1m)(b) shall be allowed in any or all zoning districts within the Town. An adult family home described in Wis. Stats. 50.01 (1)(b) which is licensed under Wis. Stats. May also be located within any zoning district.

911.3 Where a licensed community living arrangement has capacity for eight (8) or fewer persons being served in the program, and is licensed, operated, or permitted under the authority of the Department of Health and Family Services, that facility may be located in any residential zone.

911.4 Community living arrangements previously described and licensed which have a capacity for 9 to 15 persons served in the program may locate in any zoning district except those areas zoned exclusively for single family or two family residences. The program is entitled to seek special zoning permission from the Town Board to locate in those areas. When the previously described and licensed arrangement has a capacity for serving 16 or more persons in the program, that facility may request special permission from the Town Board to locate in those areas.

912. UNIFORM DWELLING CODE.

912.1. PURPOSE. The purpose if this section is to adopt the WISCONSIN UNIFORM DWELLING CODE. The town has this authority pursuant to section 60.61(1m) and section 62.17 of the Wisconsin State Statutes to enact this section. The Wisconsin Uniform Dwelling Code, Chapters Comm 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

912.2. SCOPE. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

912.3. OFFICE OF BUILDING INSPECTOR. There is hereby created the Office of Building Inspection. This agency or individual shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, UDC Plumbing, and UDC Construction.

912.4. BUILDING PERMIT REQUIRED. If a person intends to add habitable living space of 750 square feet or greater onto a dwelling, or builds a new single or two family dwelling, or converts a commercial structure into a residential dwelling within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes that involve extensions shall require permits if over the foregoing threshold. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements.

912.5. BUILDING PERMIT FEE. The building permit fees shall be determined by resolution. The building permit fee shall include the fee to be forwarded to the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to any new dwelling. The UDC permit seal fee shall be set in Wisconsin Administrative Code COMM 2.34(1).

912.6. OCCUPANCY PERMIT REQUIRED. An occupancy permit is required prior to moving into or living in any area of the structure to which the building permit was issued. This permit is issued after a final inspection has been completed and no critical violations have been found.

912.7. RIGHT OF APPEAL. Any person feeling

aggrieved by an order of the Building Inspector may, within 30 days thereafter, appeal from such order to the Town Board. The Town shall follow procedures set forth in Ch. 68, Wis. Stats. To arrive at a final determination. Final determination may be reviewed as provided in Wisconsin Administrative Code COMM 320-325.

912.8. PENALTIES.

(1). NON-COMPLIANCE: A person who violates the provisions of this Ordinance or fails to comply with any of the requirements of this Ordinance shall be guilty of a misdemeanor. Persons in violation may include the owner of the premises that is the subject of the violation, and any architect, engineer, builder, contractor, agent, person or corporation who assisted in the commission of such violation. Each such person shall be guilty of a separate offense for each and every day during which a violation is committed or continued. Each violation shall be punished within the limits of state law, except that forfeitures shall be not less than fifty dollars (\$50.00) per day nor more than one thousand dollars (\$1000.00) per day plus the cost of prosecution. Persons accused of violations under this Ordinance shall be served with a Wisconsin Uniform Municipal Court Citation in person or by certified mail, return receipt requested, to the owner and/or their agent directing discontinuance of said activity and/or the condition that is in violation. The Citation shall specify the structure, activity, or other condition that is in violation of this Ordinance and specify the date of the hearing of this Citation in the Municipal Court. Service of Citation may be made by any Town Officer.

(2). INJUNCTION: Any use or action which violates any provision of this Ordinance shall be subject to a court injunction prohibiting such violation.

(3). ABATEMENT: The imposition of the penalties herein prescribed shall not preclude the Town Board from instituting an appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

912.9. SEVERABILITY. The various provisions of

this ordinance are intended to be severable. If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any of the remaining provisions or application of this ordinance

which shall continue in full force and effect.

912.10. EFFECTIVE DATE. This ordinance shall be effective upon passage and publication as provided by law. Upon passage of this section Chapter 700 of the Code of Ordinances shall be repealed.

DEFINITIONS - PRESQUE ISLE SHORELAND AND ZONING ORDINANCE

Presque Isle adopts the Vilas County list of definitions, by reference, in addition to the following definitions. In case of conflict, local definitions shall prevail.

Antenna: Any exterior structure designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc). Also see Structure.

