

TOWN OF SEYMOUR MUNICIPAL CODE OF ORDINANCES

EAU CLAIRE COUNTY, WISCONSIN

ORIGINALLY ADOPTED ON JUNE 10, 2019

(revised 11/11/2019)

Revised 12/8/2019

Revised 10/12/2020

Revised 3/8/2021

Revised 12/01/2021

Revised 12/13/2021

Revised 05/24/2023

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REVISION HISTORY LOG

[illegible]

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 1 – GENERAL PROVISIONS
ARTICLE 1 – MUNICIPAL CODE

1-1.0105 TITLE AND CREATION. Pursuant to the provisions of Sec 66.035 of the Wisconsin Statutes, there is hereby created a Code of General Ordinances of the Town. Said Code of Ordinances shall be known and may be cited as the Municipal Code of the Town of Seymour. All parts of this code are available for inspection during all posted office hours at the Town office and on the Town website (www.townofseymour.org)

1-1.0110 CODIFICATION. All Town General Ordinances shall be numerically codified except where specifically stated or when no code number is given. All ordinances which amend, repeal or in any manner affect the Municipal Code shall include proper reference to the title, division, chapter, article, section and subsection to maintain an orderly codification of the ordinances of the Town.

1-1.0115 DEFINITIONS.

- A. The following words and phrases, whenever used in the resolutions or ordinances of the Town or in this Municipal Code, shall be construed or defined as provided in this section unless, from the context, a different meaning is intended or unless a different meaning is specifically defined or more particularly directed to the use of such words and phrases:
1. “Board” means the Town Board of Supervisors of the Town of Seymour
 2. “Chair” means the Town Board Chairperson
 3. “Clerk Treasurer” means the Town Clerk Treasurer
 4. “Code or Municipal Code” means the Code of General Ordinances of the Town.
 5. “County” means the County of Eau Claire, Wisconsin
 6. “Keeper and Proprietor” shall include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or by a servant, agent or employee.
 7. “Law” means any of the following which may be applicable:
 - a. The Constitution of the United States
 - b. The Constitution of the State of Wisconsin
 - c. Federal Law
 - d. State Statute
 - e. Federal Regulation
 - f. State Administrative Regulation
 - g. County Ordinance
 - h. Ordinances or Resolutions of the Town

8. "Law Enforcement Coordinator" shall mean an appointed person to enforce Town Ordinances of the Town of Seymour
9. "May" shall be permissive
10. "Month" shall mean a calendar month
11. "Must" and "shall" each shall be mandatory
12. "Oath" includes an affirmation or declaration in all cases in which by law an affirmation may be substituted for an oath, which and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.
13. "Or" may be read "and" and "and" may be read "or" if the sense requires it
14. "Owner" applied to a building, land or personal property and includes any part owner, marital property owner, joint owner, tenant in common or joint tenant of the whole or part, or lessee for one year or more, of such building, land or personal property.
15. "Personal Property" includes every species of property except real property as herein defined.
16. "Preceding and Following" shall mean next before and next after respectively.
17. "Property" includes real and personal property
18. "Real Property" includes lands, tenements, buildings and other land improvements.
19. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
20. "Statute" or "Statutes" or "Wis. Stats" refers to the Wisconsin State Statutes.
21. "Street", "Road" and "Highway" includes all public ways, roads, streets, highways, avenues, boulevards, drives, alleys, courts, places, squares, curbs, bridges and approaches thereto within the Town.
22. "Town" means the Town of Seymour in Eau Claire County, Wisconsin, the area within the limits of the Town and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any statutory provision.
23. "Written" and "Writing" shall include all means of preserving physical or electronic data which can be read by a literate person fluent in the English language.
24. "Year" means a calendar year.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language. The technical words and phrases and such others as may have acquired a peculiar and appropriate

meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

- C. When an act is required by an ordinance or resolution, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent of the principal.

1-1.120 RULES OF CONSTRUCTION. The following rules of construction and interpretation shall apply in the interpretation and application of ordinances and resolutions of the Town unless the context requires otherwise:

- A. GENDER. The masculine gender includes the feminine and neuter genders and visa versa.
- B. The repeal of an ordinance or resolution shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance or resolution repealed.
- C. Titles of chapters, sections or paragraphs are for information only, and are not a substantive part of the ordinance.

1-1.0125 SEVERABILITY. The titles, chapters, articles, sections, subsections, paragraphs, sentences, clauses and words of this code are severable and if any word, clause, sentence, paragraph, subsection, section, article, chapter or title of this code shall be declared unconstitutional or invalid for any reason by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, subsections, sections, articles, chapters and titles of this code since the same would have been enacted by the Board without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph, subsection, section, article, chapter or title.

1-1.0130 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any ordinance or resolution or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any property or upon any premises within the Town on which the Town has jurisdiction, any authorized official of the Town may, upon presentation of proper credentials, enter such building or premises or property at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance provided that except in emergency situations or when consent of the owner or occupant if they can be located after

reasonable effort, 24 hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner or occupant shall state that the owner or occupant has the right to refuse entry and that in such event entry is refused, legal action including the issuance of a search warrant may be pursued by the authorized official. In the event the owner or occupant refuses entry upon such request after such request has been made, the official is empowered to seek assistance in the form of appropriate legal action from any Court or competent jurisdiction in obtaining such entry.

1-1.0135 ALTERING CODE. It shall be a violation of this code for any person to change or amend by additions or deletions any part or portion of the Municipal Code or to insert or delete pages or portions thereof or to alter or tamper with the Municipal Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby.

1-1.0140 ENACTING CLAUSE. The enacting clause of all ordinances of the Town shall be "be it ordained by the Town Board of the Town of Seymour as follows (or that):". The enacting clause of any resolution of the Board shall be "be it resolved by the Town Board of the Town of Seymour that (or as follows):"

1-1.0145 OFFICIAL NEWSPAPER. The Leader-Telegram published in the City of Eau Claire and serving the west-central Wisconsin region is designated as the official newspaper of the Town.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 1- GENERAL PROVISIONS
ARTICLE 2 – VILLAGE POWERS

1-1.0205 VILLAGE POWERS EXERCISED. It is declared that the Town Board, pursuant to the authority granted to it in Wisconsin State Statute 60.22(3) authorized under S 60.10(2)(c) and reaffirmed by the annual meetings of the Town, shall exercise all powers relating to the villages and conferred upon Village Boards under Chapter 61 of the Wis. State Statutes, except those powers which conflict with statutes relating to towns and town boards.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 1 – GENERAL PROVISIONS
ARTICLE 3 – TOWN MEETINGS
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 1 – GENERAL PROVISIONS
ARTICLE 4 – CODE ENFORCEMENT

1-1.0405 PURPOSE. The purpose of this article is to provide for a modern means for the effective enforcement of the provisions of the Municipal Code.

1-1.0410 WARNING OR CITATION. Whenever a public official or employee, who is charged with enforcing all or part of the Municipal Code, has knowledge or reasonable cause to believe that a person has violated any of the provisions of the Municipal Code, such official or employee may, at his discretion, give such person an oral or written warning of the violation or may issue a citation, without arresting the person, as provided for in this article.

1-1.0415 JURISDICTION OVER JUVENILES

- A. The Eau Claire County Circuit Court shall have concurrent jurisdiction with the Juvenile Court in proceedings against minors ages 14 or older for violations of the Municipal Code.
- B. Warnings and citations issued under this article may be issued to minors in such cases the same as adults may be warned or cited for the same offense.
- C. If a warning or citation is issued to a minor under this article, a letter from the issuing official or employee together with a copy of such warning or citation shall be sent within seven days to the minor's parent or guardian.
- D. If a court finds that the minor violated a law punishable by forfeiture or violated the Municipal Code, it may enter any of the dispositional orders permitted by law.

1-1.0420 JUVENILE CASE FOLLOW-UP. If a violation of the Municipal Code is committed by a minor under the age of 14, the enforcement official involved shall notify the minor's parent or guardian and may notify the County Director of Children's Court Services of the nature and details of the incident.

1-1.0425 GENERAL ENFORCEMENT POWERS. Notwithstanding the provisions of this article, nothing in this article shall be construed to limit the authority of the Chair or

Board, on behalf of the Town, to take such legal action as they may deem necessary to enforce the provisions of the Municipal Code and all other ordinances and resolutions of the Town. The issuance under this article of a warning or citation shall not preclude the proceeding under any other ordinance, resolution or law relating to the same or any other matter.

1-1.0430 ISSUANCE OF CITATIONS

- A. The Chair and any Supervisor designated by the Chair may and are hereby authorized to issue citations for enforcement of any section or portion of the Municipal Code enumerated in Section 1-1.0460.
- B. The following official of the Town are hereby authorized to issue citations for the enforcement of those portions of the Municipal Code specified hereunder which are directly related to their official responsibilities provided that the specific section or portion to be enforced is enumerated under Section 1-1.0460:
 - a. Law Enforcement Official Municipal Code Reference
 - b. Clerk Treasurer Chapter 6 of Title 1, entitled "Elections"
 - c. Animal Control Officer Article 1, of Chapter 3 of Division 1 of
Title 2 entitled "Animal Control
Regulations"
 - d. Town Chair, or designee 2.1-2.0510 Parking Violations
- C. Delegation of authority to issue citations under this section shall not be permitted, unless specifically identified in the code book.

1-1.0435 CITATION FORMAL AND PROCEDURE.

- A. The citation shall contain the following:
 - 1. The name and address of the alleged violator
 - 2. Factual allegations describing the alleged violation
 - 3. The time and place of the offense
 - 4. The Section of the Municipal Code violated
 - 5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
 - 6. The time at which the alleged violator may appear in court.
 - 7. A statement which informs the alleged violator:

- (a) That a cash deposit based on the schedule established in Section 1-1.0460 may be made and delivered or mailed to the Clerk prior to the time of the scheduled court appearance;
- (b) That if a cash deposit is made, no appearance in court is necessary unless subsequently summoned;
- (c) That if a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture and a penalty assessment imposed by Chapter 814 of the Statutes not to exceed the amount of the deposit submitted; or in the event that the court does not accept the plea of no contest, a summons will be issued ordering the alleged violator to appear in court to answer the complaint; and
- (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by Chapter 814 of the Statutes up to the maximum permitted by law.

8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under item number 7 above has been read. Such statement shall be sent or brought with the cash deposit.

B. The provisions of Section 66.0113(3) of the Statutes relating to violators options and procedures on default are hereby adopted and incorporated herein by reference.

1-1.0438 PARTIES TO A VIOLATION.

A. Whoever is concerned in the commission of a violation of the Municipal Code for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

B. A person is concerned in the commission of the violation if the person:

- 1. Directly commits the violation;
- 2. Aids and abets the commission of it; or
- 3. Is a party to a conspiracy with another to commit it or advises, hires, or counsels or otherwise procures another to commit it.

1-1.0440 DISTINCTION BETWEEN OFFENSES. Unless otherwise specified, each day or occurrence of a violation of the Municipal Code shall be deemed a separate offense.

1-1.0445 CITIZEN COMPLAINTS

- A. Whenever a person has a complaint that another person has or is violating a provision of the Municipal Code and the enforcement official involved does not have sufficient information to reasonably believe that such offense has or is being committed, without the statement of the complainant, the enforcement official shall request that the complainant execute and file with the Town a written complaint on a form to be provided by the Town.
- B. If the written complaint provides the enforcement official with the reasonable information he requires, he may then, at his discretion, issue a warning or citation or institute other legal action as appropriate.
- C. Each person filing a formal written complaint shall be responded to as soon as is practical as to the disposition of the complaint.

1-1.0450 OFFENSE REPORTS.

- A. Each enforcement official designated in Section 1-1.0430 shall prepare, sign and file with the Town for placement in the filing system established under Section 1-3.0705, an offense report for each code enforcement case handled by him regardless of whether a citation was issued.
- B. Each report shall contain the following information, when available, and shall be on a form provided by the Town:
 - 1. Name, address, and telephone number of complainant.
 - 2. Name, address, date of birth and description of violator including driver's license number
 - 3. Type and nature of offense or incident including the time, date, day of week and location of occurrence and a summary thereof.
 - 4. When and by what means the complaint was received.
 - 5. Case number
 - 6. Number of official warning or citation.
- C. A copy of all offense reports shall be filed in the filing system established for enforcement matters.

1-1.0455 INCIDENT REPORTS BY MONTH AND YEAR.

- A. By the first of each month the Clerk shall prepare for the Board an Incident Report for the month previous to the month then ending showing a summary of all enforcement activity including hours and mileage and the nature and disposition of all cases, complaints, official warnings and citations including deposits collected.
- B. By March 1 of each year the Clerk Treasurer shall prepare for the Board an Incident Report for the previous calendar year showing a summary of all enforcement activity including hours and mileage and the nature and disposition of all cases, complaints, official warnings and citations including deposits collected.
- C. A condensed version of the Annual Incident Report provided by Paragraph B above shall be prepared by March 1 of each year for placement with appropriate narrative in the Town Annual Report.
- D. A copy of all Incident Reports shall be filed in the filing system established for enforcement matters.

1-1.0460 SCHEDULE OF DEPOSITS.

- A. All deposits under this section shall be made in cash, money order or certified check to the Clerk of Circuit Courts for Eau Claire County, who shall provide a receipt, therefore.
- B. The following schedule of cash deposits required for various municipal code violations and for the penalty and assessment imposed by Section 165.87 of the statutes is established for use with the citations issued under this article:

| MUNICIPAL CODE REFERENCE | OFFENSE | DEPOSIT |
|-------------------------------------|--|--------------------------|
| 1-5.0240 | Ethics | Class C- \$100 |
| 2-1.0355 | Animal Violations` | Class B - \$100 |
| 2-1-2.0515 | Parking Violations | Class E - \$5.00 |
| 2-1-2.0515 | Parking Violation during snow Emergency | Class E - \$10.00 |
| 2.1-2.0530 | Impounded Vehicle Offense | Class D - \$25.00 |

| | | |
|-------------------|--------------------------------------|---------------------------|
| 2.1-2.0545 | Parking Prohibited | Class D - \$25.00 |
| 2.1-2.0550 | Handicapped Parking | Class C - \$100.00 |
| 2.1-2.0555 | No Parking Zones | Class D - \$25.00 |
| 2.1-2.0560 | 72 Hour Parking | Class D - \$25.00 |
| 2.1-4.0155 | Building Code | Class C - \$100.00 |
| 3.1-7 | Garbage and Refuse | Class C - \$150.00 |
| 3-1.10 | Non-Metallic Mining Violation | Class A - \$750.00 |
| 3-1.11 | Blasting Violation | Class A - \$750.00 |

1-1.0462 RANGES FOR DEPOSITS. Wherever a deposit range is provided in Section 1-1.0460, enforcement officials shall have the discretion to select a deposit within the range as provided.

1-1.0464 SECTION NOTATIONS. For the purpose of easy reference, each section of the Municipal Code enumerated specifically under one of the offense classifications provided in Section 1-1.0465 shall have such class noted in parenthesis following the section. Each section for which a citation deposit or deposit range is provided in Section 1-1.0460 shall have such deposit amount or range noted in parenthesis following the section.

1-1.465 CLASSIFICATION OF OFFENSES; FORFEITURES

A. The penalty for violation of any provision of the Municipal Code shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by Chapter 814 of the Statutes where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty assessment imposed for violation of any provision of the Municipal Code may, upon order of the court, be imprisoned until such forfeiture, costs, and assessments are paid, but not exceeding 90 days.

B. All offenses of the Municipal Code are hereby classified with a minimum and maximum forfeiture for each class for which a violator shall be subject. All offenses not specifically enumerated in this section shall be deemed Class E offenses.

C. The following offenses are designated **Class A** offenses and shall be subject to a forfeiture of not less than \$500.00 and not more than \$1000.00:

| MUNICIPAL CODE REFERENCE | OFFENSE |
|---------------------------------|-------------------------------|
| 3-1.10 | Non-Metallic Mining Violation |
| 3-1.11 | Blasting Violations |

D. The following offense is designated **Class B** offenses and shall be subject to a forfeiture of not less than \$250.00 and not more than \$500.00:

| MUNICIPAL CODE REFERENCE | OFFENSE |
|---------------------------------|------------------|
| 2-1.0355 | Animal Violation |

NOTE: Minimum forfeiture for Animal Violations is \$50.00

E. The following offenses are designated **Class C** offenses and shall be subject to a forfeiture of not less than \$100.00 and not more than \$250.00:

| MUNICIPAL CODE REFERENCE | OFFENSE |
|---------------------------------|----------------------------------|
| 1-5.0240 | Ethics |
| 2.1-1.0280 | Firearms, Air guns, Bow & Arrows |
| 2-1-4.0155 | Building Code |
| 2-1-2.0550 | Handicapped Parking |
| 2.2-3.0175 | Outdoor Burning |
| 3-1.0795 | Garbage and Refuse |
| 4-2.0135 (D) | Foreign Substance in Road |

F. The following offenses are designated **Class D** offenses and shall be subject to a forfeiture of not less than \$25.00 and not more than \$100.00:

| MUNICIPAL CODE REFERENCE | OFFENSE |
|---------------------------------|---------------------------|
| 2.1-2.0530 | Impounded Vehicle Offense |
| 2.1-2.0535 | Parking Adjacent to Curb |

| | |
|--------------|-------------------------------------|
| 2.1-2.0540 | Parking for Certain Purposes |
| 2.1-2.0545 | Parking Prohibited |
| 2.1-2.0555 | No Parking Zones |
| 2.1-2.0560 | 72 Hour Parking |
| 2.1-2.0562 | Snow Emergency |
| 2.1-2.0572 | Parking Heavy Vehicles |
| 2.1-2.0572 | Removal of Parking Violation Notice |
| 3-1.0115 | Beer and Liquor |
| 3-1.0235 | Mobile Home Parks/Parking |
| 4-2.0125 | Warning Lights Required |
| 4-2.0135 (A) | Obstruction Violations |
| 4-2.0135 (C) | Snow in Right of Way |
| 4-2.0140 | Snow Removal on Sidewalk |
| 4-2.0710 | Driveway Installation & Maintenance |

G. The following offenses are designated **Class E** offenses and shall be subject to a forfeiture of not less than \$5.00 and not more than \$25.00:

| MUNICIPAL CODE REFERENCE | OFFENSE |
|---------------------------------|-----------------------------|
| 2.1-2.0515 | Parking Violation |
| 3-1.0235 | Mobile Home Parking/Parks |
| 4.1-0135(B) | Vegetation Road Obstruction |

H. The following offenses are designated Unclassified Offenses and shall be subject to the forfeiture identified in the specific Code Book Regulations as follows:

| | |
|----------|----------------------|
| 4-2.0850 | Vehicle Weight Limit |
|----------|----------------------|

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 2 – TOWN BOARD CHAIRPERSON AND BOARD
ARTICLE 1 – TOWN BOARD CHAIRPERSON
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 2 – TOWN BOARD
ARTICLE 2 – TOWN BOARD
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 3 – ADMINISTRATION ARTICLE
ARTICLE 1 – TOWN ADMINISTRATOR
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 3 – ADMINISTRATION
ARTICLE 2 – CLERK TREASURER

1-3.0205 APPOINTMENT OF CLERK A majority of the members of the Board may appoint a person to fill the office of Clerk Treasurer. The term of the person's appointment shall be for two years. The person may be reappointed. During a term, the person may be dismissed by the Board only for cause.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION

CHAPTER 3 – ADMINISTRATION

ARTICLE 3 – LEGAL SERVICES

1-3.0305 TOWN ATTORNEY APPOINTMENT. The Town Attorney shall be appointed by majority vote of the Board upon the recommendations of the Chair and shall receive such compensation as shall be established by resolution of the Board.

1-3.310 TOWN ATTORNEY POWERS AND DUTIES.

A. The Town Attorney shall act as attorney for the Town on all matters affecting the Town's interests and appear on behalf of the Town before any Court, Tribunal, Commission or Board.

B. The Town Attorney shall sign the name of the town to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court and when so signed, the Town shall be bound upon the same.

C. The Town Attorney shall prepare those ordinances and resolutions that the Board or the Chair may desire and direct to be prepared and report to the Board upon all such ordinances before their final passage by the Board and publication or posting as required by law.

D. The Town Attorney shall, upon request, make a written report to the Chair, Clerk, Treasurer or Board, giving his or her opinion on all contracts, documents, resolutions, ordinances or any other matters submitted to the Town Attorney or coming to his or her knowledge.

E. The Town Attorney shall render an opinion on all questions of law relating to Town matters when requested by the Chair, Clerk, Board, Treasurer, Assessor or head of any other Town department or office.

F. The Town Attorney shall attend meetings of the Board as requested by the Chair or the Board.

G. The Town Attorney shall prepare the contracts, forms and other legal documents and writings which may be required for use by the Town and shall examine and render an opinion upon the legality and form of and recommend alteration for any legal document which binds or obligates the Town prior to the time that said document becomes binding or obligatory upon the Town.

1-3.0315 SPECIAL COUNSEL. The Chair is empowered to appoint and retain the services of legal counsel on behalf of the Town whenever, in his judgment, it is in the best interests of the Town to do so or whenever the Town Attorney has a professional conflict with his duties.

TITLE 1 – POLICY ADMINISTRATION
CHAPTER 3 – ADMINISTRATION
ARTICLE 4 – PURCHASING
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY ADMINISTRATION
CHAPTER 3 – ADMINISTRATION
ARTICLE 5 – PROPERTY MANAGEMENT AND INSURANCE
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 3 – ADMINISTRATION
ARTICLE 6 – ADMINISTRATIVE ASSISTANT
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 3 – ADMINISTRATION
ARTICLE 7 – RECORDS MANAGEMENT

1-3.0705 DISPOSAL OF RECORDS. Pursuant to Sections 60.83 and 19.21(4) of the Statutes, authorization is hereby given to the Clerk Treasurer to destroy or otherwise dispose of Town records, invoices, tax rolls, vouchers and such other obsolete or out-of-date materials as were generated for the years 1900-1990. Following the initial actions taken under this article, such Town documents described in the above paragraph shall be disposed of in accordance with referenced statutes on an annual basis; no documents being retained for a period greater than the statutory period established. Records of Board Proceedings and Town Meetings, Town planning documents, subdivisions, Town Road documents and Real Estate documents shall not be disposed of under this section.

1-3.710 POSSESSION OF TOWN RECORDS

- A. In order to provide for the orderly administration and government of the Town, the Board has established an office.
- B. The orderly administration of the Town requires that all books and records of the Town be kept at the Town office except for those which, for orderly administration, must be in the possession of the officeholder.
- C. Except as permitted in Paragraph D below, all books and records of the Town, including all books and records in the charge of election or appointed Town officials, shall be kept and maintained at the town office.
- D. The following exceptions apply to Paragraph C above:
 - 1. Personal records of any Town supervisors
 - 2. Records of the Town Assessor, provided the Assessor maintains an office where the same may be inspected by members of the public during normal business hours.
 - 3. Records of any Town law enforcement officer provided that those records which are not confidential by law are made available to any person properly seeking to inspect the same upon one business days' notice.

E. No Town officer or employee, except a Town law officer accepting the payment of bail pursuant to law, may accept or retain any funds paid to the Town for whatever reason except at the Town office. Any funds accepted or received for the Town shall be promptly deposited in one of the depositories designated by the Board.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 1 – GENERAL PROVISIONS
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 2 – CLAIMS PROCEDURE

1-4.0205 APPROVAL OF CLAIMS

A. Except for the payment of wages and salaries, no claim or demand against the Town treasury shall be paid until it has been audited and allowed and an order check drawn, therefore.

B. Prior to submission to the Board for consideration, any and all claims and demands, except claims subject to and governed by Section 893.80 of the Statutes, shall be audited and approved for submission by the Clerk Treasurer under the following guidelines:

1. That funds are available therefore pursuant to the current budget as approved or amended by the Board.

2. That the item or service involved has been duly authorized by the Board and is in conformance with the prevailing purchasing policies of the Town.

3. That the item or service has been actually supplied or rendered in conformity with such authorization.

4. That the claim is just and valid pursuant to law. The Clerk Treasurer may require the submission of such proof and evidence to support the foregoing as in their discretion they may deem necessary.

C. Following the auditing required in Paragraph B above, and on a monthly basis, the Board shall be given a list of claims audited and recommended to be allowed by the Clerk Treasurer and a list if necessary, of claims audited and recommended to be disallowed. For each claim, such lists shall show the name of the claimant, purpose of description, amount, budget account number and account name. Each list shall bear the signatures of the Clerk Treasurer indicating that they have audited the claims listed and recommend allowance or disallowance as captioned.

D. Following review and approval by the Board, said Board shall execute an original list and one original copy. The original shall be kept with the minutes and

the copy shall be filed in the filing system established for claims. Said execution by the Board shall represent allowance or disallowance as the caption of the list states.

E. Following review and allowance by the Board, the Clerk Treasurer is authorized and instructed to release properly prepared order checks to claimants as indicated on the approved list. If a claim is disallowed by the Board, the chair or the Clerk Treasurer shall, as appropriate, inform the claimant in writing of such disallowance with the reasons the board gave for its decision.

F. Notwithstanding the above, claims may be allowed in part by the Board except such action shall be denoted on the approved list executed by the Board.

G. Payment of all wages and salaries of authorized positions shall be by payroll verified by the Clerk Treasurer and filed in time for payment on the regular payday as appropriate.

H. On a monthly basis, the Clerk Treasurer shall prepare for the Chair, with a copy filed in the filing system established for claims, a central listing of the payroll figures of the previous month including names, positions, hours, rates of pay, budget accounts charged against and such other additional information as the Chair may require.

1-4.0210 SYSTEM FOR FILING CLAIMS

A. Each claim allowed pursuant to Section 1-4.0205 shall be filed in a uniform filing system established exclusively for claims based on the expenditure chart of accounts established by year.

B. Attached to each claim shall be a claim allowance form which shall contain the order check number, payment date, account number, purchase order number (if any), name of claimant.

C. A copy of the completed form shall be used to prepare required lists and the monthly general ledger and financial statements of the Town.

D. The filing system for claims shall also contain a copy of the lists required in Section 1-4.0205 and such other information as may be required by the Clerk Treasurer.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 3 – TREASURER TAX COLLECTION

1-4.0305 BOND REQUIREMENTS

A. Pursuant to Section 70.67(2) Statutes, the Town is obligated to pay and shall pay, in case the Clerk Treasurer shall fail to do so, all taxes of any kind required by law to be paid by the Clerk Treasurer to the County Treasurer of Eau Claire County.

B. The Clerk Treasurer shall make available to the Chair the daily tax collections for verification of the day's collections and deposits, if requested.

1-4.0320 REFUND OF TAX OVERPAYMENTS

A. All sums tendered to the Clerk Treasurer for the payment of taxes and license fees shall be applied by the Clerk Treasurer to sums due from the taxpayer in the following order unless a different order is specified by the taxpayer in writing:

1. To personal property taxes due;
2. To all license fees due;
3. To all special assessments or special charges due from the taxpayer except those deferred pursuant to ordinance or deferred as stated on the tax statement;
4. To the installment of real estate taxes, special assessments, and special charges shown on the taxpayer's tax statement as due on January 31 of the year following the year for which said taxes are levied; and
5. To all remaining taxes, special assessments, and special charges due from said taxpayer.

B. Overpayments in the amount of \$2.00 or less are subject to Section 1-4.0325.

C. Overpayments in excess of \$2.00 shall be refunded by the Clerk Treasurer within 30 days of the date of overpayment without interest.

1-4.0325 REFUNDS OF \$2.00 OR LESS. When any person, firm or corporation has over-paid an obligation to the Town, but said over-payment is in the amount of \$2.00 or

less, the Town shall not refund said over-payment unless application therefore is made in writing.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4- FINANCE
ARTICLE 4- BUDGETING
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 5 – ACCOUNTING, AUDITING, AND FINANCIAL REPORTING
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 6 – PUBLIC DEPOSITORIES AND INVESTING

1-4.0605 PRINCIPAL PUBLIC DEPOSITORY. Community Citizens Federal N.A., as a qualified public depository under the laws of the State of Wisconsin, is hereby designated as the primary public depository of the Town for the purpose of making deposits of public monies. Said bank, as a public depository of the Town, shall be used for all checking and savings accounts of the Town unless otherwise specifically authorized by the Board.

1-4.0610 OTHER PUBLIC DEPOSITORIES. Notwithstanding Section 1-4.0205, the Clerk Treasurer, may transfer funds through order check or bank wire only from the primary public depository for the purpose of investing Town funds with or through the following financial institution(s) all of which shall be considered public depositories of the Town:

- A. Community Citizens Federal, N.A.
- B. LGIP (Local Government Investment Pool)
- C. Royal Credit Union (RCU)

1-4.0615 SIGNATURES ON ORDER CHECKS. The Clerk Treasurer shall sign each order check of the Town. In the absence of the Clerk, the Deputy Clerk may sign for the Clerk Treasurer. In addition, the Town Chair is required to countersign each check. In the absence of the Town Chair, a Town Supervisor may sign for the Town Chair. The use of a facsimile signature on order checks, in lieu of a personal signature is approved pursuant to Section 66.0607(3) of the Wisconsin Statutes.

1-4.0620 INVESTMENT AUTHORITY

A. The authority to invest and reinvest money of the Town, to sell or exchange securities so purchased and to deposit such securities for safekeeping is delegated to the Board.

B. The Clerk Treasurer is authorized to purchase at their original sale or after they have been issued, securities which are permissible investments under the Statutes as they now read or may hereafter be amended from money in the custody of the Clerk Treasurer which is not required for immediate necessities of the Town and as he or she

may deem wise and expedient and to sell or exchange for other eligible securities and reinvest the proceeds of the securities so purchased.

C. From time to time, the Clerk Treasurer shall redeem the securities in which the Town's money has been invested pursuant to Paragraph B above so that the proceeds may be applied to the purposes for which the original money was designated or placed in the Town's treasury.

1-4.0625 MOVEMENT OF FUNDS. All withdrawals or transfers of funds shall be made only by Town order check or bank wire. Whenever monies are received, they shall be immediately, or as soon as practical, be deposited by the Clerk Treasurer for safekeeping in a public depository of the Town as authorized in Section 1-4.0610. All accounts, deposits and securities shall be at all times held in the name of the Town only.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 7 – ASSESSING

1-4.0705 ASSESSABLE IMPROVEMENTS

A. No person shall move, remove or raze any assessable improvement on real estate without first obtaining a permit therefore from the Clerk Treasurer. The cost of the permit is listed in the Fee Schedule at the end of this code. Failure to obtain said permit when required is a Class C offense under the provisions of the Municipal Code.

B. Any person having an interest in real estate from or upon which assessable improvements have been moved, removed or razed, and who fails to secure the permit required herein, is deemed to have waived any right to a claim, adjustment or refund of real estate taxes levied on account of improvements which were not on the assessed premises on the date of assessment.

1-4.0710 CONFIDENTIAL RECORDS. Whenever the Assessor, in the performance of the Assessor's Duties, requests or obtains income and expense information pursuant to 70.47(7)(af) of the Statutes, or other applicable statute, such income and expense information so provided to the Assessor pursuant to law shall be held as confidential by the Assessor, except, however, that said information may be revealed to and used by persons:

A. In the proper discharge of duties imposed by law;

B. In the discharge of duties by office including, but not limited to, use in the assessor's office and use by the Board of Review; or

C. Pursuant to order of a court. Income and expense information so provided to the Assessor, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under Section 19.35(1), Wis Statutes.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 8 – BOARD OF REVIEW

1-4.0805 BOARD OF REVIEW

A. The Board of Review of the Town, established pursuant to Section 70.46 of the Wisconsin Statutes, shall consist of three persons. The positions of the Board shall be filled by the following persons, in the order given, until full membership of three is reached:

1. Chair
2. Town Supervisors
3. Clerk treasurer, if a town resident

B. In the event fewer than three persons named in Paragraph A above are available to serve on the Board of Review, the Chair, or in the absence of the Chair, the available members of the Board of Review, may appoint additional members until there are three members available to serve. Additional members must be on a list of approved alternates, if such a list has been approved by resolution of the Town Board, if qualified and available. Additional members must be persons who meet all of the qualifications necessary to serve as a Supervisor.

1-4.0810 Any person who intends to object to an assessment at a meeting of the Board of Review shall file with the clerk at least 48 hours prior to the opening session of the Board of Review, a notice of Intent to File Objection with Board of Review. The form to be used for this purpose is available at the Clerk Treasurer's office.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 9 – DELINQUENT TAXES

1-4.0905 DENIAL- DELINQUENT TAXES

A. PREMISES. No initial or renewal business, fermented malt beverage, or alcohol beverage license or permit shall be issued for any premises for which local taxes, assessments or other claims due to the Town are delinquent and unpaid.

B. PERSONS. No initial or renewal business, fermented malt beverage or alcohol license or permit shall be issued by the Town to any person:

1. Delinquent in payment of local taxes, assessments, or other claims due to the Town; or

2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.

C. NOTICE. Applicants for renewal of a license or permit shall be afforded notice when a license renewal is denied on the basis of delinquent local taxes and may apply for an appeal hearing on the matter within 20 days of receipt of said notice.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 4 – FINANCE
ARTICLE 10 – TAX EXEMPTION REPORTS

1-4.1005 The Town Clerk is hereby directed to comply with Wisconsin Statutes regarding the filing of Tax Exemption Reports and all related procedures required by Wisconsin Statutes.

1-4.1010 The Town Clerk shall charge a fee of \$5.00 per real estate tax parcel claimed as exempt. However, in the event that any one owner is entitled to tax exemption for more than five parcels, the maximum fee per year shall be \$30.00 for any one owner. The Clerk is further directed to charge a late fee of \$25.00 for each tax exemption report filed after the deadline set by pertinent Wisconsin Statutes.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 5 – PERSONNEL
ARTICLE 1 – PERSONNEL MANUAL

1-5.0105 An Employee Handbook and Safe Operating Procedures Manual has been established by the Town and is available in the Clerk Treasurer's office. The manual contains the personnel policies and practices for all Town employees. All current and employees are provided with a copy of the manual and any amendments. Each employee upon hiring, is required to complete a written statement indicating they understand and agree to the policies and practices contained with the manual.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 5 – PERSONNEL
ARTICLE 2 – ETHICS CODE

1-5.0205 PURPOSE. The proper operation of a democratic and representative government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for improper personal gain; and that conflicts between private interest and public responsible be avoided. In recognition of these goals, there is established a Code of Ethics for Town officials and employees. The purpose of this code is to establish guidelines for ethical standards of conduct for such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the town and by directing disclosure by such officials and employees of private interest in matters affecting the Town. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interest of the Town.

1-5.0201 DEFINITIONS. In construing the provision of this chapter, the following definitions shall apply:

A. “Business” means an occupation, trade or profession, engaged in for profit or personal gain.

B. “Confidential information” means such oral or written communications received in the course of performance of official duties which are decreed to be privileged under statutes, regulations or ordinances, or which should be reasonably understood to be privileged, unless the Town and all other parties involved have authorized the release of said information.

C. “Conflict of Interest” means a direct or indirect personal or financial interest which is inconsistent with the proper performance of one’s official duties or which would tend to impair one’s independence of judgment or action in the performance of official duties.

D. “Contract” means all agreements, whether formal or informal, to which the Town is a party for the provision of goods, materials, supplies, construction of services in exchange for valuable consideration.

E. "Family" means the immediate family and includes the spouse, children, parents and siblings.

F. "Financial interest" means a pecuniary interest, whether vested or contingent, direct or indirect or, which may reasonably be expected to yield a monetary or the material benefit to the person in question.

G. "Gratuity" means anything of value, whether corporeal or incorporeal, given to a Town employee or official by any person who has benefitted or hopes to benefit from the sale of goods or services to the Town, or in all cases, given with the intent of influencing that employee or official's decisions or actions, but shall not, include reasonable fees, honoraria or expenses incurred in attendance at public meetings or speaking engagements.

H. "Incompatibility" or any form thereof means such a conflict between one's official responsibilities and personal or financial interests so as to prevent that person from discharging both with fidelity and propriety.

I. "Interest" means the right to participation or actual participation in terms of either responsibility or advantage.

J. "Kickback" means a gratuity given to an employee or Town official in response to action which was previously induced to promote the interests of the person giving the gratuity.

K. "Personal Interest" means any interest arising from blood or marriage, to the extent of the third degree as defined in Sec. 990.001(16) whether or not any financial interest is involved.

1-5.0215 FINANCIAL AND PERSONAL INTEREST PROHIBITED. No Town official or employee shall engage in any business or transaction for financial or personal interest with the Town.

1-5.0220 SPECIFIC CONFLICTS ENUMERATED. The following conflicts of interest shall be expressly prohibited:

A. INCOMPATIBLE EMPLOYMENT No Town official or employee shall engage in or accept private employment or render services to any other governmental body or to anyone in the private sector which would tend to be incompatible with the proper discharge of his or her duties, unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

B. REPRESENTING PRIVATE INTERESTS BEFORE AGENCIES OR COURTS. No elected Town official or employee who is admitted to practice law shall represent, as an advocate any private interest, other than his or her own or that of his or her family, in any proceeding adverse to the Town before any Federal or state court of agency.

C. DISCLOSURE OF CONFIDENTIAL INFORMATION. No Town official or employee shall, without proper authorization, disclose confidential information, nor use such information to advance the actual or anticipated financial or personal interest of him or herself or others.

D. GRATUITIES OR KICKBACKS

1. No person shall offer, give or agree to give any Town official or employee, or shall any Town official or employee accept a gratuity in connection with any decision, purchase requests or ruling for the purpose of influencing the result of such official action with respect to which the Town official or employee exercised a discretionary or mandatory power.

2. No payment of a gratuity or kickback shall be made by or on behalf of any person and be accepted by a Town official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order.

E. FAILURE TO DISCLOSE INTEREST IN LEGISLATION

1. The following persons on behalf of themselves or their families shall disclose the nature and extent of any personal or financial interest in proposed legislation before the Board:

a. Board Members

b. Town Officials or employees who have been asked to render official opinions or recommendations to the Board on the legislation.

2. The disclosure shall be made before any debate commences upon the particular legislation and shall consist of an announcement to be recorded in the journal of proceedings and a request to abstain from voting. Notwithstanding abstention from voting as may be allowed by the Board, it shall be the responsibility of each employee or Town official to personally ascertain that such actions do not conflict with Section 946.13, Stats.

F. NEPOTISM FORBIDDEN. Town officials and employees are forbidden from engaging in any act intended to, or from using their positions to influence the Town to,

employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a relative by blood, to the extent of the third degree, as defined at Section 990.001(16) Stats., or by marriage.

G. USE OF POSITION TO COMPEL, CHARITABLE CONTRIBUTIONS, DONATIONS OR INDUCE BUSINESS. Town officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, Town or private, or to engage in business transactions in which they have a personal or financial interest.

H. CONDUCTING PRIVATE BUSINESS ON TOWN PREMISES AND TIME. Town officials and employees are forbidden from conducting their personal or private business while they are on Town premises and engaged in their public duties. Private business includes all forms of political activity including but not limited to, soliciting, making or receiving contributions, gathering signatures on petitions, and engaging in campaigning for votes except as an incident to legislative activities.

1-5.0225 PROHIBITED CONTRACTS WITH THE TOWN. Notwithstanding the exclusions from coverage set forth in Section 946.13(2) Stats., no Town official or employee may, in his or her private capacity, negotiate or enter in to a contract with the Town in which contract such person has a private financial interest, direct or indirect, if at that time he or she is required or authorized by law to participate in an official capacity as a Town official or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of personal discretion; nor shall any Town official or employee, in an official capacity, participate in the making of a contract in which such person has a private financial interest, direct or indirect, or perform in regard to that contract some functions requiring the exercise of personal discretion unless said action is otherwise lawful and:

A. That contract is awarded through a process of public notice and competitive bidding; and

B. The board waives the requirement of this section after determining that it is in the best interest of the Town to do so.

1-5.0230 PUBLIC PURPOSE DOCTRINE

A. No Town official or employee shall request or permit the use of Town services or of Town-owned vehicles, equipment, materials or property for non-official purposes or for personal profit or convenience, except when such services are generally available to the public-at-large.

B. No Town official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

1-5.0235 INCORPORATION OF STATE STATUTES

A. In addition to Section 946.13, Stats., the following provisions of the Wisconsin Statutes are incorporated by reference and made a part of this chapter:

1. Section 19.01, Oaths and Bonds;
2. Section 19.21, Custody and Delivery of Official Property and Records.

B. Failure of Town officials to comply with the provisions of law set forth in Subsection A of this section shall constitute a violation of this chapter.

1-5.0240 SANCTION FOR VIOLATIONS. Any person violating this chapter may be subject to forfeiture. (Class C - \$100.00)

(Reserved for Future Use)

TITLE 1 = POLICY AND ADMINISTRATION
CHAPTER 6 – ELECTIONS
ARTICLE 1 – GENERAL PROVISIONS

1-6.0105 TERMS OF OFFICE. The regular term of two years of elected town officers commences on the 3rd Tuesday of April in the year of their election.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 6 – ELECTIONS
ARTICLE 2 – WARDS AND POLLING PLACES

1-6.0205 PURPOSE. The purpose of this article is to establish voting wards, ward boundaries and designate polling places for the Town.