Appeal: Removing a cause from one jurisdiction to a superior jurisdiction for the purpose of obtaining a review and redetermination. Appeals from a decision of the Zoning Administrator may be taken to the Board of Adjustment. Appeals of a Board of Adjustment decision may be had only by writ of certiorari to the County Circuit Court.

Back Lots: Lots which do not front on a navigable body of water or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water, or more than 600 feet in Zoning District R-5.

Basement: A story partly or wholly underground which, if occupied for living purposes shall be counted as a story.

Boathouse: A permanent accessory structure designed and used solely for the purpose of protecting or storing boats and/or marine equipment only.

Body Shop: A business for the repair of automobile and other motor vehicle bodies.

Building: Any structure which is built for the support, shelter or enclosure of persons, animals or personal property of any kind and which is permanently affixed to the land. For purposes of enforcement, a building shall be considered to include the building and all its appendages.

Building, Accessory: A subordinate, detached building which is clearly incidental to, and customarily found in connection with, the principal structure to which it is related, and which is located on the same lot as the principal structure.

Building Area: The specified portion of a lot which meets all of the yard and setback requirements of this Ordinance and other applicable Ordinances and regulations.

Building Footprint: That area confined by exterior walls and/or covered by a roof. Footprint is the measurement of length times width of exterior walls and any patios and/or decks covered by a roof.

Building, Principal: The building on the lot intended for

primary use as permitted by the regulations of the zone in which it is located.

Building Setback Line: A line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

Bulkhead Line: A shoreline legislatively established by the municipal Ordinance under section 30.11 Wisconsin Statutes, and approved by the Department of Natural Resources.

Camper: Any tent, vehicle, or other similar recreational item, whether driven, towed or hand carried, used for the purpose of daytime or overnight habitation.

Campground means any of the following:

a. **Primitive Campground** means two or more sites owned by a person, state or local government designated, maintained, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat or by hiking, but not by campers' motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or pay camping purposes.

b. **Developed Campground and Camping Resort** means any parcel or tract of land of five acres or more, containing two or more sites, and owned by a person, state or local government accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purposes of supplying accommodations for overnight use, open to the public and designated as a developed camp are and set aside for free or paying camping purposes.

c. **Walk-in Camp** means a facility equivalent to a developed campground or camping resort of two or more sites except that it is not accessible by campers' motor driven vehicles.

Camping: The act of temporarily occupying a plot of land for a maximum period of 96 hours during which normal essential living and/or recreational activities are conducted without the benefit of a permanent structure having local or state government approved sanitary facilities for the disposal of human or other sewage or waste generated by the normal essential activities undertaken.

Campsite: A designated parcel within a campground which is designed and posted as a site for occupancy by

an individual, family unit or group using one recreational vehicle or tent.

Club: An association of persons organized for a common purpose but not including any group organized primarily to render a service which is customarily carried on as a business.

Co-location - The location of more than one antenna or set of antennas on the same tower structure.

Compound: Area that encompasses the tower and/or antenna, any buildings associated with the tower or antenna, and any support wires for the tower or antenna.

Condominium: A building, a part of a building, or a group of buildings, including associated land, jointly owned and operated under Chapter 703 of the State of Wisconsin for the mutual protection and benefit of an association of owners. The operations of a condominium unit are described in a condominium declaration.

Condominium Conversion: A parcel of land with an existing structure or structures converted to a condominium form of ownership.

Condominium, Expandable: A condominium to which additional units or property may be added.

Conditional Uses: Certain land uses which are specifically mentioned in this Ordinance which may have impacts dependent upon specific circumstances. Conditional uses as specified in this Ordinance require issuance of Conditional Use Permits approved by the Vilas County Zoning Committee and the Presque Isle Zoning Administrator.

CUP: Conditional Use Permit

Days: For enforcement purposes a day is any portion of a 24 hour period commencing at 12 midnight.

Deck: A structure attached to a dwelling, or anything with form, shape, or utility made of posts, beams, joists, and a floor joined together in order to create an elevated surface area.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or

groundwater and convey it to a point of discharge.

Dwelling, Attached: A single-family residence which is attached to another dwelling unit or another structure. Attached dwelling includes duplexes, tri-plexes, townhouses and row houses.

Dwelling, Detached: A single-family residence which is entirely surrounded by open space on the same lot.

Dwelling, Duplex (two family): A building containing two single family dwelling units.