1-6.0210 NUMBER OF WARDS. There shall be established 5 voting wards in the Town, numbered one through five.

1-6.2015 BOUNDARIES. Ward boundaries shall be in accordance with the map maintained in the office of the Clerk Treasurer and may be updated from time to time to reflect attachments, annexations or consolidations. Ward boundaries are established as follows:

1. Ward 1: All of the Town of Seymour south of a line commencing at the intersection with Indian Hills Dr and Lake Altoona, thence north along Indian Hills Drive to its intersection with Parkwood Dr, thence east along Parkwood Dr to its intersection with Peterson Ave, thence north along Peterson Ave to its intersection with Tower Dr, thence east along Tower Dr to its intersection with Schoettl Ave, thence south along Schoettl Ave to its intersection with North Shore Dr, thence east and south along North Shore Dr to its intersection with W North Shore Dr, thence west along W North Shore Dr to its intersection with Lake Altoona.

2. Ward 2: All of the Town of Seymour west of a line commencing at Black Ave and the town boundary thence south along Black Ave to its intersection with Tower Dr, thence east along Tower Dr to its intersection with Peterson Ave, thence south along Peterson Ave to its intersection with Parkwood Dr, thence west along Parkwood Dr to its intersection with Indian Hills Dr, thence south along Indian Hills Drive to its intersection with Lake Altoona.

3. Ward 3: All of the Town of Seymour northwest of a line commencing on the northern boundary of the town at the intersection of the town boundary and N 60th Ave, thence south along N 60th Ave to its intersection with Olson Dr, thence east along Olson Dr to its intersection with S 65th Ave, thence south along S 65th Ave to its intersection with Tower Dr, thence west along Tower Dr to its intersection with Black Ave, thence north to the town boundary.

4. Ward 4: All of the Town of Seymour northeast of a line commencing on the eastern boundary of the town at the intersection of the town boundary and Olson Dr, thence west along Olson Dr to its intersection with N 60th Ave, thence north along N 60th Ave to the town boundary.

5. Ward 5: All of the Town of Seymour southeast of a line commencing on the eastern boundary of the town at the intersection of the town boundary and Olson Dr, thence west along Olson Dr to its intersection with S 65th Ave, thence south on S 65th Ave to its intersection with Tower Dr, thence west on Tower Dr to its intersection with Schoettl Ave, thence south along Schoettl Ave to its intersection with North Shore Dr, thence east and south along North Shore Dr to its intersection with W North Shore Dr, thence west along W North Shore Dr

to its intersection with Lake Altoona. Thence following the shore of Lake Altoona south and east to the south boundary of the Town of Seymour.

1-6.0220 POLLING PLACES. The polling places for the Town of Seymour shall be as designated by Town Board Resolution, subject to the requirements of the Wisconsin Statutes. Until modified by resolution of the Town Board, the polling place for the designated wards herein listed is the Seymour Town Hall.

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 6 – ELECTIONS
ARTICLE 3 – ELECTION PROCEDURES
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 6 – ELECTIONS
ARTICLE 4 – ELECTION OFFICIALS

1-6.0410 SHIFTS OF ELECTION OFFICIALS. The Clerk Treasurer may designate two or more shifts of election officials to work on an election day, and the Clerk Treasurer or other person in charge of a polling place may establish the working hours of each election official.

(Reserved for Future Use)

TITLE 1 – POLICY AND ADMINISTRATION
CHAPTER 6 – ELECTIONS
ARTICLE 5 – ELECTRONIC VOTING
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 1 – PUBLIC OFFENSES
ARTICLE 1 – GENERAL PROVISIONS
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 1 – PUBLIC OFFENSES
ARTICLE 2 FIRE ARMS, AIRGUNS AND BOW AND ARROW REGULATIONS

2.1-1.0205- An ordinance to regulate the use of firearms, air guns and bow and arrow in the Town of Seymour.

2.1-1.0210 The discharging or use of any air gun, rifle, shotgun, pistol or other type of weapon, including discharge of arrow from a bow or similar devise, is prohibited in the following described area in the Town of Seymour, except as otherwise allowed by this ordinance:

All of the Town of Seymour lying west and south of the following designated boundary line: commencing at County Highway P as it enters the Town at Northeast corner of section 1, T27B, R9W, extending along County Highway P to County Highway Q, then east on Highway Q to South 65th Avenue, then south on 65th to Tower Drive, then west on Tower Drive to Schottl Avenue, then South on Schoettl Avenue to North Shore Drive, then following North Shore Drive to Bullhead Pond Drive, then following Bullhead Pond Drive East to North Shore Drive then Seven Mile Creek Southeasterly to Town line. The attached map showing the boundary line is incorporated herein and made part of this ordinance.

(a) Boundaries extended:

To include the Town Hall, Recreational Park Area and 65th Avenue West to 60th Avenue between Burnell Drive and County “Q”.

2.1-1.0220 Weapons may be discharged within the restricted area on tracts of land which exceed 40 contiguous acres and are owned by the same landowner, provided the following conditions are first met.

- A. A written permit is obtained by the landowner from the Seymour Town Board. The Town Board shall review each permit application on a case by case basis, and it shall be entitled to place any restrictions or deny any permits as it deems necessary to provide for the public safety and order. This permit is good only for the property described on the permit and shall be subject to any restrictions the Town Board prescribes.
- B. Access must be restricted to the landowner and those authorized by the landowner. All hunters shall carry on their person, written permission from the landowner.
- C. The landowner shall inform all hunters of the limits of the hunting area.

D. All State Statutes must be obeyed.

2.1-1.0230 Bows and arrows may be discharged within the restricted area if the person first obtains a permit. Residents and/or landowners may apply for an archery permit. This permit would allow landowners to apply for permission to allow others to hunt on their property. The Town Board will determine the number of hunters allowed on a property. Safety issues and size of property will be factors in making that determination. Landowner/resident must have written permission from surrounding landowners allowing the hunter to retrieve an animal from the neighboring property.

- A. Designates sufficient property to safely discharge a bow.
 - B. Makes all necessary safety precautions to protect the public and participants.
 - C. Assumes full responsibility for injury or damage which might result.
 - D. Access must be restricted to the landowner and those authorized by the landowner.
- All hunters shall carry on their person, written permission from landowner.

An archery permit is valid only upon the land area described in the permit and shall be subject to any restrictions the Town Board prescribes.

2.1-1.0240 The prohibitions contained herein shall not apply to rifle, shotgun and archery ranges operated by bonafide clubs, and safety of participants, neighbors, passersby and all other persons, provided that said club has notified the Town Board of said range, and the Town Board has approved of the safety of said range.

2.1-1.0250 For purposes of this Ordinance, the definition of the term “use of any air gun, rifle, shotgun, pistol or other type of weapon” shall include not only the discharging and firing of said weapons, but it shall also include having under one’s control any such weapon which is neither loaded or not within a carrying case or other suitable container. In the case of a bow, it shall include having under one’s control a bow which is uncased and capable of being shot.

Thus, it shall be a violation of this Ordinance to possess or have under one’s control any of the weapons described herein which are either loaded and/or uncased within a restricted area, unless one of the exceptions to this Ordinance has been complied with.

2.1-1.0260 The regulating of Target Practice with a firearm in the Town of Seymour, will be allowed only under the following conditions.

- (a) On property outside the restricted area, in a safe and responsible manner.
- (b) At an authorized shooting range.
- (c) On your own property
- (d) With the permission of the property owner.

2.1-1.0270 This ordinance is in addition to all other laws and regulations, and in the event provisions herein conflict with any other law or regulation, the stricter law shall apply.

2.1-1.0280 PENALTIES: Any person found guilty of violating any of the provisions of this Ordinance shall be subject to forfeiture of not less than \$100.00 and no more than \$250.00 for each offense (Class C).

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 1 – PUBLIC OFFENSES
ARTICLE 3 – FIREWORKS

2.1-1.0300 FIREWORKS.

A. No person may possess or use fireworks, as described in the Wisconsin Statutes 167.10, within the Town without first having secured a permit from the Chair. (Class D - \$50.00).

B. A permit under this section may be issued only to:

1. A public authority;
2. A fair association;
3. An amusement park;
4. A park Board;
5. A civic organization;
6. A group of resident or nonresident individuals; or
7. An agricultural producer for the protection of crops from predatory birds or animals.

C. The Chair shall issue no permit for the possession or use of fireworks until the applicant has executed an application containing the following:

1. The identity of the applicant;
2. The proposed purpose of the use or possession of fireworks;
3. If the fireworks are to be ignited or displayed, an adequate description of the location and circumstances under which they will be used or displayed;
4. A description of the amount and types of fireworks to be displayed, and;
5. An indemnity of the Town for any damages arising from said possession or use in the following language: "The undersigned hereby indemnifies and holds harmless the Town, its officers, agents and employees from any and all claims, damages, costs or expenses including reasonable attorney's fees, which costs, claims, damages or expenses arise, directly or indirectly, from or because of the use or display of fireworks in the Town by the undersigned, by any person under the control of the undersigned, by any person operating with permission of the undersigned or by any person obtaining fireworks previously in possession of the undersigned pursuant to the permit applied for by any means whatsoever."

D. Before issuance of a permit under this section, the Chair shall determine that the applicant is an appropriate person to receive such permit, shall receive advice from the Town staff as to the foreseeable safety of the possession or use of fireworks at the

proposed location, and shall notify the Township Fire Department Incorporated of the application.

E. Copy of every permit issued under this section shall be delivered to the Eau Claire Sheriff's Department and the Township Fire Department at least 48 hours before the permit allows the discharge of fireworks.

F. The Fire Chief of the Township Fire department may cancel any permit issued under this ordinance if, in the Chief's sole discretion, the use of fireworks as authorized by the permit poses an unusual fire hazard. The issuance by the Fire Chief or by the Wisconsin Department of Natural Resources of a general burning ban covering the site described in the permit and effective on the date of the permit shall automatically cancel said permit.

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 1 – PUBLIC OFFENSES
ARTICLE 4 – NUISANCES

2.1-1.0405 DEFINITIONS

- A. "Agricultural use" means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 , participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
- B. "Appliance" means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
- C. "Building" includes any building or structure or any portion of a building or structure.
- D. "Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of nonputrescible items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, or create a public safety or health hazard, except when such items are determined by the town board or town committee or other agent of the town to be stored or housed out of public view and are treated and maintained so as not to be a public nuisance.
- E. "Equipment" means goods used or bought for use primarily in a business, including farming and a profession.
- F. "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.
- G. "Junk" means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. "Junk" includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in

usable condition, pallets of agricultural use equipment, and contaminated recyclable material.

H. "Junked" means dismantled for parts or scrapped.

I. "Junked vehicle parts" means parts from a junked vehicle.

J. "Junkyard" means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. "Junkyard" includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. "Junkyard" does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.

K. "Local zoning and land use regulation" means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.

L. "Loud Noise" means any unreasonably loud, discordant, and unnecessary sound conditions, including sounds made by vehicles, equipment, machinery, guns, fireworks, or domestic or other animals, or from any human-created or -aided sounds, including alleged music. This shall also include frequently or habitually howling, yelping, barking, crowing or making other noises by any domestic or other animal.

M. "Machinery" means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. "Machinery" does not include a building.

N. "Motor vehicle dealer" has the meaning given in s. 218.0101 (23), Wis. stats.

O. "Motor vehicle salvage dealer" has the meaning given in s. 218.20 (1r), Wis. stats.

P. "Not registered," in reference to "all-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats., "Off-road utility vehicle" as defined in s. 340.01 (38m), Wis. stats., "snowmobiles" as defined in s. 340.01 (58a), Wis. stats., or "boats" as defined in s. 29.001 (16), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.

Q. "Public nuisance" means a thing, act, occupation, condition, or use of property, in public view, that continues in the town for such time as to do any of the following:

- a. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
- b. In any way render the public insecure in life or in the use of property.
- c. Greatly offend the public morals or decency.
- d. Represents a blighted appearance on the property
- e. Tends to decrease the value of neighboring properties
- f. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.

R. "Recyclable material" means material that is suitable for recycling.

S. "Receipt of written notice from the town board" includes any written notice from the Town Board which is served (a) in the manner of serving summons pursuant to Section 801.11 of the Wisconsin Statutes, (b) by mailing said notice by certified mail, return receipt requested, provided such return receipt is signed and returned, or (c) by posting the notice in some conspicuous place on the premises where the nuisance is alleged to exist.

T. "Scrap metal processor" means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for re-melting purposes.

U. "Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation systems flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., source material as defined in s. 254.31 (10), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material as defined in s. 254.31 (1), Wis. stats.

V. "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:

- a. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for re-melting purposes.
- b. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
- c. An auto junkyard or scrap metal salvage yard.

W. "Town committee" means a committee established by the town board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.

X. "Unlicensed" or "unregistered" in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.

Y. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:

- 1. "Aircraft" as defined in s. 29.001 (6), Wis. stats.
- 2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
- 2B. "Off-road utility vehicle" as defined in s. 340.01 (38m), Wis. stats.,
- 3. "Antique vehicles" as described in s. 341.265, Wis. stats.
- 4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
- 5. "Boats" as defined in s. 29.001 (16), Wis. stats.
- 6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
- 7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
- 8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
- 9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
- 10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.
- 11. "Implements of husbandry" as defined in s. 340.01 (24 a), Wis. stats.
- 12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
- 13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
- 14. "Mopeds" as defined in s. 340.01 (29m), Wis. stats.
- 15. "Motor bicycles" as defined in s. 340.01 (30), Wis. stats.
- 16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
- 17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
- 18. "Motor trucks" as defined in s. 340.01 (34), Wis. stats.
- 19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
- 20. "Railroad trains" as defined in s. 340.01 (48), Wis. stats.
- 21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.

22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
25. "School buses" as defined in s. 340.01 (56), Wis. stats.
26. "Semi-trailers" as defined in s. 340.01 (57), Wis. stats.
27. "Snowmobiles" as defined in s. 340.01 (58a), Wis. stats.
28. "Special interest vehicles" as defined in s. 341.266 (c), Wis. stats.
29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
31. Unlicensed demolition vehicles and unlicensed racing vehicles.
32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.

Z. "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a farm-raised deer, a pet bird, a farm-raised game bird, or an animal that is listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.

2.1-1.0410 - PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after receipt of written notice to remove from the town board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

A. Noxious weed areas. Any place in the town where noxious weeds are over one foot high, are located on private or public land, and the noxious weeds are not timely cut or removed within seven days after posting or publication of a notice to destroy noxious weeds under s. 66.0407, Wis. stats., or within three days after receipt of written notice to remove from the town board.

B. Unburied animal carcass areas. Any place in the town where unburied animal carcasses are located on private or public land and the animal carcasses are not timely removed or discarded, including by timely burial in a sanitary manner, within 24 hours after receipt of written notice to remove from the town board. This paragraph does not apply to any animal or pet cemetery approved in writing by the town.

C. Noxious or polluted or waste areas. Any place in the town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land,

including town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the town, and those conditions are not timely removed within seven days after receipt of written notice from the town board.

D. Noxious emission odor areas. Any place in the town where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 48 hours after receipt of written notice to remove from the town board. In this subsection, "noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the town and that seriously annoys or causes serious discomfort or causes serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.

E. Rat or vermin areas. Any place in the town where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 24 hours after receipt of written notice to remove from the town board.

F. Unauthorized human burial areas. Any place in the town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the town without written approval of the town board and are not timely removed within 14 days after receipt of written notice to remove from the town board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats.

G. Hazardous, toxic, or solid waste facility or site areas. Any place or solid waste facility in the town where the discharge, disposal, storage, or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper federal, state, county, and town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the federal, state, county, or town, and the activity or condition is not timely removed or discontinued within 24 hours after receipt of written notice to remove from the town board. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.

H. Dangerous wild animal areas. Any place in the town where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the town board and the animals are not removed or destroyed within 24 hour after receipt of written notice to remove from the town board unless written approval of the town board is obtained within said time. To constitute a dangerous wild animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the town, including a keeper of the animal, as determined

by the town board. It is not necessary that the town board find that a specific animal is dangerous in order to find a nuisance under this paragraph.

I. Dangerous or dilapidated building areas. Any place in the town where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within 30 days of receipt of written notice to remove from the town board.

J. Improper encroachment or discharge Areas. Any unauthorized or improper encroachments and discharges, as per Wis. State Statute 86.04, including, but not limited to, solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, snow and other materials on any town roadway or on other town public lands without written permission from the town board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 6 days of the receipt of written notice from the town board .

K. Junked vehicle and junked part areas. Any place in the town within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway where junked vehicles or junked vehicle parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property.

L. Junkyard and junked vehicle, appliance, and machinery areas. Any place in the town not enclosed in a building where junked or abandoned vehicles, not otherwise subject to subsections N or P, or the Motor Vehicle Salvage Yard ordinance, or junked or abandoned appliances, equipment, or machinery accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property that is not timely removed within seven days of receipt of written notice to remove the same from the town board.

M. Unlicensed or unregistered vehicle area. Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the town board and is not timely removed or discontinued within seven days of receipt of written notice to remove from the town board.

2.1-1.0415 - PUBLIC PEACE AND ORDER

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely

terminated or removed after written notice to remove or terminate from the town board to the owner or occupant of the land where the public nuisance occurred or is maintained in the town, or to any persons responsible for the creation, maintenance, or permitting of such nuisance in the town.

A. Loud noise areas. Any place in the town where any unreasonably loud, discordant, or unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or domestic or other animals, or from any human-created or aided sounds, including alleged music, is located on private or public land without written approval of the town board and is not timely removed or discontinued within 2 hours of the receipt of written notice from the town board.

B. Disorderly conduct area. Any place in the town where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting, or other unpermitted disorderly conduct conditions, are located or occur on private or public lands and these disorderly conditions are not timely removed or discontinued within 2 hours of receipt of written notice to remove from the town board.

2.1-1.0420 ABATEMENT.

A. Whenever a complaint is made that a public nuisance exists within the Town, the Chair or and any Supervisor designated by the Chair, as an enforcement official of the Town, shall promptly inspect or cause to be inspected the premises complained of and shall whenever appropriate and practicable perpetuate evidence of the nuisance by preparation of reports, statements, photographs, and sound recordings.

B. If the enforcement official determines that a public nuisance exists and that it poses a danger to the public health, safety, peace or good order of the Town, notice shall be served on the person or persons causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted or maintained or by posting a copy of said notice on the premises. Such notice shall direct the abatement of such nuisance by a set time and date, which shall be as soon as practical under the circumstances. The notice shall state that unless such nuisance is so abated or removed, the Town will cause the same to be abated or removed and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. If the nuisance is not abated within the time provided or the owner, occupant, or person causing the nuisance cannot be found, the enforcement officer shall promptly cause the abatement or removal of such public nuisance.

D. If the enforcement official determines that a public nuisance exists on private property but that the nature of the nuisance is not such as to pose a danger to the public health, safety, peace or good order, he shall file a written report of his findings

with the Town Attorney who shall cause an action to abate such nuisance to be commenced in the name of the Town.

E. Nothing in this section shall be construed as prohibiting the use of other methods of abatement of public nuisances or the enforcement of this article by the Town or its officials.

2.1-1.0425 COSTS OF ABATEMENT. In addition to any other penalty imposed, the cost of abating or removing a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

2.1-1.0430 ENFORCEMENT. Notwithstanding the provisions for abatement in this article, official warnings and citations may be issued therefore.

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 1 – PUBLIC OFFENSES
ARTICLE 5
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 1 – GENERAL PROVISIONS
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 2
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 3 –
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 4 -
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 5 - PARKING

2.1-2.0505 DEFINITIONS. The following definitions shall apply in this article unless the context requires otherwise:

A. “Abandoned Vehicle” means any of the following:

1. A motor vehicle that has been unattended on public property for more than 24 hours and lacks current registration plates or is inoperable.
2. A motor vehicle that has remained illegally on public property for more than 15 days.
3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than 24 hours, or for a motor vehicle that has been legally impounded by order of the Chair or any Supervisor designated by the Chair and has not been reclaimed for a period of 30 days.

B. “Inoperable Vehicle” means any motor vehicle which lacks an engine, or two or more wheels or other structural part which renders the vehicle totally inoperable.

C. “Park or Parking” means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

D. “Vehicle” means a motor vehicle, motorized recreational vehicle, trailer, semi-trailer, mobile home or similar vehicle, whether or not such vehicle is registered under Chapter 341 of the Statutes.

2.1-2.0510 PARKING VIOLATION NOTICE.

A. The Chair, any Supervisor designated by the Chair, and any employee of the Town under their direction may enforce the parking regulations established in this article by the initial issuance of a parking violation notice to be placed and secured upon the vehicle.

B. Such notice shall indicate the date and time of the violation, the license of the vehicle, the year of the vehicle and the location of the offense. Such notice shall also include designation of the general nature of the offense, the amount of the fine imposed and any comments of the issuing official or employee together with his or her initials.

C. If payment of the fine imposed is made in person or by mail to the Town within ten days of the issuance of the notice, no citation or court action will be initiated for the particular violation unless such violation should continue.

2.1-2.0515 SCHEDULE OF PARKING FINES. Except for violations of parking regulations regarding parking during a snow emergency, all parking regulations regarding prohibited or restricted parking, overtime parking or improper parking, except handicapped parking, shall be subject to a parking fine of \$5.00. A violation of any section regarding parking during a snow emergency shall be subject to a fine of \$10.00. Notwithstanding this, after ten days and payment has not been made, a citation may be issued for violation of this article with the deposit for such citation being equal to the maximum forfeiture provided for a Class E offense. (Class E \$5.00- \$25.00).

2.1-2.0520 OTHER ENFORCEMENT ACTION NOT EXCLUDED.

Notwithstanding any other provisions of this article regarding article enforcement, the Chair or any Supervisor designated by the Chair may, when they deem it necessary under the circumstances, take such other legal action as may be necessary to enforce this article including the issuance of a written warning or citation.

2.1-2.0525 PRESUMPTION OR ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

A. DESCRIBED VEHICLE. The particular vehicle described in the information was parked in violation of this article; and

B. REGISTERED OWNER. The defendant named in the information was the registered owner at the time in question.

2.1-2.0530 IMPOUNDING VEHICLES. The Chair and any Supervisor designated by the Chair are hereby authorized to remove, or cause to be removed, a vehicle from a street, public way, public parking lot or highway to an impound area or other place of safety, under the circumstances hereinafter enumerated:

A. DISABLED VEHICLE. When a vehicle is upon a roadway or street and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

B. ILLEGALLY PARKED VEHICLE. When any vehicle is left unattended upon a street or roadway and is illegally parked as to constitute a definite hazard or the obstruction to the normal movement of traffic.

C. SNOW REMOVAL. When any vehicle is left parked in violation of a ban on parking during a snow emergency.

D. PARKED OVER 72 HOUR PERIOD. When any vehicle is left parked upon a street or roadway for a continuous period of 72 hours or more, a diligent effort shall first be made to locate the owner. If the owner is found, he shall be given a reasonable opportunity to remove the vehicle.

E. COSTS. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this article shall be required to pay the reasonable cost of towing and storage as provided for abandoned vehicles. (Class D - \$25.00).

2.1-2.0535 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a street or roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway or street, except as otherwise provided in the case of angle parking and vehicles parked on the left hand side of one-way streets. (Class D - \$25.00).

2.1-2.0540 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon any street or roadway for any of the following principal purposes:

A. SALE. Displaying such vehicle for sale.

B. REPAIRING. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.

C. ADVERTISING. Displaying advertising.

D. MERCHANDISE SALES. Selling merchandise from such vehicle except in a duly established marketplace or when so properly authorized as provided in the Municipal Code. (Class D - \$25.00).

2.1-2.0542 RESIDENTIAL OFF-STREET PARKING.

A. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards and in residential side yards which abut a public street, is a public nuisance. The purpose of this section is to provide for the regulation of residential

off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the Town. This section does not affect parking on public highways, which is the subject of another section.

B. For all purposes under this section, "vehicle" includes all of the following: motor vehicle, vehicle designed or intended to be towed by a motor vehicle, accessory to a motor vehicle designed for human habitation of any duration or a boat on or off a trailer.

C. Except as permitted herein, no vehicle may be parked, stored or left unattended and no person may park, store or leave unattended any vehicle on any land in the Town designated for residential use by the Zoning Ordinance of Eau Claire County as the same exists on the date any party seeks to enforce this section, except on that land zoned for rural homes.

D. Personal, non-commercial vehicles may be parked in said residential districts only on a driveway or other improved surface and only under the following conditions.

1. Parking is permitted anywhere in rear or interior side yards but only on an improved surface as defined below.
2. Parking is prohibited in front yards and side yards on a corner lot abutting a street except on a driveway.
3. No part of a parked vehicle may be closer than two feet (2') to any property line.

E. "Driveway" means a surface maintained for motor vehicle access and parking including those providing access from a street entrance to a garage or parking area and those used specifically for circular turnaround or circular through traffic. Driveway widths shall not exceed thirty percent of the lot width or thirty feet (30'), whichever is more. The Board may modify this standard if, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. In the event of conflict between any determination of the Board under this section and a determination by the Eau Claire County Planning and Development Dept, the most restrictive rule shall apply.

F. "Improved Surface" means a surface of bituminous paving over a base course, Portland cement concrete, brick or block designed for this use and laid over a sand base, an oiled base course or crushed rock which provides a stable, hard driving surface which resists rutting, is impervious to erosion, does not result in blowing dirt or dust, the ponding of water and which eliminates the accumulation of dust, dirt and mud.

G. Any vehicle parked in violation of this section for 48 or more consecutive hours is hereby declared an abandoned vehicle. The Chair, any Supervisor designated by the Chair, or any Deputy Sheriff who discovers such an abandoned vehicle may cause that vehicle to be removed and stored at a suitable place pursuant to the provisions of Section 342.40 of the Statutes.

H. Any person who parks a vehicle in violation of this section, any person who owns a vehicle parked in violation of this section and any person rightfully in possession of the premises where a vehicle is parked in violation of this section is guilty of a Class E offense for the first violation and guilty of a Class D offense for any violation which occurs within one year of a preceding violation. Each day a violation continues is a separate offense.

2.1-2.0545 PARKING PROHIBITED. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer, fire fighter or traffic control device, in any of the following places:

- A. CROSSWALK. At a crosswalk at an intersection.
- B. CENTER PARKWAY. On the center parkway or dividing area of any divided street.
- C. MAILBOXES. Within five feet (5') on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from the vehicles on the roadway or street.
- D. SIDEWALKS AND BOULEVARDS. On or across a sidewalk or boulevard.
- E. DRIVEWAY. In front of a public or private driveway.
- F. INTERSECTIONS. Within an intersection of any street, highway or alley.
- G. FIRE HYDRANT. Within fifteen feet (15') of a fire hydrant.
- H. STOP SIGN OR SIGNAL. Within ten feet (10') upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
- I. FIRE STATION. In front of or blocking the entrance to any fire station.
- J. EXCAVATIONS. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- K. DOUBLE PARKING. On the roadway or street side of any vehicles stopped or parked at the edge or curb of a street.

L. HAZARDOUS LOCATIONS. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Board may cause curbs to be painted with a yellow color and erect no parking or standing signs.

M. ILLEGAL OFF-STREET PARKING. No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off-street facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility.

N. PARKING ON TOWN PROPERTY. No person shall drive, stop, stand, leave, or park a vehicle onto or upon property of the Town except as permitted by official signs.

O. OTHER. At any place where official signs prohibit stopping or parking. (Class D - \$25.00).

2.1-2.0550 HANDICAPPED PARKING. Parking for the use of the physically handicapped is provided as follows:

A. DESIGNATED SPACES. The Board on public property, and others on their own property, may set aside special parking places designated only for parking motorized vehicles displaying a special identification device issued in accordance with state law.

B. UNLAWFUL USE. The use of parking spaces which are designed for the handicapped and which are located on public or private property by a motor vehicle not displaying such a device, or by a motor vehicle displaying such device but not being used as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by the applicable statute, shall be in violation of the Municipal Code. (Class C - \$100.00 - \$250.00).

2.1-2.0555 NO PARKING ZONES. No person shall stop, stand or park a vehicle in any specifically designated no parking zones except when necessary to avoid conflict with other traffic conflict with other traffic or in compliance with a peace officer, fire fighter or traffic control signal. (Class D - \$25.00)

2.1-2.0560 PARKING CONTINUOUSLY IN ONE PLACE FOR MORE THAN 72 HOURS PROHIBITED. No person shall park any vehicle and permit the same to remain standing upon any public street in the Town continuously and in one place for a period of more than 72 hours. (Class D - \$25.00).

2.1-2.0562 SNOW REMOVAL.

A. Notwithstanding all other parking restrictions in this article, whenever in the opinion of the Chair or any Supervisor designated by the Chair, an emergency exists in the Town

or any section or sections thereof because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomenon which would create or would likely create hazardous road conditions impeding or likely to impede the free movement of fire, health, police, emergency or other vehicular traffic or otherwise endanger the safety or welfare of the Town, the Chair or any Supervisor designated by the Chair may declare an emergency to exist for a period of 48 hours. Notice of such emergency shall be given through the media and when given shall constitute due and proper notice.

B. When in the opinion of the Chair or any Supervisor designated by the Chair such emergency conditions do exist for a period in excess of aforesaid emergency period, he or she is authorized to declare successive periods as are necessary.

C. At least two hours must elapse after first notification by the news media before the penalty provisions established and maintained for this section shall become operative.

D. During the period of time between the declaration of emergency and the end of such emergency vehicles shall not be left, stopped, parked, abandoned or otherwise unattended on any street or highway in the Town. (Class D - \$25.00)

E. The provisions of this section as they pertain to any particular snow fall or snow emergency may be terminated by declaration of the Chair or any Supervisor designated by the Chair similarly publicized and shall be deemed terminated as to any particular street involved as soon as snow has been plowed on both sides of any such street. Lawful parking may be resumed on the individual street as soon as snow plowing has been completed on the full width of such street.

2.1-2.0565 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the Municipal Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets, it shall be the duty of the Town to erect and maintain or cause to be erected and maintained appropriate signs giving notice thereof and no such regulation shall become effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions or regulations stated on such sign.

2.1-2.0568 STREET MAINTENANCE. Whenever it is necessary to clear or repair a Town street or roadway or any part thereof or under other special circumstances such as the construction or maintenance of public improvements, the Town may post or cause to be posted such streets, highways or parts thereof with temporary no parking signs for a period not to exceed ten days without prior Board authorization. Such signs shall be erected at least two hours prior to the time that street maintenance or similar work is to be commenced. No person shall park a motor vehicle in violation of such sign (Class D - \$25.00).

2.1-2.0572 PARKING HEAVY VEHICLES PROHIBITED. Notwithstanding the

provisions in this chapter for temporary vehicle embargoes, no operator of a motor truck, truck-tractor, trailer or semi-trailer or any other vehicle or combination of vehicles other than motor buses weighing more than 20,000 pounds shall park such vehicles on any street or highway other than a state trunk highway in the Town except for such time as is necessary to facilitate the loading or unloading of the vehicle. (Class D - \$25.00).

A. The Board finds that the parking of vehicles over 20,000 pounds in gross weight and not used exclusively for personal use, constitutes a nuisance in residential districts in the Town.

B. No person may park, or leave standing, any motor vehicle having a gross weight of 20,000 pounds or more, unless used or licensed only for personal use, on any town road or street or on any private property within the Town in an area zoned residential other than RH, by Eau Claire County.

C. Any such vehicle left in an area described in Paragraph B above and not occupied by its driver is hereby declared to be parked in violation of this ordinance unless the same is being actively and diligently loaded or unloaded.

2.1-2.0574 UNLAWFUL REMOVING OF PARKING NOTICES AND CITATIONS. No person other than the owner or operator thereof, shall remove a Town parking violation notice, warning or citation from a motor vehicle. (Class D - \$25.00).

2.1-2.0578 PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 72 hours on any public street or ground or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee or person in control of the property, is deemed abandoned and constitutes a public nuisance provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of view and by permission or lessee or person in control of the property.

2.1-2.0580 ABANDONMENT EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or a depository maintained in a lawful place and manner properly authorized or a vehicle parked in a parking space for which a fee has been paid.

2.1-2.0582 REMOVAL AND ABANDONMENT OR SALE. Any vehicle found abandoned in violation of this article shall be impounded by the Chair, or any Supervisor designated by the Chair on behalf of the Town, until lawfully claimed or disposed of as provided for in this article. If the Chair or any Supervisor designated by the Chair determines that towing costs and storage charges for the minimum impoundment period would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chair or any Supervisor designated by the Chair that the vehicle is not wanted for evidence or any other reason. All substantially complete vehicles in excess of 19 model years of age shall be sold or disposed

of only by auction sale or sealed bid as provided in Section 342.40(3)(c) of Wis. State Statutes.

2.1-2.0585 NOTICE TO OWNER OF IMPOUNDMENT. The official removing or causing the removal of any vehicle on behalf of the Town found in violation of this article shall within ten days thereafter notify the owner and all lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3)(c) of the Wisconsin Statutes and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all rights, title and interest in the vehicle and a consent to the sale of the vehicle.

2.1-2.0588 SALE OF IMPOUNDED VEHICLE. Each retained vehicle not reclaimed by the owner or a lienholder pursuant to law may be disposed of by sealed bid or auction sale as provided in Section 342.40(3) of the Statutes.

2.1-2.0590 SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the provisions of this article shall forever bar prior claims thereto and interest therein except as hereinafter provided.

2.1-2.0592 PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under this article shall have ten days to remove the vehicle from the storage area or storage firm upon payment of a storage fee to be determined by the firm storing the vehicle. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

2.1-2.0594 NOTICE TO THE DEPARTMENT OF TRANSPORTATION. Within five days after the sale or disposition of a vehicle under this article, the Clerk shall advise the State Department of Transportation of such sale or disposition on a form supplied by said Department.

2.1-2.0595 OWNER MAY FILE CLAIM TO ABANDONED VEHICLE. At any time within two years of the sale of a motor vehicle as provided in this article, any person claiming ownership of such vehicle or financial interest therein, may present a claim to the Board setting forth such facts as are necessary to establish such ownership or interest and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of the claimant. If the Board is satisfied as to the justice of the claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Town treasury as a result of the sale of such motor vehicle.

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 6 – SNOWMOBILES AND OFF-ROAD MOTOR DRIVEN CYCLES

2.1-20605 PURPOSE The purpose of this article is to designate the Snowmobile Routes and outline regulations regarding the operation of Snowmobiles and off-road motor driven cycles.

2.1-20610 STATUTORY AUTHORITY The routes are created pursuant to village authority under section 1.1.01 as authorized by 23.23 (8)(b), Wisconsin State Statutes. The applicable provisions of State Statutes Chapter 350 of regulating snowmobile operation pursuant to routes are adopted.

2.1-20615 DEFINITIONS IN THIS CHAPTER

A. “Snowmobile” means any engine driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination operated, but does not include such vehicles which are either manually propelled or driven by a motor of four horsepower or less and operated only on private property.

B. “Off – road motor driven cycle” means any engine driven cycle that does not qualify for on-road use according to Wisconsin Statutes governing motorcycle use.

C. “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately but not to all such roadways collectively.

D. “Highway” means all public ways and thoroughfares and bridges on every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forest which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools as defined in State Stat. 115.01(1) and institutions under the jurisdiction of the County Board of Supervisors, but does not include private roads or driveways as defined in State Statutes 340.01(46).

E. “Operator” means a person who operates or is in actual control of their snowmobile.

F. “Operate” means to control the operation of a snowmobile.

2.1-2.0620 REGULATIONS – SNOWMOBILE AND OFF-ROAD MOTOR DRIVEN CYCLES

A. No person shall operate a snowmobile or off-road motor driven cycle on the private property of another without the written permission of the property owner, with that permission to be carried on the person of the operator.

B. No owner or other person having charge or control of a snowmobile or off-road motor driven cycle shall knowingly authorize or permit any person to operate such vehicle who is incapable by reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

C. The operation of off-road motor driven cycle or snowmobile in public parks, or property owned by the Town is prohibited without the written permission of the Chair. Other governmental bodies having control of land in the Town may place reasonable conditions or restrictions on such operation.

D. No person shall operate an off-road motor driven cycle or snowmobile in such a manner as to constitute a violation under Title 2, Division 1, Chapter 1, Article 4 – “Nuisances” of this Code Book.

E. It shall be a violation for any person to operate an off-road motor driven cycle or snowmobile upon any highway with the Town except in the specific manner set forth in 2.1-2.0625 of this Article.

2.1-2.0625 HIGHWAY USE PERMISSION GRANTED. The operation of off-road motor driven cycles or snowmobiles will be permitted upon specific highways within the Town under the following conditions:

A. All off-road motor driven cycles and snowmobiles will be operated at the extreme edge of the highway, wherever the embankment does not permit safe and level use the operator may operate the cycle or snowmobile as close to the embankment as possible without endangering his/her safety.

B. All operators shall observe posted roadway speed limits.

C. No highway will be used for off-road motor driven cycles or snowmobiles unless the Board specifically designates the highway as a trail or route in this chapter.

D. All operators shall ride single file

E. All approved routes must be signed in accordance with NR 64.12 and NR64.12(7)
c.

2.1-2.0630 APPROVED ROUTES The following roads or parts of roads thereof are designated as trails or routes for either off-road motor driven cycles or snowmobiles:

A. OFF-ROAD MOTOR DRIVEN CYCLES

1. None

B. SNOWMOBILES

1. Indian Hills Road, north of County Highway QQ
2. Parkwood Drive
3. Sandusky Drive
4. Hotchkiss Avenue
5. South 50th Avenue
6. North 50th Avenue
7. North 120th Avenue, south of St. Bridgets Drive
8. Vance Drive from N. 84th Avenue to N. 90th Avenue.
9. County Trunk “UN” between Ridgeland Drive and Wildrose Drive

2.1-2.0635 ENFORCEMENT OF ORDINANCE. Any law enforcement officer authorized to enforce the laws of the State of Wisconsin shall have the authority to enforce the provisions of this article.

2.1-2.0640 REGULATIONS AND ROUTES FILED. The Clerk shall file a copy of this Article of the Town Code Book with the Wisconsin Department of Natural Resources and the Eau Claire County Highway Commissioner upon passage and upon any approved changes.

2.1-2.0645 VIOLATION PENALTY – Wisconsin State Snowmobile penalties as found in 350.11 Wis. Statutes are adopted by reference.

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 7 – ALL TERRAIN VEHICLES (ATVs) AND UTILITY VEHICLES (UTVs)

2.1-20705 PURPOSE The purpose of this Article is to designate the following all-terrain / utility terrain vehicle routes identified in Section 2.1-20730 of this Article and regulate the operation of such all-terrain / utility terrain vehicles on such routes within the limits of the Town of Seymour. The enactment of this Article is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the recreational opportunities as weighted against public dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic.

2.1-20710 STATUTORY AUTHORITY This Article is adopted pursuant to the authority vested in the Town of Seymour pursuant to 23.33 Wisconsin State Statutes. It is also enacted pursuant to the granting of Town powers to the Town Board by the electors of the town which authorizes the enactment of ordinances under 61.34 Wisconsin State Statutes.

2.1-20715 DEFINITIONS IN THIS CHAPTER

- A. “All terrain vehicle” means an engine driven device as defined by current Wisconsin Statutes Chapter 23.33 and Wisconsin Administrative Code NR 64. For purposes of this ordinance, and “All-terrain vehicle” shall be referred to as an ATV.
- B. “Utility terrain vehicle” means a commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012; this is not a golf cart, low speed vehicle, dune buggy, mini-truck or tracked vehicle; that is designed to be used primarily off of a highway and is defined by current Wisconsin Statutes Chapter 23.33 and Wisconsin Administrative Code NR 64. For purposes of this Article, a “Utility terrain vehicle” shall be referred to as a UTV.
- C. “All-terrain vehicle route” means a highway designated for use by ATV/UTV operators by the Town of Seymour. For purposes of this ordinance an “All-terrain vehicle route” shall be referred to as a route.
- D. “Operate” means to exercise physical control over the speed or direction of an ATV/UTV to physically manipulate or activate any of the controls of an ATV/UTV to put it in motion.
- E. “Operation” means the exercise of physical control over the speed or direction of an ATV/UTV or to physically manipulate or activate any of the controls of an ATV/UTV necessary to put it in motion.
- F. “Operator” means a person who operates an ATV/UTV, who is responsible for the operation of an ATV/UTV or who is supervising the operations of an ATV/UTV.
- G. “Town Road” is a road located within the Town of Seymour and maintained by the Town of Seymour. Town roads are identified by a street name. ex. Burnell Drive.