Dwelling, Multiple Family (apartment): A building containing three or more single-family dwelling units.

Dwelling, Single-Family: A residential building containing one dwelling unit.

Dwelling Unit: A family dwelling designed for use by only one family or occupant, whether for seasonal, all season, temporary or other use.

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, electrical 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 not including buildings. Essential services do not include general utility offices or other structures not related to the direct delivery of service.

Existing Structure: A principal or non-principal structure in use at the time this Ordinance is adopted

Family: One or more persons related by blood, marriage or adopting, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

Farm, Tree: Land used to grow, manage and harvest wood.

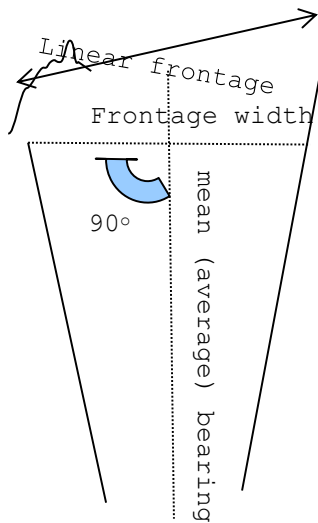
Floor Area, Gross: The sum of the gross horizontal areas of all occupied stories of a building.

Forestry: The production and/or management of trees as a crop.

Frontage: That side of a lot abutting on a street or waterway and ordinarily regarded as the front of the lot.

Frontage Street: Any street to be constructed by the developer or any existing street in which development shall take place.

Frontage Width: The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot line. (See Diagram) See section 902.8.4 for exception on single lots existing prior to May 7, 1999.



Garage, Private: An accessory structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

Guest House: A building to be used by guests of the owner of the principal house located on the same lot or an adjacent lot. A guest house shall be limited to occasional and non-rental use. A guest house shall, if supplied with water, be connected to an approved sanitary system or holding tank.

Habitable Living Area: The enclosed floor area arranged and maintained for sustaining living purposes. All habitable living areas, including kitchen, hallway, bathrooms and corridors shall have a ceiling height of at least 7 feet. Habitable rooms may have ceiling heights of less than 7 feet provided as least 50% of the room's floor space has a height of at least 7 feet. Beams and girders or other projections shall not project more than 8 in below the required ceiling height.

Health Care Facility: Any structure housing a program and/or practitioner(s) which is(are) certified or licensed to deliver health care services to clients.

Height: When referring to a tower or similar structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Height, Building: The vertical distance, measured from the lowest elevation of the finished grade to the highest point on the roof of flat roofs, to the mean height level between the eaves and the ridge for gable and hip roofs, and to the deck line for mansard roofs.

Hobby Farm: A pastime, not for any type of income. Hobby farms will be restricted to a minimum of five(5) acres, to domestic animals only, and to not more than five (5) animals total. No hobby farm will be allowed on land or lots within three hundred (300) feet of a navigable body of water.

Home Occupation: A gainful occupation engaged in by persons residing in their dwelling which is conducted in the principal or accessory structure and meets the following criteria:

1. The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
2. There shall not be more than three (3) employees other than members of the family.
3. There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.

Hotel: A building containing lodging rooms, a common entrance lobby, halls, and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50% of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

Hunting or Fishing Shelter: A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting or trapping and only for temporary occupancy.

Impervious Surface: Any man-made surface that prevents or impedes the natural percolation of rainwater into the soil and thereby alters ground water flow or increases surface water runoff. Roofs, tennis courts, swimming pools, driveways, compacted or cemented patios, and parking lots are some examples of impervious surfaces.

Junk Yard: A fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, disassembled or handled, including but not

limited to scrap iron and other metals, paper, rags, rubber tires and bottles, for the purpose of this Ordinance, junk yard includes an auto salvage yard but does not include uses established entirely within enclosed buildings. Two or more inoperative machines, two unlicensed automobiles or pieces or equipment shall constitute a salvage or junk yard.

Lake lots: Lots with frontage on a lake, pond, or flowage, or with 50% or more of their area within 200 feet (in District 5–600 feet) of a lake, pond or flowage.

Land Division: Any division of a lot, parcel, tract or block by the owner thereof or his agent, for the purpose of transfer of ownership or building development which creates one or more parcels or building sites of which one or more lots is five acres or less or abuts on a navigable body of water.

Land Parcel: An identified section, fractional section or government lot.

Limited Common Area: Limitation imposed on common area which determines closest allowable distance to individual condominium units.

Local Government: For purposes of these regulations, any city, town, village or county authorized by law to enforce subdivision, sanitation and zoning regulations.

Local Ordinance: Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government with authority contained in Chapter 60.74 of the Wisconsin Statutes.

Lot: A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway. A lot line may not extend across a public roadway (including a public easement road right-of-way), a private road in which the roadbed is wholly or partially owned by others, or land owned by others. A single lot may not be separated by a public roadway, a private roadway in which the roadbed is wholly or partially owned by someone or some entity other than the owner of the lot in question, or land owned by others.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot Line: A property boundary line of any land parcel held in single or separate ownership; except that where any

portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.

Lot, Through: A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

Lot Width: The average perpendicular distance between the side lot lines.

Marina, Commercial: A harbor or boat basin providing dockage, supplies, and services for pleasure craft for pay.

Minimum Lot Width: The minimum lot width shall be measured at the OHWM setback line.

Mitigation: Any action needed to maintain the beauty of our land and purity of our waters, such as, but not limited to: The retention, restoration or enhancement of a natural vegetative buffer zone inland from the ordinary high water mark; the maintenance or restoration of wildlife habitat; measures that protect ground water and minimize surface water run-off; removal of non-dwelling buildings within the 75 foot setback.

Mobile Home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Mobile homes include manufactured housing as defined in Chapter 101, Wisconsin Statutes (1983).

Mobile Home Park: Any plot or plots of ground owned by a person, state or local government upon which two (2) or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership, and whether or not a charge is made for such accommodation.

Mobile Home Stand: That part of an individual mobile home lot which has been reserved for the placement of one mobile home unit and the exclusive use of its occupants.

Motel: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients, where there is

no permanent occupancy of any unit except by the owner, his agent or his employees.

Movable structure: Anything erected, having shape, form, use or utility, which may be placed upon the ground without the assistance or use of a foundation or anchoring device(s).

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state under section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder. Shoreland Ordinances required under section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- a. Such lands are not adjacent to a natural navigable stream or river.
- b. Those parts of such drainage ditches occupied or intended for temporary occupancy by recreational vehicles for transient dwelling purposes.

Patio: Anything level with the ground or filled into level and topped with sand, stone, cement, patio blocks, etc. to make the area safely serviceable for recreation.

Pitch: For this ordinance, "pitch" is considered to be the rise over one-half the building width (i.e. the run).

Principal Structure: Principal structures include dwelling units (except non-rental guest houses), commercial buildings or other non-accessory structures in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as decks, gazebos, storage buildings, or non-rental guest houses.

Private Driveway: A "private driveway" is a vehicular access route serving one or two parcels.

Private Roadway: A "private roadway" is a vehicular access route serving three or more parcels.

Public and Semi-Public Uses: Public and semi-public uses in the sense of this Ordinance are uses principally of an institutional nature and serving a public need, such as: private and nursery schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.

Resort: An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main. The usage of the term "right-of-way" hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Riparian: an owner of land adjacent to navigable waters.

Sanitary Station: A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

Service Station: Any building or premises which sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.

Setback Lines: Lines established adjacent to highways, shorelines and side lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. For purposes of enforcement, all measurements are to be taken horizontally.

Sewered: A structure which is connected to any served by a sewerage system as defined and regulated by Wisconsin Administrative Code Chapter NR 110.

Shorelands: Land within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

Shoreland-Wetland Zoning District: A zoning district, created as a part of a county shoreland zoning Ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

Sign: A name, identification, description, display or illustration which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Gross Surface Area Of: The entire area within a single, contiguous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Site Plat: A drawing or design which shows the proposed land use, construction or practice.

Solid Waste Transfer Station: A waste disposal operation which consists of the temporary deposit of garbage and recyclables for further transfer to a sanitary landfill.

Street (Avenue, Place, Road, Terrace, Parkway, Boulevard or Court): A right-of-way of a required width, which affords a primary means of access to abutting property.

Structure: Anything erected, having shape, form, use or utility, the use of which requires a permanent location on the ground. Stairways to the water, signs, billboards or other advertising medium, detached or projecting, shall be construed to be structures. For the purposes of enforcement all satellite dishes, whether on wheels or permanently affixed to the ground shall be considered structures.

Structure, Accessory: Anything erected having shape, form, use or utility, which may or may not be attached to a principle structure, used for storage or other ancillary use.