- H. "County Highway" is a highway located in the Town of Seymour and maintained by the Eau Claire County Highway Department. County Highways are identified by a letter. ex. County Highway Q.

2.1-20720 Regulations of ATV/UTV Designated Route(s)

The Town of Seymour, as authorized by §23.33(11)(a) Wis. Stats, and Chapter NR 64, Wisconsin Administrative Code, which are adopted as part of this ordinance by reference, regulates the operation of ATV/UTVs on designated route(s) as follows:

- A. All rules and regulations in Wis Stats 23.33 and Wisconsin Administrative Code NR 64 are adopted.
- B. All ATV/UTV owners shall carry liability insurance coverage.
- C. Vehicle parking on Town roads if for the purpose of unloading or parking while riding the routes is prohibited.
- D. The use of off-road motorcycles and motocross is prohibited on approved routes.
- E. All ATV / UTV operators shall operate at road speeds as posted unless otherwise posted for ATV / UTV use.

2.1-20725 Responsibility of Approving and Signing Route(s)

The Town of Seymour shall maintain the supervisory responsibility of ensuring that the ATV/UTV routes identified in Section 6.6 are signed in compliance with the standard requirements and regulation established by federal, state and local governments and their respective departments and agencies, including but not limited to, the Wisconsin Department of Natural Resources. The installation and maintenance of signage is hereby delegated to the See-More ATV Club. The See-More ATV Club shall also be responsible for the purchase of, and associated costs related to, the necessary signage for the routes. All signage and signage materials shall be submitted for approval by the town board prior to installation.

Sign Placement: All routes shall be signed in accordance with NR 64.12 Wisconsin Administrative Code, the DNR Trail Signing Handbook and the Uniform Traffic Control Devices Manual.

No person may do any of the following in regard to signs marking town ATV/UTV route(s):

- A. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
- B. Possess any uniform ATV/UTV route sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route sign or standard in a lawful manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttal of presumption of illegal possession.

2.1-20730 Routes

- A. All town roads are designated as all-terrain/utility terrain routes in their entirety within the Town of Seymour, Eau Claire County, Wisconsin as authorized by sec. 23.33 (8) (b) Wis. Stats.
- B. A town road may be removed from the approved route(s) at the discretion of the board at anytime deemed necessary if:
 - 1. The Town Board determines a safety reason exists to warrant the closure of the road.
 - 2. The Town Board determines the route is being misused by ATV/UTV users and the Club or law enforcement officials are unable to properly solve the issue with the offenders.
 - 3. The Town Board determines unnecessary damage is being caused to the road due to ATV/UTV users.
- C. The Town will assist the Club with the required application process when applying for connecting routes on Eau Claire County highways. Any application fees or sign expenses will be the responsibility of the Club.
- D. Route(s) are not considered open until the Town Board has approved by ordinance the section(s) of road to be opened and the required signage on the route. Furthermore, route(s) are not considered open until all approved signage is installed.
- E. A current map and listing of open roads shall be maintained on the Town of Seymour website and posted at the Town Hall.

2.1-20735 See-More ATV Club Responsibilities

- A. The See-More ATV Club will be responsible for the purchase, installation and maintenance of all ATV signage.
- B. The See-More ATV Club will provide the town board with a Designated Volunteer Liaison. This volunteer liaison will serve as the focal contact for the town board and residents concerning ATV/UTV route requests and problems. The liaison will provide a monthly report to the Town Chairman.
- C. The See-More ATV Club will annually provide the name and contact number of the Club President to be published in the Seymour Chronicle.

2.1-20740 Notification of Proper Authorities

A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Eau Claire County Sheriff's Department and any other law enforcement agency serving the Town of Seymour jurisdiction.

2.1-20745 Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and additionally as stated in the Town's citation authority ordinance.

2.1-20750 Penalties

The penalties under §23.33(13), Wisconsin Statutes and the applicable sections of the Wisconsin Uniform Bond Schedule are adopted by reference. Any person violating the

provisions of this ordinance shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for each offense together with the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.

2.1-20755 Severability and Interpretation

- A. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.
- B. The provisions of this ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.
- C. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

2.1-20760 No Liability for Damages

This ordinance shall not be construed as an assumption of liability by the Town of Seymour for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

2.1-20765 Effective date.

This ordinance shall take effect upon passage and publication as required by law. Routes will be effective upon publication or posting and signage being installed. This ordinance may be reviewed on an annual basis by December 31 or at any time deemed appropriate by the town board.

TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - ANIMAL CONTROL
ARTICLE 1 - ANIMAL CONTROL REGULATIONS

2-1.0301 HUMANE OFFICER: APPOINTMENT AND COMPENSATION.

Eau Claire County Humane Association is contracted by the Town of Seymour for animal control. All employees of the Eau Claire County Humane Association who hold current certification under §173.27(3) Wisconsin Statutes, are appointed Town Humane Officers.

2-1.0302 APPOINTMENT OF HEARING OFFICER.

The Chairperson, or any Town Supervisor appointed by the Chairperson, may modify or withdraw abatement orders issued under §173.11 Wisconsin Statutes, by Town Humane Officers.

2-1.0303 PURPOSE. The purpose of this Ordinance is to regulate and control dogs, cats and other animals within the limits of the Town and to safeguard and protect property and the general public and to provide regulations to prevent cruelty to all animals. This ordinance applies to all animals within the Town.

2-1.0305 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

- A. Animal: means a living creature, not human, and being either domestic or wild.
- B. Animal Shelter: means the animal shelter operation of the Eau Claire County Humane Association which is the designated place for the proper care of impounded animals held under the authority of this Article.
- C. At Large: means an animal off the premises of the owner. An animal properly licensed as required by this Article shall not be deemed at large if such animal: (1) is on the premises of the owner; (2) is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than ten (10) feet in length or properly restrained within a motor vehicle; or (3) is properly housed in a veterinary hospital or licensed kennel, pet shop or the designated animal shelter.
- D. Cat: means all members of the felis domestica species, male or female, altered or unaltered.
- E. Competent Person: means a person of such maturity as to be able to exercise control over an animal.
- F. Dog: means all dogs, male or female, altered or unaltered.
- G. Owner: is intended to mean any person or persons owning, keeping or harboring a dog, cat, horse or other animal.
- H. Harbor: means to feed or shelter an animal for more than 72 hours.

I. Household is intended to include all persons, whether related or not, living at the same property address.

J. Keep: means to harbor and exercise some degree of control or management of an animal.

2-1.0308 RUNNING AT LARGE PROHIBITED. No owner of any animal shall allow such animal to run at large within the limits of the Town. The owner of said animal shall be held responsible and subject to penalty. Dogs, cats and other domestic animals shall not be considered running at large when a property owner other than the animal's owner has given permission for the animal to be present on his or her property. Dogs used for hunting purposes on public or private lands shall not be considered running at large if the dog owner is present and has the dog under his or her control by voice or whistle command.

2-1.0310 UNLAWFUL TO CAUSE HARM OR INJURY. No person shall cause, permit or suffer to permit a dog, cat or other animal to attack or kill any person or domestic animal. This Section applies to any owner of the offending animal, any person charged with its care or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or in part on the premises owned, controlled or occupied by the defendant.

2-1.0312 UNLAWFUL TO PLACE PERSONS IN FEAR OF INJURY. No person shall cause, urge, permit or suffer a dog, cat or other animal to place any person or other animals in reasonable fear of attack or injury.

2-1.0315 CRUELTY TO ANIMALS PROHIBITED. No person shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather or cruelly abandon same or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal either maliciously, willfully or negligently.

2-1.0317 ANIMAL NUISANCES. The owner of any dog, cat or other animal shall not permit such dog, cat or other animal to become a nuisance to the public by any of the following:

- A. Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing or fighting.
- B. Defacing, scratching or marring any personal property other than that of the owner of said animal.
- C. Entering any property where food or drink is sold unless provided for otherwise under Statutes.
- D. Allowing such animals to defecate on property other than the animal owner's property without cleaning up the droppings.
- E. No person shall harbor or keep any dog or any other animal, which is a public nuisance.

F. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

G. EXCEPTION. Farms, Farm Animals and Farm Operations shall not be found to be an annoyance or nuisance under this ordinance.

2-1.0320 ANIMALS AND SPECIES PROHIBITED

Animals of the species or classifications named in this section are hereby declared to be a nuisance within the Town and may not be kept by any person:

- A. Poisonous snakes,
- B. Poisonous reptiles,
- C. Poisonous fish,
- D. Electric eels,
- E. Alligators and crocodiles,
- F. Cougars, wild cats, lions, or mountain lions,
- G. Bears, unless kept by a licensed wildlife rehabilitator or the owner has a current DNR permit to do so, and the owner has, by January 30 of each calendar year, displayed the original permit to the Town Clerk and provided the Town Clerk with an exact copy of such permit.
- H. Any primate, except homo sapiens

2-1.0322 LIMITATIONS ON NUMBER OF DOGS No household shall own or keep more than two (2) dogs in the residential zoning districts (including R1L, R1M, R2, and R3) without a town kennel license. Exception for litters born on the property for 12 weeks.

2-1.0325 KENNEL LICENSE REQUIREMENTS

- A. No household shall maintain or operate a dog kennel in the Town of Seymour without obtaining a dog kennel license as provided in this section. The application for a dog kennel license shall be filed in writing with the Town Clerk Treasurer disclosing the name and address of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel and such other information the town board may require.
- B. An application/license fee as per the Fee Schedule in Appendix A, shall accompany the applicant for a kennel license.
- C. By filing of such application, the applicant shall be deemed to have consented to an inspection of the proposed kennel premises, prior to the issuance of such license and periodically thereafter, by the town board, a town health officer, any other town officer, or any agent of the town board, for the purpose of determining whether or not such license should be granted. The town board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. The town board or designee shall report to the town board any condition pertaining to the premises upon which a kennel is situated that might be detrimental or inhumane to the dogs to be kept or that constitutes a hazard with respect to health and sanitation.

D. No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards used for keeping dogs, or portions thereof are located closer than 500 feet to the nearest adjacent lot line. All buildings and dog yards used for the dog kennel shall be enclosed in a secure fence enclosure of not less than six feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public.

E. Within thirty (30) days of receipt of the dog kennel license application or renewal application, the town board shall decide whether to approve or deny the application.

F. The town board may at any time revoke any dog kennel license issued for a dog kennel if it is determined that this article has been violated. No license may be revoked until after a hearing is held before the town board upon at least 10 days' notice.

G. All dog kennel licenses issued under this Ordinance shall have a term of one (1) year, from January 1 to December 31. Any person obtaining a dog kennel license must reapply for the kennel license on an annual basis by filing renewal applications on or before November 1 of each year after issuance.

H. The Town Board may make an exception as to any part of this ordinance and allow a dog kennel license to an applicant that does not adhere to the provision set forth in this Ordinance if doing so is not contrary to the health, comfort, safety and welfare of the public.

I. The provisions of 174.053 Stats regarding multiple dog licenses. are hereby incorporated herein by reference.

2-1.0327 OWNER OR PERSON IN CHARGE OF ANIMAL TO KEEP PLACE IN SANITARY CONDITION. The owner or person in charge of any dog, cat, horse or other animal shall keep the premises where the animal is kept in a clean and sanitary condition at all times.

2-1.0328 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT. The owner of any female dog or cat in heat shall confine said female dog or cat in a building which is completely enclosed, housed in a veterinary hospital or licensed kennel or within the owner's yard enclosed by a fence or other structure having a height of at least 42 inches. Nothing in this Section, however, shall be construed as prohibiting any competent and responsible person from walking said dog or cat with a leash, cord, chain or other similar restraint not more than ten (10) feet in length or from transporting such dog or cat within a motor vehicle under proper restraint.

2-1.030 ANIMALNAPPING. No person shall take the dog, cat or other animal of another from one place to another without the owner's consent or cause such dog, cat or other animal to be confined or carried out of the Town or held for any purpose without the owner's consent. This Section does not apply to enforcement officials including the Town Law Enforcement Coordinator and Animal Control Officer engaged in the exercise of their official duties under this Title.

2-1.0332 DANGEROUS AND VICIOUS ANIMALS

- A. No person shall own, harbor, keep or maintain any dangerous or vicious dogs in the Town.
- B. No person shall bring into the Town, any dog which has been deemed vicious or dangerous in another jurisdiction or any dog ordered removed from another jurisdiction.
- C. No person shall interfere with or provide false information to the Animal Control Officer or other official during the investigation or capture of a dangerous or vicious dog.
- D. An Animal Control Officer may impound any dog suspected of being dangerous or vicious, for a period not to exceed 30 days or order the animal to be removed from the Town.
- E. Upon receipt of a written order to remove a dangerous or vicious dog from an Animal Control Officer, the owner shall confine the animal immediately if it is not impounded and comply with the removal order within seven days.
- F. An Animal Control Officer may destroy, or arrange for the destruction of, a vicious dog with the consent of the dog owner or begin the process to have the dog destroyed per pursuant to 174.02(3), Stats.
- G. All orders of the Town shall be in writing and promptly served upon the owner or mailed to the owner by Certified Mail at the owner's last known address.
- H. EXEMPTION. The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

2-1.0333 MAD, VICIOUS, SUSPICION OF RABIES – QUARANTINE AND DESTRUCTION

- A. No person shall harbor or keep any animal infected with rabies, or any animal bitten by a rabid animal. No person shall fail to report to the Animal Control Officer, Sheriff and the Health Department the existence of an animal which is so infected. It shall be a defense to a charge of violating this paragraph if the person did not know, and did not have reasonable cause to believe, that the animal was infected with rabies or had been bitten by an animal infected with rabies.
- B. In all cases hereunder, if any dog, cat, or other domestic animal is found to exhibit signs of rabies, it shall be destroyed, and no person shall interfere with the Town authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or other domestic animal.
- C. Any dog, cat, or other domestic animal which has bitten any person, and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or other domestic animal shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the Health Department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or other domestic animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.
- D. Any dog, cat, or other domestic animal which has bitten any person, and which does not display evidence of rabies inoculation shall be quarantined

within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or domestic animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his or her determination or findings thereof in writing to the Health Department.

E. Any domesticated wild animal that has bitten any person, including, but not limited to, wolf-dog hybrids, skunks and raccoons shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person, other than the Animal Control Officer, Law Enforcement Officer, or veterinarian, shall kill or cause to be killed, any domesticated animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized, and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

2-1.0335 APPREHENSION AND IMPOUNDMENT.

A. It shall be the duty of the Town Law Enforcement Coordinator or the Animal Control Officer to cause to be taken up and impounded any dog, cat or any other animal found to be at large within the Town contrary to the provisions of this Article or reasonably believed by the Town Law Enforcement Coordinator or Animal Control Officer to have committed one or more of the acts described in Section 4 or Section 5 which would subject the owner thereof to penalty.

B. The provisions of 951.15 "Abandoning Animals" and 951.18 Stats. "Penalties" are incorporated herein by reference.

2-1.0336 IMPOUNDMENT AND DISPOSAL FEES. Impoundment and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter of the Town.

2-1.0340 ANNUAL DOG LICENSE REQUIRED. The owner of all dogs five (5) months of age or older shall annually obtain a license therefore as hereinafter provided.

2-1.0341 LICENSE APPLICATION. The owner or keeper of a dog for which a license is required, shall on or before the first day of January of each year apply for a license from the Clerk Treasurer or other authorized agent of the Town for each dog owned by him.

A. A fee for each license shall be charged as provided for in Section 21. Applications made on or after April 1 of each year shall be delinquent and a late fee in accordance with State Statutes shall be applied per dog. See fee schedule Appendix A.

B. Applications for licenses shall be in writing on forms provided by the Town.

2-1.0343 VACCINATION OF DOGS AND CATS.

A. The owner of any dog or cat in the Town over the age of five (5) months shall have such dog or cat inoculated for the prevention of rabies by a licensed veterinarian. The owner shall be responsible that evidence of said anti-rabies inoculation be attached to a substantial collar kept on the dog. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

B. An owner who imports a dog or cat into Eau Claire County that has reached five months of age must have a current rabies vaccination certificate for the animal.

C. The owner of a dog or cat shall have the animal vaccinated for rabies:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate

2-1.0345 LICENSE FEES. No person shall own or keep a dog over the age of five (5) months within the limits of the Town without first obtaining a license from the Town Clerk Treasurer or other authorized agent of the Town by application. See Appendix A for license fee or one-half of these amounts if the dog became 5 months of age after July 1 of the license year. A late fee in accordance with the Statutes shall be applied per dog after April 1 of each year. See Appendix A for late fee amount. A multiple dog license can be applied for by those with a town kennel license or anyone permitted to have more than 2 dogs. See Appendix A for license fee. Exemptions to the license fee shall be granted in accordance with 174.054 and 174.055 Stats.

2-1.0347 LICENSE TAG. Upon receipt of the application and payment of the required fee, the Town Clerk Treasurer shall deliver or mail to the applicant a license which shall be in the form of a metal tag.

2-1.0348 USE OF LICENSE TAG. License tags shall be attached by the owner to a substantial collar and during the term of the license shall be at all times kept on the dog for

which the license was issued. Upon expiration of said license, the owner shall remove said tag from the animal.

2-1.0349 TRANSFER OR CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the Town Clerk Treasurer upon notification may transfer the license by notation on a license record giving the name and address of the new owner.

2-1.0305 TAG NOT TRANSFERABLE. A license tag issued for one dog shall not be transferable to another dog.

2-1.0350 DURATION OF LICENSE. All licenses shall expire on December 31st of the year of issuance.

2-1.0351 EXEMPTIONS TO LICENSE REQUIREMENTS. The requirements of licensing dogs shall not apply to such dog if:

- A. In transit through the Town only.
- B. First thirty (30) days of residency by the owner.
- C. Housed in a veterinary hospital or the designated animal shelter.
- D. Housed temporarily in an animal grooming shop.
- E. Exempt from the license requirement by 174.054 Stats (Dogs kept for educational or scientific purposes)
- F. Exempt from the license requirement by 174.055 Stats. (Dogs for blind, deaf and mobility impaired)

2-1.0355 ENFORCEMENT, PENALTIES AND FEES

- A. The Animal Control Officer or any person designated by The State of Wisconsin, a municipal government, a humane society or any person authorized by the Town is authorized to enforce the provisions of this ordinance.
- B. A violation of this article shall be punishable by a forfeiture of not less than \$50.00 nor more than \$500.00. (Class B)
- C. Each day that any violation of this ordinance continues shall be deemed a separate offense.

(Reserved for Future Use)

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 4 – BUILDING CONSTRUCTION
ARTICLE 1 – BUILDING CODE

2.1-4.0105 STATE STATUTES ADOPTED. This article is adopted pursuant to Sections 101.65 and 101.76 Wis. Stats, and includes all acts amendatory thereof and supplementary thereto relative to one and two family dwellings and outbuilding construction, restructuring, remodeling or tearing down are adopted as a portion of this chapter as far as possible, exclusive of the penalty provisions therein provided for which the penalties provided in this chapter of the Municipal Ordinance shall be substituted, and except as otherwise lawfully provided by the Town Ordinance.

2.1-4.0110 ADOPTION OF STATE CODE.

- A. That Wisconsin Administrative Code Chapters SPS 316, 320 - 325, The Wisconsin Uniform Dwelling Code as of August 1, 2014, with all amendments and provisions is adopted as part of this ordinance with all changes past, present and future and all amendments thereof and shall apply to all buildings within the scope of this ordinance.

2.1-4.0111 – SCOPE

- A. The scope of this ordinance includes the construction and inspection of all new construction and of alterations and additions to one and two family dwellings built since June 1, 1980
- B. Notwithstanding s. SPS 320.05 or any other exemptions of the UDC, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the Town Board. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the Town Board approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.

2.1-4.0112 – Standards for Detached Accessory Structures

- A. Definition of Detached Accessory Structure. A “Detached Accessory Structure” as used in this ordinance is defined as a structure that is designed for the storage of motorized vehicles, has more than 2 sides and is not attached to a dwelling. A “Detached Accessory Structure” for the purposes of this ordinance does not include any buildings used exclusively for farm operations, as defined in the UDC.