Structural Alteration: Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial changes in the roof and exterior wall.

Temporary or Temporary Use: Any period of time or use not to exceed thirty (30) consecutive calendar days.

Tower: Any structure with a height greater than fifty-five (55) feet above grade. The term includes, but is not limited to, self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, PCS towers and alternative tower structures, and the like, excluding towers erected for the reception of television transmission of a private party solely for personal use.

Town: Reference to town shall mean the Town of Presque Isle including the Town Board, Town Clerk or any designated town committee.

Toxic Materials: Materials which are capable of causing injury to living organisms by chemical means.

Tract: An area of land not definitely bounded and referred to as a general location.

Transient Lodging: A commercial lodging establishment which rents sleeping quarters or dwelling units for periods of less than one month.

Travel Trailer Park: Any public or private premises having

two or more travel trailers including buildings established for temporary day and overnight habitation by persons other than the owner of the parcel using travel trailers or similar recreation vehicles for the purposes of camping. For enforcement purposes travel trailer parks are considered park grounds.

Unnecessary Hardship: That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

Unsewered: A structure or parcel where the domestic sewage is treated by means of a private sewage system as defined by Wisconsin Statutes Chapter 145. Private sewage systems include, but are not limited to, septic tanks, soil absorption fields, and holding tanks.

Use, Principal: the primary use of a property or structure.

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Utility Facilities: Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations, and sanitary landfills.

Variance: An authorization granted by the Town Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

VCSZO: Vilas County Shoreland Zoning Ordinance as amended.

Visual Clearance Triangle: A space approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impede visibility.

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

Yard: A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lowest level to the

sky, except as otherwise provided herein. For the purpose of this Ordinance, a “yard” extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

Yard, Front: A front yard is a yard paralleling along the full length of the front lot line between the side lot lines. For purposes of enforcement, the front lot line shall be

considered the lot line bordering a public or private vehicular right-of-way or a navigable body of water.

Yard, Rear: A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.

Yard, Side: A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.

EXHIBIT "A"

ZONING PERMIT FEES

1. Zoning Permit Fee New structures or additions: 10 cents/square foot/floor above grade (including warehouses, additions, screened-in porches, attached garages, guest houses); 5 cents/square foot for walkout or exposed basements. Minimum fee	\$50.00	
2. Moving Permit Fee (Each Structure)		\$50.00
3. Renewal Of Zoning Permit Fee		\$50.00
4. Additional Inspections Requested By Applicant (Each Inspection)		\$20.00
5. Appeals To Board Of Adjustment		\$300.00
6. Temporary Permit		\$50.00
7. Permit For Outdoor Privy (If Granted)		\$50.00
8. Zoning Map Amendment (Rezoning) First Ten Parcels Each Additional Parcel	\$20.00	
9. Permit For Private Drive (part of a Building Permit)		No Fee
10. Permit for Private Drive (not part of a Building Permit)		\$50.00
11. Permit for Private Roadway		\$100.00
12. Subdivision Review, First Three Lots, each lot (initial and/or subsequent modifications)		\$100.00 ea
13. Subdivision Review, Each Lot In Excess Of Three (initial and/or subsequent modifications)		\$50.00
14. Conditional Use Permit		\$300.00
15. Shoreland Alteration Permit		\$100.00
16. Parking Of Mobile Home At Primary Dwelling Construction Site		\$50.00
17. All Other Structures (Sheds, Decks, Satellite Dishes Etc.)		\$50.00
18. Wrecking, Junk Yards And Uncovered Storage Area Permits		\$50.00
19. Annual Renewal		\$50.00
20. Review Of Condominium Proposal, First Three Units, each unit (initial and/or subsequent mod.)		\$100.00 ea
21. Review of Condominium Proposal, Each Unit in Excess of Three (init. and/or subs. mod.)		\$50.00
22. Demolishing a structure permit fee		\$50.00
23. Fire Number application		\$50.00