- B. All mechanical systems of a detached accessory structure, such as heating, electrical, or plumbing shall comply with the requirements of the UDC. In addition, construction of a detached Accessory Structure shall meet at least the standards set forth in the following sections of the UDC:
- a. Section SPS 321.08. If the Accessory Structure wall is within 10 feet of the dwelling wall, a fire wall constructed per s. SPS.08 (a) may be required per Table 321.08
 - b. Sections SPS 321.10. Bottom plates that rest on concrete or masonry, if less than 8 inches above final exterior grade, must be pressure treated or be a naturally decay resistance species of wood.
 - c. Section SPS 321.25(3) Headers and supporting framing for headers shall meet this section and the supporting tables (Table 321.25-B, Table 321.25-C and Table 321.25-D) headers for longer spans shall be designed by an engineering method under s. SPS 321.02
 - d. Section SPS 321.27. – The roof shall be designed to support the live and dead loads per Figure 321.02 in s. SPS 321.02. The live load requirement is 40 psf, in Zone 1, which includes Town of Seymour.
 - e. Section SPS 321.27(3) Roof framing members spanning 6 feet or more shall be permanently fastened to the top plate using engineered clips, straps, or hangers. Use of timber lock-type screws from below the top plate into the roof member is acceptable.

2.1-4.0115 BUILDING INSPECTORS. The position of Building Inspector shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC , HVAC, UDC Electrical and UDC Plumbing.

2.1-4.0120 BUILDING PERMIT REQUIRED. No person, firm, corporation or partnership shall build, restructure, remodel, or tear down any one-or-two family dwellings, out buildings, or storage garages, without first obtaining a building/demolition permit for such building from the Clerk as granted by the Board or from the Town Building Inspector. Such building permit shall be furnished by the Town in accordance with this ordinance.

2.1-4.0125 BUILDING PERMIT FEE. That before receiving a building permit, the person, firm, corporation or partnership shall pay the fees listed in the Appendix A -Fee Schedule, Attachment 1, at the end of this code.

2.1-4.0130 LAND USE PERMIT That before receiving a building permit, the person, firm, corporation or partnership shall first obtain a Land Use Permit from the Eau Claire County Planning and Development Department for all new one and two family dwelling units, detached accessory structures, as well as existing residential units with plans for additions

or changes in the existing “footprint” including changes in door and window sizes and locations and additions or changes to decks.

2.1-4.0135 LIQUID WASTE SEPTIC SYSTEM. All new one-or-two family residential buildings shall have an approved primary and a secondary liquid waste septic system equal to or exceeding that required by the State of Wisconsin prior to building permit being issued.

2.1-4.0136 – DRAIN TILE SYSTEMS - All new dwellings shall have a drain tile system installed pursuant to s SPS 321.17, unless an independent person or firm who has expertise in soil types submits a soil report indicating that a drain tile system would not be required due to the soil type at the proposed dwelling site.

2.1-4.0140 MANUFACTURED HOMES. As defined in Wis. Stats, Chapter 101.91(2) (a) and (b) as they relate to Chapters 101.91 to 101.96 shall be granted a permit as a one-or-two family dwelling when all other sections relevant to this ordinance are satisfied.

2.1-4.0145 PERMIT-DISPLAY ON PREMISES. Every person in accordance with the provisions of this section shall immediately post such permit and keep the same posted while in force in a conspicuous place on the grounds where it can be easily seen from the car passing upon a roadway. It is considered a violation of this ordinance for anyone to knowingly deface, alter or destroy such permit. Whenever a permit shall be lost or destroyed a duplicate permit in lieu thereof under the original application may be issued by the Clerk or Building Inspector when satisfied as to the facts relating thereto.

2.1-4.0150 REVOCATION AND SUSPENSION OF PERMIT. The Clerk by order of the Board or the Town Building Inspector may revoke or suspend any permit issued under this ordinance for violation of any section of this ordinance or for violation of any provisions of the State Uniform Dwelling Code

2.1-4.0155 PENALTY. Any person violating any of the provisions of this chapter shall forfeit not less than \$100.00 nor more than \$250.00 (Class C) and the cost of prosecution for each offense and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until the payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

(revised 3/8/2021)

(Reserved for Future Use)

TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 5 - AMBULANCE SERVICE
ARTICLE 1 - GENERAL PROVISIONS

2.1-5.005 DEFINITIONS.

- A. "Persons who receive emergency medical service or ambulance service" includes persons who personally receive such service and every person responsible for the payment of the medical expenses or debts of those persons, including the spouse, parents, children's guardian, representative payee, personal representative, heirs, and others as provided by law.
- B. "Emergency medical service or ambulance service" includes the services of emergency medical technicians, first responders, ambulance personnel, and others called or dispatched to the site of a reported medical emergency, without regard to whether actual medical or para-medical services are performed or whether the person is transported in an ambulance or other emergency vehicle.

2.1-5.010 COST RECOVERY

- A. All persons who receive emergency medical service or ambulance service which, by law, is furnished by the Town or the cost of which is chargeable to the Town, shall pay the cost thereof to the provider.
- B. Town officials are empowered to undertake such acts as are necessary or convenient to collect sums due the Town under the terms of this subsection

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 6 – WATERCRAFT
ARTICLE 1 – SLOW NO WAKE AREA

A Sole Ordinance to Regulate Boating Upon the Water of Lake Altoona and Prescribing Penalties for Violation Thereof.

The Town Board of the Town of Seymour, Eau Claire County does ordain as follows:

2.1-.0601 - Applicability and Enforcement: The provisions of this Ordinance shall apply to the waters of Lake Altoona. This chapter shall be enforced by the officers of the Town of Seymour and/or the DNR Warden.

2.1-0602 – 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.

2.1-0603 - State Boating and Safety Laws Adopted: State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference here.

2.1-0604 –Penalties: Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

2.1-0605 – Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Seymour, Eau Claire County 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.

2.1-0606 – Definitions: “Slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

2.1-0607 - Slow No Wake Area: No person shall operate a boat faster than slow-no-wake in the waters of Lake Altoona between the Lake Altoona Dam and Lake Altoona and the waters between Lake Altoona and the High Lines extending over the river at any time. These areas shall be appropriately marked with regulatory buoys to reflect this speed restriction.

2.1-0608 - Posting Requirements: The Lake Altoona District, Eau Claire County shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the Town of Seymour, Eau Claire County pursuant to the requirements of NR 5.15, Wis. Adm. Code.

(added 10/12/2020)

(Reserved for Future Use)

TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 1 – FIRE WARDEN
ARTICLE 1 - GENERAL PROVISIONS
(reserved for future use)

(Reserved for Future Use)

TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 2 - TOWNSHIP FIRE DEPARTMENT, INC.
ARTICLE 1 - GENERAL PROVISIONS

2.2-2.0105 NATURE OF DEPARTMENT. The fire services provided to the Town are provided by the Township Fire Department, Inc., a non-profit, non-stock corporation which is owned by the Towns of Washington, Seymour, Union, Brunswick and Pleasant Valley. The corporation serves as the official fire department for the Town.

2.2-2.0110 RELATIONSHIP WITH DEPARTMENT.

- A. The Town's relationship with the corporation is governed by the provisions of the bylaws of the corporation which are incorporated herein by reference as from time to time amended or altered.
- B. The Town is represented at the meetings of corporation members, both annual and special, by the Board.
- C. The Chair, by virtue of office, shall serve as a corporate director on the Board of Directors and may serve as an official or officer of the corporation. He/She shall serve in any capacity incident to be the Town's official designated representative.
- D. The Town shall be responsible for payment of its financial support assessment as annually approved by the Board of Directors based on the equalized valuation of the members as provided in the corporate bylaws

(Reserved for Future Use)

TITLE 2 – COMMUNITY PROTECTION
DIVISION 2 – FIRE SAFETY
CHAPTER 2 – TOWNSHIP FIRE DEPARTEMENT, INC
ARTICLE 2 – FIRE PROTECTION CHARGES

2.2-2.0205 This ordinance is adopted pursuant to the authority granted town boards under s. 60.55(2)(b), Wis. Stats. which allows towns to recover the cost of fire calls made to property within the town. Per Wis. Stats., 60.55(1)(a) the Town of Seymour is a member municipality of Township Fire Department, Inc. (TFD) which provides fire protection services within the Town.

2.2-2.0210 Liability And Cost Of Fire

A. Fires which violate an ordinance. Any person who intentionally or negligently starts or uses an outdoor fire, which at any time violates any town Ordinance concerning fires, shall be liable to the Township Fire Department for all costs of suppression of that fire or fires incident to such violation or violations.

B. Fires which violate a permit. Any person who intentionally or negligently starts or uses an outdoor fire, which at any time endangers property not covered by the permit issued for that fire, if any, shall be liable to the Township Fire Department for all costs of suppression of that fire or fires incident to such violation or violations.

C. Fee Schedule. Township Fire Department shall maintain a fee schedule for the purpose of imposing such charges. The Town authorizes Township Fire Department to impose a charge for each fire call made within the limits of the Town of Seymour which is in violation of any adopted fire ordinance. Such fee shall not exceed the actual cost to Township Fire Department for the fire call.

D. Extent of Liability. The payment of such fire suppression costs shall be in addition to any other liability, penalty or cost imposed by any other ordinance of the Town, Eau Claire County, or the State of Wisconsin.

2.2-2.0215 - Payment Of Fire Call Fee

A. Timely Payment - The fire call charges provided for in any adopted fire ordinance shall be paid in full to Township Fire Department (TFD) no later than 60 days after the date of the particular fire call.

B. Delinquent Payment - The failure to pay the bill within 60 days will result in interest being charged at the rate of 1 1/2 percent per month from the date of the bill.

C. Failure to Pay -Those bills for fire calls to real estate, including interest, that remain outstanding for more than 90 days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll by the Town of Seymour as a delinquent special charge under s. 66.0627, Wis. Stat.

Fire Departments: The Town of Seymour is a member municipality of Township Fire Department, Inc. and TFD provides fire protection services to the Town. Any property owner requesting fire protection directly from any fire department other than Township Fire Department shall be responsible for the full costs billed resulting from the fire call. This section shall not apply to the costs of any other department responding at the request of an authorized department under a mutual aid agreement.

2.2-2.0225 Severability:

The provisions of this Ordinance are severable. If any part or provision of any section, clause, or provision hereof is invalid or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

2.2-2.0230 Conflicts with Other Ordinances:

All ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed.

Effective 11/13/2019

TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 – FIRE SAFETY
CHAPTER 3 – FIRE REGULATIONS
ARTICLE 1 – OUTDOOR BURNING

2.2-3.0105 PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

2.2-3.0110 APPLICABILITY. This ordinance applies to all outdoor burning of any material, whether the fire is contained or not within the Town except:

A.

A. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

B. Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in 2.2-3.0115 (N) of this ordinance.

C. Burning in a furnace, boiler or other heating device outside a building used to provide heat for human or animal habitation unless the material being burned includes refuse as defined in 2.2-3.0115 (N) of this ordinance.

D. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

E. Fires for the purpose of warming the person which comply with the terms of this ordinance for a campfire.

2.2-3.0115 DEFINITIONS.

A. “Burn Barrel” means a steel or iron container used to burn materials not prohibited by law constructed so that while burning takes place in it, there are no holes in any of its top, bottom, or sides greater than one-fourth square inch ($1/4''^2$), it is at least six inches (6") above the ground, and it is at least ten feet (10') from any combustible material.

B. “Campfire” means a small outdoor fire less than five feet (5') in diameter, intended for recreation, cooking or warming the body, not including a fire intended for disposal of waste wood or refuse. Wood used in a camp fire shall be cut, split, trimmed and sized appropriately for a small camp fire and the fire shall be confined by a control device or structure such as a barrel, fire ring or fire pit.

C. “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

D. “Chief Inspector” means the Chief Inspector of the Township Fire Department, Inc.

E. “Confidential Papers” means printed material containing personal identification or

financial information that the owner wishes to destroy.

F. "Department of Natural Resources" means any employee of the State of Wisconsin, Department of Natural Resources empowered by that department to act on its behalf in the matter at issue.

G. "Deputy Chief or Battalion Chief" means a Deputy Fire Chief or a Battalion Chief of the Township Fire Department, Inc.

H. "Exception" This chapter shall not apply to fires lawfully set, kindled or maintained for the purpose of cooking food or warming the person.

I. "Fire Chief" means the Chief of Township Fire Department, Inc. or other person authorized by the Fire Chief.

J. "Fire Department" means the Township Fire Department, Inc.

K. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

L. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

M. "Outdoor Wood-Fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

N. "Refuse" means any waste material except clean wood.

2.2-3.0120 GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING. Open burning, outdoor burning and refuse burning are prohibited in the Town unless the burning is specifically permitted by this ordinance.

2.2-3.0125 MATERIALS THAT MAY NOT BE BURNED. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources:

A. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

C. Asphalt and products containing asphalt.

D. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

E. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

- F. Rubber including tires and synthetic rubber-like products.
- G. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the Eau Claire County Recycling Ordinance except as provided in 2.2-3.0145 of this ordinance.

2.2-3.0130 OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS. Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only by permit, issued under 2.2-3.0150 and 2.2-3.0155 of this Article, subject to special conditions therein and in accordance with the following provisions:

- A. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions will minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- B. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- C. Open burning shall be conducted only on the property on which the materials were generated.
- D. A commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- E. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance and in accord with all restrictions imposed by the approving authorities.
- F. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources and the Fire Chief.
- G. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if conducted in accordance with other provisions of this ordinance.
- H. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
- I. Open burning under this section shall only be conducted at a location at least fifty feet (50') from the nearest building which is not on the same property.
- J. Except for campfires, open burning and burning in a barrel shall only be conducted between 6:00 PM to midnight Monday through Friday except legal holidays as defined in 995.20, Wisconsin Statutes or between 8:00 AM to midnight Saturday, except legal holidays as defined in 995.20, Wisconsin Statutes. All fires shall be extinguished by midnight.
- K. When two or more inches of snow cover blankets the Town burning permits may be issued allowing open burning and burning in a burn barrel between the hours of 8:00 AM and Midnight Monday through Saturday except legal holidays as described in 2.2-3.0130 (J). All fires shall be extinguished by midnight.

L. Open burning and burning in a barrel shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

M. All piles of materials to be burned shall be sized appropriately so that the fire will be completely out by midnight.

N. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

O. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five feet (25') from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

P. No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town.

Q. Agricultural burning permits, may be issued in the A1 (exclusive agriculture) Zoning districts to burn leaves, weeds, brush, stumps, clean wood and other vegetative debris, Monday through Saturday except legal holidays and when atmospheric conditions or when local circumstances may make or tend to make such fire or fires hazardous. When Agricultural burning may take place 24 hours a day continuously when the burning takes place on a snow covered, tilled or harvested field where minimal crop residue is present to support continuous burning and the fire is attended as described in Section 2.2-3.0130(L).

2.2-3.0135 BURN BARRELS. A burn barrel may be used in the Town only in accordance with the following provisions:

A. The burn barrel shall not be used to burn any of the prohibited materials listed in 2.2-3.0125 of this Article and may only be used in accordance with the provisions of 2.2-3.0130 of this Article.

B. The burn barrel shall be located at least fifteen feet (15') from the nearest building that is not on the same property as the burn barrel.

C. The burn barrel shall have vent holes not greater than $\frac{1}{4}$ (.25) square inch (.5"x.5" square, or 13"/16" round), located above the ash line for combustion air and shall be covered with a heavy wire screen with the openings not greater than $\frac{1}{4}$ (.25) square inch.

D. No burn barrel shall be used or located upon the premises of a commercial enterprise.

2.2-3.0140 FIRE DEPARTMENT PRACTICE BURNS. Notwithstanding Section 2.2-3.0120 of this ordinance, the Township Fire Department, Inc. or another Fire Department having jurisdiction in the Town, alone or in conjunction with Chippewa Valley Technical College may burn a standing building, if necessary, for fire-fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

2.2-3.0145 EXEMPTION FOR BURNING CERTAIN PAPERS.

- A. Notwithstanding 2.2-3.0125 (G) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance
- B. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- C. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- D. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with 2.2-3.0130 of this Article.

2.2-3.0150 BURNING PERMITS.

- A. No person shall start or maintain any open burning without a burning permit issued by the Dispatcher or Deputy Dispatcher of the Township Fire Department, Inc.
- B. Property owners located in the DNR intensive forest fire protection areas, shall obtain a burning permit from an authorized DNR fire warden.
- C. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- D. Any person who burns leaves, brush, clean wood or other vegetative debris under 2.2-3.0130 of this Article shall obtain a burning permit by telephone or in-person communication with the dispatcher of the Township Fire Department Inc.
- E. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- F. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- G. Burning permits shall not be issued when sustained wind speeds greater than ten mph or sustained winds of lesser speed gust to 15 mph or more. All previously issued burning permits become invalid when those conditions exist.
- H. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

2.2-3.0160 LIABILITY.

- A. Any person who starts or uses an outdoor fire shall be liable to the

Township Fire Department for all fire suppression costs if the fire is in violation of this ordinance or it endangers property not covered by the permit or persons.

2.2-3.0165 PERMISSION OF OWNER OR LESSEE REQUIRED FOR FIRES.

No person shall set, kindle or maintain or cause to be so any fire, or otherwise authorize such fire to be set, kindled or maintained on any public property or on any private property except:

- A. Property owned by the person;
- B. Property leased to the person; or
- C. Property owned by another with that owners written consent.

2.2-3.0170 RIGHT OF ENTRY AND INSPECTION. The Fire Chief or any person designated by the Fire Chief or any authorized officer, agent, employee or representative of the Town may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

2.2-3.0175 ENFORCEMENT, PENALTIES, AND FEES.

- A. The Fire Chief and any Assistant Chief or Battalion Chief of Township Fire Department Inc., or any Fire Warden appointed by any agency of the State of Wisconsin or the Town or any person authorized by the Town is authorized to enforce the provisions of this ordinance.
- B. The penalty for violation of any portion of this ordinance shall be a class C offense and a forfeiture of not less than \$100 or more than \$250 plus the cost of prosecution.

TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 1 - BEER AND LIQUOR CONTROL

3-1.0105 TRAINING REQUIREMENTS FOR OPERATOR LICENSES.

A. All persons applying for, or presently licensed as beverage operators in a Class A or Class B establishment, shall complete a mandatory Alcohol Awareness Training Program approved by the Wisconsin Department of Revenue. Any person applying for a license may be granted a license for a 60-day period pending completion of the approved training program. After completion of the approved training program, the applicant shall show to the Clerk the certificate of completion and shall be granted a license for the balance of the licensing period. In the event the applicant does not complete the approved training program, the 45-day license shall become null and void.

B. No Class A or Class B license shall be issued unless the applicant has successfully completed the above described program. For the purpose of this section, applicant means: for a sole applicant, that person; for a partnership, all partners except limited partners so designated by a limited partnership agreement which complies with Chapter 179 of the Wisconsin Statutes; for a corporation, the agent of said corporation pursuant to Section 125.04(6), Wis. Stats. No person who otherwise would be considered the holder of an operator's license under Section 125.32(2) or 125.68(2) of the Wisconsin Statutes shall be so considered unless he or she has successfully completed said program.

C. Participants in the approved training program shall pay the established tuition fee.

3-1.0110 ISSUING OPERATOR LICENSES.

A. A new beverage operator's (bartender's) license as provided by Chapter 125 Stats. may be issued by the Board upon the payment of the fee shown on the Fee Schedule at the end of this code. A renewal beverage operator's license may be issued by the Board upon the payment of a fee listed in the Fee Schedule. A written application provided by the Clerk Treasurer shall be filed with the Clerk Treasurer and completed in full. A background check will be completed on the applicant by the Town Clerk Treasurer. A person must be 18 years of age and have completed the approved training in order to be eligible for an operator's license or have proof that the applicant has been a licensed operator (bartender) in the State of Wisconsin within the last two years.

B. The Board shall grant an operator's license pursuant to this section to such applicants as they deem fit. Said license shall expire on June 30th following the date

of issuance. The license fee under this section shall be paid to the Clerk Treasurer. Each operator's license shall be posted in a conspicuous place in the room or place where alcohol beverages are poured, served, consumed or removed for service or sale.

C. The Clerk may issue a provisional beverage operator's license subject to the following conditions:

1. A provisional license may be issued only to a person who has applied for a regular beverage operator's license as provided by Subsections A and B of this section.
2. A provisional license may not be issued to any person who has been denied a regular beverage operator's license by the Board.
3. A provisional license shall expire 60 days after its date of issuance or when a regular beverage operator's license is granted by the Board and issued to the holder, whichever is sooner.
4. The fee for a provisional beverage operator's license shall be included in the fee paid for an operator's license under Subsection A of this section. Upon issuance of a provisional license, the fee is nonrefundable.
5. The Clerk may revoke the provisional license if it is discovered that the holder of the license made a false statement on the application.
6. On issuance of the provisional license, the Clerk shall conduct a background check.
7. The Clerk may revoke the provisional license of any person when it is determined that such person has had one or more criminal or civil convictions substantially relating to the duties and circumstances commonly associated with a beverage operator's position.
8. Any person whose provisional license is revoked by the Clerk shall have the right to appeal that revocation to the Board. Such appeal must be made in writing and presented to the Clerk within ten days after the date of revocation. Such appeal will then be heard by the Board at its next regularly scheduled meeting.
9. No person shall be issued more than two provisional licenses in any two-year period.