Subchapter 402. Town Parks and Other Town Properties

- 402.1. PURPOSE. The purpose of this ordinance is to regulate activities in town parks and other town properties.
- 402.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.23(23), Wis. Stats. to enact this ordinance.
- 402.3. GENERAL PROVISIONS
- (1). Definitions
- (a). TOWN. The term "town" shall mean the Town Board of Supervisors of the Town of Presque Isle.
- (b). PERSON. The term "person" shall include any individual, firm, partnership, corporation and association of persons, and the singular number shall include the plural.
- (c). The term "camping" or "camp" shall include the use of a shelter such as a tent, tent trailer, motor vehicle, tarpaulin, bed roll or sleeping bag for temporary residence or sleeping purpose.
- (2). Additional Rules and Exceptions
- (a). Rules and regulations may be authorized by the Town Board or other designated Town personnel for use and enjoyment of parks, parkways, hiking trails, cross-country ski trails, playgrounds, boat landings, or other town land and the facilities thereof.
- (b). Any person who refuses to subject himself or herself thereto, may be excluded from the use of such facility.
- (c). Nothing in this ordinance shall prohibit or hinder the Town of Presque Isle, its supervisors, constable or other duly authorized agents, or any peace officers from performing their official duties.
- 402.4. PUBLIC MEETINGS AND SALES
- (1). MEETINGS. Any person desiring to hold a public meeting or event in any park or boat landing shall first submit a request to the Town or its duly authorized agent. Persons without an approved request will have no right to exclusive use or to interfere with any other public activity at the park or boat landing.
- (2). SALES. Except as authorized by the Town Board or its designated officials, it shall be unlawful for any person to peddle or solicit business of any nature, in any park or public recreation facility. Unless authorized, no one is permitted to distribute handbills or other advertising matter post unauthorized signs or decorative matter as a base of commercial operations for soliciting or conducting business, peddling, or providing services within or outside of town lands, structures, or property.
- 402.5. PERSONAL CONDUCT, DESTRUCTION, AND TRESPASS
- (1). CONDUCT. As outlined in Subchapter 401 of the Town Code of Ordinances (Public Peace, Order, and Other Interests), it shall be unlawful for any person to engage in disorderly conduct or make unnecessary, disruptive noise on town parkland or other town properties
- (2). DESTRUCTION: It shall be unlawful for any person to destroy, deface, disturb, or remove public or personal property. This prohibition includes trees, shrubs, or plants; and signs, structures, fences, tables, watercraft and other property.
- (3). TRESSPASS. It shall be unlawful for any person enter or tamper with any building, area, or structure that is closed to public use, locked or fenced off, under construction, or related to water control structures, such as dams, culverts, intake pipes, and flow control gates.
- (4). CLEANING AND REFUSE
- (a). The washing of cars, persons, pets, cooking utensils, or clothing is prohibited at any lakes, streams, or any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways, or within 50 feet of any pump, fountain, or drinking water outlet in any town park.
- (b). It shall be unlawful for any person to clean, butcher, scale, or skin any fish, game, livestock, poultry in any town park or boat landing.
- (c). It shall be unlawful for any person to dispose of any garbage, sewage, bottles, aluminum cans, paper or other waste materials in any manner or to dump refuse of any kind in any town park or town owned property. Throwing of bottles, aluminum cans, garbage, sewage, or other refuse in or on the roads in any town park is prohibited. Charcoal residue must be left in a grate or fireplace until cool.
- 402.6. VEHICLES
- (1). VEHICULAR TRAFFIC
- (a). No person shall operate any vehicle at a speed in excess of 20 miles per hour or contrary to official traffic signs in any town park.
- (b). No person shall operate any vehicle in any park in a reckless manner contrary to the provision of Section 346.62 of the Wisconsin Statutes.
- (c). It shall be unlawful to operate or park any motor vehicle, except as noted herein, upon any hiking trail, beach area, playground, picnic area, or any area other than established roads, parking areas, boat ramps and service areas, or contrary to posted notice, or within any park seasonally

closed to vehicular traffic.

(2). PARKING

- (a). No person shall park, stop, or leave standing whether attended or unattended, any vehicle, obstruction, or watercraft in any manner so as to block, obstruct, or limit the use of any road, trail, parking lot, boat landing, waterway or winter sport facility.

402.7. FIRES, FIREWORKS, FIREARMS

(1). FIRES

- (a). It shall be unlawful for any person to start, tend or maintain any fire, or to burn any refuse. except at designated fireplaces, fire rings or grills within any town park, except that fires for cooking or heating may be made in portable stoves, heaters or grills.
- (b). It shall be unlawful for any person to ignite any fire in town parks or on other town properties when WDNR fire bans are in effect.

- (2). FIREWORKS. It shall be unlawful for any person to possess, fire, discharge, explode, or set off any explosive or pyrotechnic device; excepting the exhibitions of fireworks given under the direction or by the permission of the Town Board.