C. Any license issued under this section may be suspended or revoked or cause by

the Board. The Chair, Clerk or Board may suspend a beverage operator's license upon receipt of information which constitutes probable cause that the licensee:

1. Violated any ordinance, law or regulation while operating as a licensee;
2. That violations of any ordinance, law or regulation pertaining to the sale of beverages containing alcohol occurred while said licensee was present on said premises; or
3. That violation of any ordinance, law or regulation pertaining to the premises where said sales occurred while said licensee was present on said premises. The Board shall hold a public hearing prior to any revocation and may only revoke a license for cause.

3-1.0115 REGULATION OF CLOSING HOURS.

A. No premises for which a Class B license has been issued for the sale of intoxicating liquors or fermented malt beverages shall be or remain open during hours prohibited by Wisconsin Statutes.

B. Any person or license holder who violates any of the provisions of this section shall forfeit a penalty of not less than \$25.00 nor more than \$100.00 (Class D).

3-1.0120 ON AND OFF SALE. The Town elects to come under Section 125.51(3)(b) of the Wisconsin Statutes. The issuance of a Class B license for the sale of intoxication liquor pursuant to Section 125.51 of the Wisconsin Statutes may upon approval of the Board, include authority for the sale of said intoxicating liquor in the original package or container, subject to all statutory restrictions.

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 2 – MOBILE HOME PARKING AND MOBILE HOME PARKS

3-1.0205. The provisions of Wisconsin Statutes Section 66.058, as amended or renumbered from time to time, and definitions contained therein are hereby adopted by reference.

3-1.0210. There is hereby imposed on each occupied, nonexempt mobile home located in the Town of Seymour a monthly parking fee as determined in accordance with Section 66.0435, Wisconsin Statutes. Said fees shall be paid to the Town of Seymour Clerk Treasurer on or before the 10th day of the month following the month for which such fees are due.

3-1.0215. It shall be unlawful for any person or other entity to establish or operate upon property owned or controlled by him within the Town of Seymour a mobile home park without having a valid license therefore from the Town Clerk Treasurer. The application for such license shall be accompanied by a fee of one hundred dollars (\$100.00) for each 50 spaces or fraction thereof in the existing or proposed park. The license shall expire on the first Monday of January. Such parks shall comply with Wis. Adm. Code HSS 177 and the Eau Claire County Zoning under provision of Chapter 18.29, titled Mobile Home Parks, which is hereby adopted by reference.

3.10225

(a) Licensees of the mobile home parks and owners of land on which they are parked and occupied, nonexempt mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk Treasurer in accordance with Section 66.0435 (3)(c)(2) Wisconsin Statutes.

(b) Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Clerk Treasurer as provided in 3.10210. It shall be the full and complete responsibility of the licensees of mobile home parks to collect said fees for all mobile homes parked therein and to remit such fees to the Town Clerk Treasurer as provided in 3.10210.

(c) In the event that any licensee is delinquent in any of its financial obligation to the Town under this ordinance two (2) times within any twelve month period, that licensee shall be required to file with the Town Clerk Treasurer a surety bond in the sum of \$2,000 to guarantee the collection by the licensee of the monthly parking permit fee provided for in 3-1.0210 and the payment of such fees to the Town Clerk

Treasurer, and the payment by the licensee of any fine or forfeiture including legal cost imposed upon or levied against said licensee for violation of this ordinance. For purposes of this section, a separate delinquency shall have occurred each month the licensee fails to pay to the Town Clerk Treasurer mobile home fees pursuant to 3-1.0210 and 3-1.0225(b) of this ordinance within ten (10) days of the date of which said payment was due. All surety bonds filed under this section shall meet the approval of the Town's attorney, and all such bonds shall be executed by sureties whose net worth is sufficient to give the town adequate security.

(d) A fee of \$10.00 shall be paid to the Town Clerk Treasurer as a transfer fee for each transfer of a license under this ordinance.

(e) Overnight camping sites in a trailer camp shall pay an annual license fee of \$1.00 for each space in the existing or proposed camp.

3-1.0230. In order to protect and further the health, safety, and welfare of the public, it is required that every mobile home occupied within the Town of Seymour shall meet all federal and state manufacturing code requirements applicable to said mobile home, given its size and date of manufacture. Further, all mobile homes for which labeling or stickers were or are required at the time of manufacturing shall be required to bear said stickers or labels at all times during the occupancy of said mobile homes in the Town of Seymour.

3-1.0235 Violation of this article shall be punishable as follows:

- (a) Any person, firm or corporation who fails to comply with the reporting requirements of 3-1.0220 and 3-1.0225, upon conviction thereof, forfeit up to \$25.00 for each violation, with each failure to report being considered a separate offense. (Class E)
- (b) Any person, firm or corporation who fails to comply with any other provision of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 no more than \$100.00 together with costs of prosecution. Each day of a continuing violation shall be considered a separate offense, and therefore each day shall be subject to a separate charge and punishment upon conviction.

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 3
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 4
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 5
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 6
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 7 – SOLID WASTE COLLECTION

3-1.0710 SOLID WASTE COLLECTION. The provisions of this ordinance shall apply to any person, firm, or corporation collecting, transporting, dumping, or disposing of garbage, recyclables, refuse or rubbish within the Town; and shall supersede any and all previous ordinances or parts of ordinances with which it conflicts. Except for such conflicts, the effect of said ordinances shall be cumulative.

3-1.0720 LICENSE REQUIRED. Except for those persons who collect yard waste for disposal in other than a licensed landfill, no person, firm, or corporation shall collect, transport, dump or dispose of solid waste within the Town except upon license issued by the Board.

3-1.0725 LICENSE APPLICATION. An application for a license hereunder shall be made to the Board in writing; and shall include:

- A. The name and address of the applicant; if the applicant is a corporation, the name and address of the corporation's principal officer and registered agent.
- B. The legal description of any disposal site to be used by the licensee.
- C. A copy of any license granted to the applicant by the Wisconsin Department of Natural Resources.
- D. A certificate of insurance as described below.
- E. The names and addresses of municipalities within the state which have issued to the applicant's similar disposal licenses and a summary of the applicant's experience.

3-1.0726 LICENSE AGREEMENT By applying for a license or a renewal thereof, each licensee is implicitly agreeing to abide by the terms of all Town of Seymour Ordinances, as well as all other rules, regulations and laws enacted by other units of government regarding the collection, hauling and disposal or refuse.

3-1.0730 TERM OF LICENSE. A license issued hereunder shall be for a term not to exceed one year, commencing with the date of issuance of the license and ending December 31st of that same year.

3-1.0735 LICENSE FEE. The applicant shall accompany his application with the annual license fee listed in the Fee Schedule at the end of this code. If the application is denied, the license fee shall be returned to the applicant.

3-1.0740 INSURANCE. Prior to issuance of the license, the applicant shall furnish to the Clerk a current certificate of insurance showing worker's compensation coverage and also showing that the operations of the applicant pursuant to the license will be covered by

public and vehicle liability and property damage and indemnity insurance in the amount of \$1,000,000.00 for each death and injury; \$3,000,000.00 for all deaths or injuries occurring in a common accident (or \$3,000,000 single limit coverage); and \$300,000.00 for property damage liability. All licenses shall save the Town harmless from liability which may arise by reason of issuance of a license hereunder or operations of the licensee hereunder. Failure to provide or keep in force the insurance required hereunder shall automatically void the license issued hereunder.

3-1.0745 REFUSE DESTINATION. All refuse collected in the Town by a licensed hauler shall be deposited in a lawfully licensed location to receive such refuse.

3-1.0750 REVOCATION. The Board may revoke any license issued hereunder for cause upon three days-notice to the licensee and after granting the opportunity to be heard before the Board. Cause shall include, but not be limited to, a violation of this ordinance or any other ordinance or state law or order regulating the disposal, dumping, or transporting of solid waste; or the creation of a public nuisance. If any license is revoked hereunder, the license fee shall not be returned to the applicant.

3-1.0755 MANDATORY COLLECTION OF RECYCLABLES. Any business or individual licensed, authorized or otherwise permitted to collect refuse in the Town shall collect and dispose of recyclables placed for collection on the curb by all customers living in single family homes and dwellings with two to four units. Such collection shall be at least twice a month and for so long as the County pays the hauler for collection of recyclables, there shall be no charge to the customer except for the charge for collecting refuse. The licensee shall also provide the customer, free of charge, with a minimum 18-gallon container that complies with Subsection 12.73.140A of the Eau Claire County Code, into which the customer may place the recyclables. For the purpose of this section, recyclables shall mean those materials as defined in Subsection 12.73.100A of the Eau Claire County Code.

3-1.0760 VOLUME BASED RATES. Each hauler shall provide a volume-based rate schedule for garbage service to be assessed on a per container basis with the base level of service not to exceed one 45-gallon container per week. The schedule and any revisions thereof shall be filed with the Municipal Clerk and County Solid Waste Coordinator prior to implementation or revision of said schedule.

3-1.0765 DAYS AND TIMES OF REFUSE COLLECTION. In order to promote an orderly collection of refuse, the Town Board shall have the power to set, by Town Board resolution, the days and times during which refuse may be collected within the Town of Seymour. All haulers must comply with the times and days of collections as duly set by the Town Board by resolution.

3-1.0770 VEHICLES; COVERS REQUIRED FOR ALL VEHICLES TRANSPORTING REFUSE; DROPPING OF MATERIAL PROHIBITED. Vehicles used to collect refuse within the town of Seymour shall have metal bodies and be of such construction that there will be no dripping,

dropping or scattering of material therefrom along the streets and highways of the town. No person may transport refuse within the Township without using a cover or enclosure to completely contain and cover all refuse being transported. This Section shall apply to all persons transporting refuse, regardless of whether they are commercial haulers or private citizens. If brush or tree limbs are being hauled in open vehicles or trailers, the brush or tree limbs shall be secured to the vehicle or trailer so as to prevent either from falling from the vehicle or trailer.

3-1.0775 MANNER OF COLLECTION. Refuse haulers and their employees shall take care in loading and transporting, so that none of the material collected is spilled or left on private or public property or on streets or highways. Refuse collection shall be done as quietly as possible, especially in the early morning hours.

3-1.0780 PLACEMENT AND REMOVAL OF REFUSE RECEPTACLES FROM DRIVEWAYS AND FRONTS OF BUILDINGS. Refuse receptacles, cans or other containers may be placed in front of buildings or in driveways near street right-of-way for collection purposes only for 24 hours or less, as necessary for refuse collection during the day and times set by Town Board resolution. At all other times, waste receptacles, cans or containers must be kept in a location upon each property other than the front yard' or front portion of the driveway and all storage of refuse must be conducted in such a way as to prevent the creation of a nuisance as defined in other Town Ordinances.

3-1.0785 DISPOSAL OF REFUSE ON TOWN PROPERTY OR UPON THE PROPERTY OF ANOTHER. No person or other entity may dispose of refuse by leaving, dumping or land filling refuse on any property owned by the Town. Furthermore, no person may leave, dump, landfill or otherwise dispose of refuse on the property of any other person, without that person's prior consent. For purposes of enforcement of this article, it shall be presumed that any refuse found to be dumped, land filled or left was caused to be so dumped, land filled or left by the person or entity which generated the refuse.

3-1.0795 PENALTY. Any person, firm, or corporation who shall violate any provision of this ordinance shall upon conviction forfeit not less than \$100.00 nor more than \$250.00 (a Class C offense) together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County jail until such forfeiture and costs are paid, for a term not to exceed 90 days. Each violation and each day of continued violation or each day a violation occurs shall constitute a separate offense.

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 8
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 9
(Reserved for Future Use

(Reserved for Future Use)

TITLE 3 – COMMUNITY ENVIRONMENT
CHAPTER 1 – BUSINESS REGULATIONS
ARTICLE 10 – NON-METALLIC MINING

3-1.1005 FINDINGS, PURPOSE AND AUTHORITY

(1) FINDINGS. Nonmetallic mining operations, while a vital component of our state and local economy, can have both direct and indirect adverse impacts. Studies have documented that nonmetallic mining operations can have adverse impacts on groundwater and surface water and can generate harmful levels of dust and noise particularly if blasting and crushing operations are undertaken. Nonmetallic mining sites can have negative impacts on the landscape and aesthetics if not properly screened and can present safety concerns to members of the public if not properly secured. Truck traffic from such operations can also generate off-site impacts including safety concerns to children and other residents. While certain aspects of mining operations are subject to state or federal regulation, there is no comprehensive state or federal regulation of nonmetallic mining operations. Many aspects of nonmetallic mining operations are left unregulated with potential adverse impacts to the public health, safety and welfare of the residents of the Town.

(2) PURPOSE. The purpose of this Ordinance is to provide minimum standards for all nonmetallic mining operations in the Town, and to require licenses for nonmetallic mining operators in order to protect public health and safety, to preserve the scenic beauty of the Town's landscapes and environment, to protect the public from damage to both the quantity and quality of ground and surface waters, to minimize or prevent adverse impacts from on-site and off-site operations, and to promote the general welfare of the people and communities within the Town of Seymour.

(3) AUTHORITY. This Ordinance is adopted by the powers granted to the Town of Seymour by the Town's adoption of Village powers under Wis. Stat. 60.10 (2)(c) and 61.34, its authority under § 66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal or recreation.

3-1.1006 APPLICABILITY AND SCOPE

(1) This Ordinance shall apply to all nonmetallic mining operations and mine sites within the Town of Seymour except as set forth in sub. (2).

(2) This Ordinance shall not apply to the following nonmetallic mining operations:

- (a) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (b) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the highway, railroad or other transportation facility.
- (c) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes conducted on the building site.
- (e) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.
- (f) Removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

3-1.1010 DEFINITIONS

(1) "Nonmetallic minerals" means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

(2) "Nonmetallic mining" means any or all of the following:

- (a) Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation, grading and dredging of such materials.
- (b) Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, or blending of the mineral aggregates or nonmetallic minerals obtained by extraction from the mining site or with materials transferred from off-site.
- (c) Manufacturing processes aimed at producing nonmetallic products for sale or use by the operator.

(d) Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.

(e) Transport of the extracted nonmetallic materials finished products or waste materials to or from the extraction site.

(f) Disposal of waste materials.

(g) Reclamation of the extraction site.

(3) "Waste Material" means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site or some other site as part of a reclamation plan.

(4) A "mine site" or "site" means land from which mineral aggregates or nonmetallic minerals will be extracted for sale or use by the operator, including all land on which is or will be located any structures, equipment, storage facilities, stockpiles, washing or screening facilities, private roads or haulage ways associated with nonmetallic mining operation; and all contiguous lands to the nonmetallic mining operation under common ownership or control of the owner or operator.

(7) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land.

(8) "Adjoining landowner" means any property within ½ mile of the proposed mine site regardless of whether there is a residence or structure on the property.

(9) "Town" means the Town of Seymour.

(10) "Town Board", means the Town Board of the Town of Seymour.

(11) "Operator" means any person who is engaged in, or who has applied for a license to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors, or subcontractors.

(12) "Operator's license" or "license" means the license required of mining operators in this Ordinance to undertake nonmetallic mining in the Town of Seymour.

3-1.1015 LICENSE REQUIRED

(1) License Requirement. No person shall operate a nonmetallic mine within the scope of this Ordinance in the Town of Seymour without first obtaining an operator's license from the Town Board.

(2) License Term

(a) Except for the first year of operation under this Ordinance, an operator's license shall be granted for a period of one year commencing on July 1 and ending on June 30 of the following calendar year. For the first year of operation under this Ordinance, the operator's license will extend from the date of issuance until the first June 30th after 12 months of operations have been completed.

(b) An operator's license may be renewed as set forth in Section 08, except that a temporary operator's license may not be renewed.

(3) License Amendment. If the Town has issued an operator's license, the operator may request an amendment to that license during the license term, using the same process as the original license application.

(4) License Transfer. An operator's license may be transferred to a new operator, if the new operator provides financial assurances as may be required by the Town, county, or state.

(5) License Revocation. An operator's license may be revoked under the procedures in Section 09.

(6) Temporary Operator Licenses. The Town Board may grant a temporary nonrenewable operator's license not to exceed six months, for mining operations within the scope of this Ordinance that were in existence as of the effective date of this Ordinance, provided that the operator certifies that its operation will comply with the minimum standards in Section 07 and that the operator submits a complete application under Section 05 within 60 days of issuance of the temporary license.

3-1.1017 PROCEDURES FOR APPLYING FOR A LICENSE TO MINE

(1) Application Form. The Application Form for a license to mine in the Town of Seymour shall be available from the Town Clerk.

(2) Application Submittal. The applicant shall submit five (5) copies of the Application Form and all required documentation required under Section 06 to the Town Clerk accompanied by the payment of both the application fee and the base administrative fee established for the administration of this Ordinance in amounts set forth in the Town of Seymour Schedule of Fees and Forfeitures. The fees shall be made payable to "Treasurer, Town of Seymour." The Application Form shall be signed by the operator and by the landowner, provided the landowner is a person other than the operator.

(3) Initial Review by the Town Board.

(a) Preliminary Review. The Town Clerk shall forward the application to the Town Board for initial review to determine if additional information or expertise is necessary to properly evaluate the application. If no additional information or expertise is deemed necessary, the Town Board shall schedule the application for a hearing under sub. (4).

(b) Additional Information. The Town Board may request the applicant to submit additional information if the Town Board determines that the application is incomplete. The Town Board may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the Town Board whether additional information is required for review of the application and to determine whether the application meets the standards of this Ordinance.

(c) Additional fees. If the Town Board determines that additional expertise is required, the Town Board shall authorize retaining the services of an engineering firm or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert's fees which shall be charged to the applicant as an administrative fee. The additional fee shall be paid before the additional review is undertaken.

(d) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the application meets the requirements of this Ordinance.

(4) Decision by the Town Board.

(a) Notice and Hearing. Once the application is complete and any report by a retained expert has been completed, the Town Clerk shall place the application on the agenda for the next regular meeting of the Town Board. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. The Town Board shall set a date for a public hearing and give public notice at least fifteen (15) days prior to the date scheduled for the hearing, with the notice mailed to all adjoining landowners. At the public hearing, the Town Board shall take public comment on the proposed mine license.

(b) Town Board Decision. Following the public hearing, the Town Board may take immediate action or set a date for the meeting at which time they shall make a final decision on the operator's license. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. The Town

Board shall review the retained expert's report as well as public comments made at the public hearing. The Town Board shall grant the license if it determines that the operation of the mine will be consistent with the minimum standards and the purposes of this Ordinance. If the Town Board denies the license, the applicant may request a hearing under the provisions of Section 09(3).

3-1.1018 LICENSE APPLICATION

All applicants for a mining license shall submit the following information: (1) Ownership Information.

- (a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining operation.
- (b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the mining operation will occur.
- (c) If the operation is subject to a lease, a copy of a fully executed lease and/or agreement between the landowner and the operator who will engage in mining operations on the proposed site.

(2) Site Information and Maps.

- (a) A certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining operation will be located.
- (b) An aerial photo of the proposed site at a scale of 1-inch equals 660 feet signed by both the operator and the landowner.
- (c) A topographic map of the mine site extending $\frac{1}{2}$ mile beyond the site boundaries at contour intervals no wider than 10 feet showing the boundaries of the site, the location and total acreage of the site, and the name of all roads within one mile of the site.
- (d) The location within the site of all existing buildings and other structures, equipment, stockpiles, storage and parking areas.
- (e) A map on which the all residential, agricultural and municipal wells within $\frac{1}{2}$ mile of the boundaries of the site in all directions are marked and given a numerical identification of the location.
- (f) The location and name of all surface waters, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches,

wetlands, drainage patterns and other water features on the site and within ½ mile of the site.

(g) A description of the distribution, depth and type of topsoil on the site as well as the geological composition and depth and width of the nonmetallic deposit.

(h) A map identifying the location of all other non-contiguous sites within the Town of Seymour and adjacent towns, if any, that will contribute extracted material to the same manufacturing facility to which the site for which the applicant seeks a license will also contribute.

(3) Operation Plan.

(a) Dates of the planned commencement and cessation of the operation.

(b) Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations.

(c) Estimated volume of material to be extracted over the life of the mine and for the next calendar year.

(d) Location of road access points. The proposed location within the site of all buildings and other structures, equipment, stockpiles, storage and parking areas.