- (3). FIREARMS. Except for authorized hunting or game management activity permitted and regulated in Wis. Stats 29, it shall be unlawful to discharge any firearm or draw a bow within the boundaries of a town park or boat landing.

- 402.8. CAMPING. It shall be unlawful for any person to camp in any town park or boat landing under town jurisdiction.

- 402.9. ENFORCEMENT. This ordinance shall be enforced by the town constable, public safety officer, town board member and/or any other town official or employee as delegated by the town board pursuant to Wis. Stat. 66.0113(2).

- 402.10. PENALITIES. Any person violating any provision of this ordinance shall forfeit not less than \$50 nor more than \$250 for the first offense and shall forfeit not more than \$500 for any subsequent offense within one year. Deposits established in the Wisconsin Circuit Court Fee, Forfeiture, Fine and Surcharge Tables shall also apply to any violation. Any person found to have violated any of these provisions may be excluded from the use of such facilities for a period to be specified by the Town.

402.11. EFFECTIVE DATE, REPEALS, SEVERABILITY

- (1). This ordinance shall take effect and be in force from and after its passage and publication.
- (2). Each separate section and provision of this ordinance shall be deemed independent and separate from every other section and provision and the invalidity of any section or provision of this ordinance shall not affect the validity of the remainder of this ordinance. The Town Board of Presque Isle hereby declares that it is the intention of the Board to enact each separate provision of this ordinance regardless of its relationship to any or all of the provisions and regardless of the invalidity of any other provision and that if any provision of this ordinance or the application hereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Subchapter 117. Citations

117.1 PURPOSE: The purpose of this ordinance is to designate the form for citations issued by the Town Constable or the Town Board designee for violations of town ordinances, including ordinances with statutory counterparts.

117.2 AUTHORITY. The Town of Presque Isle has the authority under s. 66.0113, Wis. Stats to adopt this ordinance.

117.3 LOCAL ORDINANCE. Citations for violations of Town ordinances shall include the following:

- (1). The name and address of the alleged violator.
- (2). The factual allegations describing the alleged violation.
- (3). The time and place of the alleged violation.
- (4). The number of the ordinance violated.
- (5). A designation of the offense.
- (6). The time to appear in court if the appearance is mandatory.
- (7). A statement that in essence informs the alleged violator of the following:
 - (a). That the alleged violator may make a cash deposit of a specified amount.
 - (b). That if the alleged violator makes a cash deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
 - (c). That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus court costs, fees, and surcharges imposed under chapter 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (d). That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgement under s. 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the

forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. Stats.

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

(8). A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113(1)(b)7., Wis. Stats., and shall send the signed statement with the cash deposit.

(9). Any other information as may be deemed necessary.

117.4. ISSUANCE AND SERVICE OF CITATION.

Town of Presque Isle citations may be issued by the Town Constable or the Town Board's official designee.

117.5 RELATIONSHIP TO OTHER LAWS. The adoption and authorization 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 not preclude the issuance of a citation under this ordinance.

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

117.7 EFFECTIVE DATE. This ordinance is effective on publication or posting as required under s. 60.80, Wis. Stats.

Subchapter 118. AN ORDINANCE ABOLISHING
SUBCHAPTER 106. MUNICIPAL JUDGE

WHEREAS, the Town of Presque Isle adopted Subchapter 106 on April 17, 1999 providing for the election of a municipal judge and to establish a municipal court in the Town of Presque Isle pursuant to sections 66.36, 66.37, and 755.01 of the Wisconsin Statutes; and

WHEREAS, the municipal court has been operating since that time; and.

WHEREAS, the Town's Judge resigned on June 30, 2018, but the balance of the Judge's term has not yet expired; and

WHEREAS, the Town no longer desires to operate and maintain a municipal court,

NOW, THEREFORE, the Town Board of the Town of Presque Isle, Vilas County, Wisconsin, does ordain as follows:

SECTION 1. Both Subchapter 106. Municipal Judge and the municipal court of the Town of Presque Isle are hereby abolished pursuant to section 755.01(2) of the Wisconsin Statutes.

SECTION 2. The Clerk is authorized and directed to transmit a certified copy of this ordinance to the Vilas County Clerk and the Director of State Courts.

SECTION 3. This ordinance shall take effect upon publication.

Adopted this 19th day of September, 2019.