(e) Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site.

(f) A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water including methods used for infiltration and control of run-off.

(g) A listing of any hazardous materials, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing these materials.

(4) Information Demonstrating Compliance with Minimum Standards.

(a) The operator shall provide the information necessary to demonstrate that the mining operation will comply with the minimum standards in Section 07.

(b) For mining operations commencing after the effective date of this Ordinance, the operator shall also provide information establishing baseline conditions at the

site before mining operations commence, including the groundwater elevation across the site, groundwater quality at the site for lead, arsenic and any other toxic metal that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made, and the base flow of surface water within ½ mile of the site.

(5) Special Exceptions. The applicant can request a special exception from the application requirements of this section if it can demonstrate that the information required can be provided by alternative means or is not necessary for an evaluation of the particular mining operation, and that the public health, safety and welfare will not be adversely affected thereby.

3-1.1020 MINIMUM STANDARDS OF OPERATION

The Town Board may grant a license to mine if the applicant can demonstrate that the following minimum standards of operation will be met:

(1) General Standards.

(a) The operator shall stake or otherwise mark the borders of the entire site and shall secure the site by fencing or other appropriate measures.

(b) The operator shall demonstrate compliance with all of the other provisions of this Ordinance.

(c) The operator shall have obtained a blasting permit from the Town for any blasting operations.

(d) The operator shall demonstrate that all other applicable federal, state and local permits and approvals required for the nonmetallic mining operation have been or will be obtained prior to commencement of operation.

(e) The operator shall provide notice to the Town of any notices of violation, citations, or other enforcement actions taken by any other governmental body against the mining operation within the Town.

(2) Standards Regarding Off-Site Impacts.

(a) The operator shall undertake all measures necessary for the control of surface water runoff from nonmetallic mining operations in order to prevent pollution and erosion of sediment onto neighboring properties, surface water and groundwater, and shall also comply with the standards for erosion control under NR 216 and NR 151 as applicable.

(b) In the event that the mine site contains areas adjacent to the nonmetallic mining operations that are being used for agricultural, commercial or residential purposes, the operator shall undertake all measures necessary to control surface water runoff from those areas from entering mining operations or otherwise causing contamination of surface water and groundwater.

(c) The operator shall provide a buffer area of a minimum of 100 feet along bordering property lines and public roadways.

(d) The operator shall screen the mining operations from public view to the maximum extent practicable through the use of terms, additional setbacks or other measures.

(e) The operator shall limit normal hours of operations to 10 hours a day Monday through Friday during daylight hours and not later than 6:00 pm to minimize off-site impacts to residents. The operator may submit a plan for extended hours as a special exception, if it can demonstrate that additional hours are necessary for the mining operation and it would be consistent with public, health safety and welfare.

(f) The operator shall ensure that trucks from the mining site shall not interfere with the safety of children being taken or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is highest.

(g) The operator shall limit night lighting on site, to that which is minimally necessary for security and, wherever possible, shall be shielded from illuminating off-site areas. Every effort consistent with legal requirements for aerial safety shall be made to minimize illumination of the night sky.

(h) The operator shall utilize all relevant dust control measures specified in Wis. Admin. Code NR 415.075.

(i) The operator shall control off-site noise levels to the maximum extent practicable.

(3) Standards Regarding Groundwater and Surface Water.

(a) Impacts to Groundwater Quality.

(I) Mining operations shall have at least one monitoring well for every 2-acre sector of the mine site, and the operator shall take quarterly samples for lead, arsenic and any other toxic metal that may reasonably be believed to be

present in the area or in the type of deposit from which the extraction will be made.

(ii) Mining operations shall not cause groundwater quality to violate the standards in Wis. Admin. Code Ch. NR 140.

(b) Impacts to Groundwater Quantity.

(i) Mining operations shall not extract materials at a depth below the point that is 5 feet above the groundwater table.

(ii) Mining operations shall not cause a significant reduction in the quantity of groundwater available for reasonable use by current users within 12 miles of the mine site. A significant reduction is a drop in the water table that results in a substantial adverse impact on a private well including but not limited to the inability of a well to provide water on a continuous basis.

(c) Impacts to Surface Water Base Flow. Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters within ½ mile of the mine site, including but not limited to, a reduction of water in streams and tributaries to or below base flows established prior to the beginning of mining operation.

(d) Impacts to Surface Water Use. Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters which serve as a critical source of water for agricultural or municipal functions such as fire protection within ½ mile of the mine site. Adverse effects include but are not limited to a reduction of water in streams and tributaries to or below base flows established prior to the beginning of mining operation.

(4) Hazardous materials.

(a) All hazardous chemicals shall be stored, used and disposed of in accordance with applicable state and federal law.

(b) The operator shall not dispose of waste materials containing any hazardous chemicals in toxic amounts, or residuals declared to be hazardous by a government agency in toxic amounts.

(c) The operator shall have a plan for responding to spills of any hazardous materials on the site.

(5) Special Exceptions.

(a) The operator can request a special exception from the minimum standards of this Section if it can demonstrate that the intent of this Ordinance can be achieved through the use of alternative measures and that the public health, safety and welfare will not be adversely affected thereby.

(b) The Town Board can impose requirements in addition to or exceeding the minimum standards if it has evidence that the public health safety and welfare will not be adequately protected without the imposition of additional measures.

3-1.10225 ANNUAL REPORT AND LICENSE RENEWAL

(1) Annual Report.

(a) No later than March 1 of each calendar year, the operator shall submit an annual report to the Town Board for all active and intermittent mining sites for which the operator has a license in the Town of Seymour.

(b) The annual report shall include the following information:

(I) An identification of the operator and location of the mining site.

(ii) A map or drawing accurately showing the area of excavation, the unclaimed area and any of the reclaimed area including a calculation of the number of acres for each type.

(iii) A description of activities and operations on the site for the previous calendar year.

(iv) A description of activities and operations on the site anticipated for the following calendar year.

(v) A written report demonstrating how the operator has been in compliance with all terms and conditions of its license and this Ordinance. The report shall also include any groundwater, surface water and other monitoring results.

(vi) A summary of all areas of non-compliance, and a plan for bringing non-compliant areas into compliance.

(2) License Renewal.

(a) The operator shall make written request to the Town Clerk for a renewal of the license to operate the mine no later than March 1 of the year in which the license will expire. The application shall be accompanied by the payment of both the

renewal application fee and the base administrative fee established for the administration of this Ordinance in amounts set forth in the Town of Seymour Schedule of Fees and Forfeitures.

(b) The written request for renewal shall include the annual report from the previous calendar year in accordance with the provisions of subsection (1).

(c) The Town Clerk shall review the renewal application within 30 days of receipt to determine whether the application is complete and upon a determination that it is complete shall forward it to the Town Board.

(d) The Town Board shall review the application to determine if additional information or expertise is necessary to properly evaluate the application. The Town shall retain an engineer or other qualified person with appropriate expertise to inspect the mine site unless the site is reported as being inactive during the past year, in which case a member of the Town Board may be assigned to inspect the site. If no additional information or expertise is deemed necessary, the Town Board shall schedule the application for a decision under par (g).

(e) Additional fees. If the Town Board determines that additional expertise is required, the Town Board shall authorize hiring an engineer or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the additional review by retained expert. The additional fee shall be paid before the additional review is undertaken.

(f) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the renewal application meets the requirements of this Ordinance. The Town Clerk shall place the request on the agenda of the next regular meeting or a special meeting of the Town Board prior to the expiration of the license.

(g) The Town Board may grant the request for renewal if it finds:

(I) there have been no material violations of the Ordinance or the license which have not been appropriately remedied, and

(ii) the operator has not received multiple or recurring citations or orders for violations of the operator's license or this Ordinance.

(iii) all applicable fees have been paid and financial responsibility requirements have been met.

(h) If the Town Board denies the request for renewal, the Town Board shall notify the operator and provide the operator with an opportunity for a hearing.

3-1.1030 INSPECTION, ENFORCEMENT, PROCEDURES AND PENALTIES

(1) INSPECTION. In addition to an annual inspection pursuant to Section 08(2), the Town Board or other authorized representative of the Town, may make inspections to determine the condition of nonmetallic mining sites in the Town in order to safeguard the health and safety of the public and to determine compliance with the minimum standards under this Ordinance upon showing proper identification, and upon reasonable notice.

(2) VIOLATIONS. The following are violations under this Ordinance:

(a) Engaging in nonmetallic mining without an operator's license granted by the Town Board.

(b) Failure to comply with the minimum standards and other terms of this Ordinance.

(c) Making an incorrect or false statement in the information and documentation submitted during the licensing process or during inspection of the operation by the Town or its duly appointed representative.

(d) Failure to timely file the annual operational report under Section 08.

(e) Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance under Section 10 or other order issued by the Town.

(3) HEARINGS

(a) Any person affected by a notice and order issued in connection with the enforcement of this Ordinance under sub. (4), or upon denial of an application for a license or license renewal, may request and shall be granted a hearing on the matter before the Town Board, provided such person shall file with the Town Clerk, a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty days of the date the notice and order are served or upon 30 days upon denial of an application for a renewal. Upon receipt of the petition, the Town Clerk shall set a time and place for a hearing before the Town Board and shall give the petitioner written notice thereof.

(b) After the hearing, the Town Board by a majority vote, shall sustain, modify or withdraw the notice under sub, (4), or grant or deny the license or license renewal, depending on its findings as to whether the provisions of this Ordinance have been

complied with, and the petitioner shall be notified within ten days in writing of such findings.

(c) The proceedings of the hearing, including the findings and decision of the Town Board and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

(4) REMEDIES.

The Town Board may take any appropriate action or proceeding against any person in violation of this Ordinance, including the following:

(a) Issue a stop work order.

(b) Issue a notice of violation and order that specifies the action to be taken to remedy a situation.

(c) Issue a citation in accord with the Town of Seymour citation ordinance.

(d) Refer the matter to legal counsel for consideration and commencement of legal action including the assessment of penalties under sub (6) and injunctive relief.

(e) Suspend or revoke the operator's license under sub (5).

(5) License Suspension or Revocation. After giving notice and a hearing, the Town Board may suspend or revoke an operator's license for a violation under section 09 sub (1).

(6) Penalties.

(a) Any person or entity who is adjudicated for a violation shall pay a forfeiture of not less than \$500 per violation nor more than \$1,000 per violation and be subject to injunctive relief (CLASS A). Each day a violation exists is a separate violation.

(b) Any person or entity adjudicated for violation of this Ordinance shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

(7) A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present violation(s).

3-1.1035 FINANCIAL ASSURANCE

(1) Financial assurance shall be provided to the Town as a condition of license approval in the amount necessary for the following:

(a) Road repair. An amount necessary for the repair and maintenance of Town roads used for truck traffic transporting materials to or from the site.

(b) Water Supply. An amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within ½ mile of the site or such other area shown to be impacted by the operator's operations.

(2) The form of financial assurance made to the Town of Seymour shall be that form agreed to by the Town Board and may include performance bonds, irrevocable letters of credit or other measures agreed upon by the Town Board.

(3) In the event the Town determines that the amount of financial assurance must be increased to meet specific road repair or water supply needs, or the amount available has been utilized, the Town shall notify the operator of the additional amount needed and the basis for the request. The operator shall have 30 days to provide the increased amount.

(4) The operator shall also provide to the Town proof that it has provided the financial assurance for reclamation required under Wisconsin law.

3-1.1036 DAMAGES TO PRIVATE WATER SUPPLY

(1) A property owner within ½ mile of the mine site may seek remedies under subs (2)-(5) for any of the following damages to private water supply:

(a) A preventative action limit or enforcement standard is exceeded in a private water supply well on the owner's property.

(b) A substantial adverse impact on the quantity of water from a private well on the owner's property occurs, including but not limited to the inability of any such well to provide water on a continuous basis.

(c) A lowering of surface waters which serve as a source of water for personal, agricultural or municipal functions on the owner's property to levels below base flow levels for more than 5 days.

(2) Any property owner under sub (1) seeking a remedy under this Section shall simultaneously file a notice with the Town and the mine operator of the occurrence of the event under sub (1) explaining the nature and extent of the problem.

(3) Within 24 hours of receipt of such notice under sub (2), the Town may use funds provided under Section 10 to provide an adequate interim water supply. The Town shall also use funds under Section 10 to indemnify the Town for any claims filed under Wis. Stat. § 281.77(4). An interim water supply shall continue until the Town has approved the report or plan under sub (4).

(4) Within 20 days of receipt of notice under sub (2), the mine operator shall provide to the property owner and to the Town a report that demonstrates that the impact to the property owner was not attributable to the mining operation or to present a plan for a permanent alternative water supply to be paid by the operator.

(5) The Town shall in consultation with the property owner review the report or plan and approve or deny such plan. If the Town determines that the mine operator was not the cause of damage to the private water supply, the operator may elect to be reimbursed by the property owner for the costs of supplying water during a period not exceeding one year.

(6) A property owner beyond ½ mile of the mine site may apply to the Town for use of funds under Section 10 to remedy damages to a private water supply identified in sub (1), provided that the property owner can demonstrate to the Town that the damage to the private water supply was caused by the mine. If the Town determines that the damage was caused by the mine, the property owner can utilize the remedies in subs (2) to (4).

3-1.1040 SEVERABILITY, INTERPRETATION, AND ABROGATION

(a) Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this Ordinance shall remain in full force and effect.

(b) If any application of this Ordinance to a particular parcel of land is adjudged unconstitutional or invalid by a final order or a court of competent jurisdiction including all applicable appeals, such judgment shall not be applicable to any other parcel of land not specifically included in said judgment.

(2) The provisions of this Ordinance shall be liberally construed in favor of the Town of Seymour and shall not be construed to be a limitation or a repeal of any other power now possessed or granted to the Town of Seymour.

(3) This Ordinance is not intended to repeal, annul or interfere with any easements, covenants, deed restrictions or agreements created prior to the effective date of this Ordinance

3-1.1045 MINING AGREEMENT

Any of the provisions of this Ordinance, including the license term, may be modified by agreement between the Town and the Operator if the Town Board determines that the agreement provides protections for the public at least equal to those of this Ordinance.

(Reserved for Future Use)

TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 10 - BLASTING

3-1.1105 AUTHORITY

This ordinance is adopted to protect the public health, safety and welfare of residents of the Town of Seymour. This ordinance is authorized by the powers granted to the Town of Seymour by the Town's adoption of Village powers under sec. 60.10, Wis. Stats., and is in accord with sec. 61.34, Wis. Stats., and Wis. Admin. Code SPS 307.

3-1.1106 PURPOSE AND INTENT

The purpose of this ordinance is to regulate the use of explosives in non-metallic mining operations, in the erection or placement of structures greater than 15 feet high above the ground surface and in demolition of structures that require a level 3 license or higher. This ordinance is intended to limit the adverse effects of blasting on persons or property outside any controlled blasting site area.

3-1.1108 DEFINITIONS

When used in this ordinance, the terms below shall be defined and limited as follows:

1. Affected building or structure. A building or structure within a distance extending 1320 feet from the outer perimeter of a controlled blasting site area.
2. Air blast. An airborne shockwave resulting from the detonation of explosives.
3. Blast area. The area of the blast as determined by the blaster in charge within the influence of flying rock missiles, the emission of gases, and concussion as determined by the blaster in charge.
4. Blast site. The area where explosive materials are handled during the loading of blast holes, including 50 feet in all directions from the perimeter formed by the loaded blast holes. A minimum of 30 feet may replace the 50-foot requirement, if the perimeter of loaded blast holes is marked and separated from the non-blast area outside of the site by a protective barrier. The 50 feet or 30-foot distance requirements apply in all directions along the full depth of the blast hole.
5. Blaster. Any individual holding a valid blaster's license issued by the Wis. Dept. of Commerce.

6. Blaster in charge. The qualified person in charge of and responsible for loading and firing the blast.
7. Blasting. The use of explosives to loosen, penetrate, move or shatter masses of solid materials.
8. Blasting resultants. Effects caused by blasting including, but not limited to, projectile matter, vibrations and concussion that cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.
9. Controlled blasting site area. An area that surrounds a blast site from which the operator has a legal right and duty to take all reasonable means to assure the safety of persons and property, either because the operator owns the area, or because the operator has leased or has some special agreement with the owner of that area.
10. Flyrock. Rock or karst that is propelled through the air from a blast.
11. Ground vibration. A shaking of the ground caused by the elastic wave emanating from a blast.
12. Karst. An area or surficial geological features subject to bedrock dissolution so that it is likely to provide a conduit to groundwater and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressions with no surface drainage.
13. Particle velocity. A measure of ground vibration describing the velocity that a particle of ground vibrates when excited by a seismic wave.

3-1.1110 APPLICABILITY

1. This ordinance shall apply:
 - a. To any person who blasts in the Town of Seymour in order to establish a footing, foundation, or other method of support for the construction, placement or erection of structures greater than 15 feet high above the ground surface
 - b. To any person who conducts blasting in the Town of Seymour as part of a nonmetallic mining operation.

- c. To any person who blasts in the Town of Seymour in order to demolish buildings or other structures when these require a level 3 license or higher.
2. Applications for a permit to blast shall only be submitted by and issued to an individual who holds a valid blaster's license issued by the Wisconsin Department of Commerce with the proper classification or who is supervised by a licensed blaster.
3. Applications for a permit to blast may be submitted by and issued to a blasting business, provided that the individual operating under the permit holds a valid blaster's license issued by the Wisconsin Department of Commerce with the proper classification or is supervised by a licensed blaster.
4. No blasting permit shall be issued to any person, unless the operation which blasting supports has all necessary state, county and town permits and is in compliance with all Town, County and State regulations, including but not limited to, the requirements of this chapter.

3-1.1112 THE APPLICATION

1. An applicant shall obtain an application form for a blasting permit from the Town Clerk. The applicant shall submit the completed application form with all additional documentation and the license fee to the Town Clerk.
2. The application shall include the following information on the form itself or on documents attached to the form:
 - a. Name, license number, address, land and cell phone numbers, and email address of the applicant.
 - b. Name, address, license number, land and cell phone numbers, and email address of the blaster in charge of the blast, if other than the applicant.
 - c. Name, address, land and cell phone numbers, and email address of the person in charge of the operation that blasting will be used to support.
 - d. A map showing the location of the blasting site and a brief description of the operation at the site. Include on this map the location of all buildings located within 500 feet of the controlled blasting site, attaching the names, addresses and land phone numbers of owners of those buildings.
 - e. Copies of all County and State permits that have been granted to the operator for whose operation blasting is giving support.
 - f. Proof of financial insurance.

g. A pre-blasting site inspection report.

h. Copies of pre-blast report.

3. An application shall be regarded as "complete" only when the information requested above in this section (The Application) of this ordinance has been provided to the Town Clerk on the form or on attachments to the form.

3-1.1115 PRE-BLASTING SURVEYS

1. Pre-blasting surveys shall be conducted to determine the condition of all buildings or structures within 1320 feet of the blast site(s) and the quality of water in all wells in that area shall be tested prior to the onset of blasting. The pre-blasting surveys shall be completed at the applicant's expense. Each survey shall provide the name and address and telephone number of the resident or owner of said buildings, structures and/or wells, and shall document any pre-blasting presence or absence of damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine whether the water is safe for human consumption according to established drinking water quality standards, including standards applicable to children of all ages and pregnant women. If the blasting for which a permit application is being made is part of an operation that has been already permitted and that the wells were tested within a time frame acceptable to the Town of Seymour, information regarding those tests may be submitted instead of testing the wells again and the Town may accept it.

2. If any new building or structure is added or a new well drilled subsequent to the effective date of the permit, the owner may request a survey to be done of that building or well and the permittee shall conduct that survey, at the permittee's expense. In addition, if a building or structure is improved and the cost of the improvement exceeds 50% of its fair market value prior to the improvement, the owner of that building or structure may request that a pre-blasting survey be completed, at the permittee's expense.

3. Prior to obtaining a blasting permit, the applicant shall notify, in writing, all residents or owners of buildings or other structures (including, but not limited to, wells) located within 1320 feet from the blasting site that the applicant intends to apply for a blasting permit from the Town of Seymour and will be completing a pre-blasting survey as part of the application and review process. The written notification shall include a statement indicating that the survey provides a baseline record of the pre-existing condition of a building or a structure against which the effects of blasting can be assessed, and it should include both the interior and exterior of the buildings. It shall also indicate that no survey will be done unless the resident or owner makes a written request for a pre-blast survey and a water quality test for existing wells. The

resident or owner shall make this request in writing to the applicant. The applicant shall conduct a pre-blast survey only of requested dwellings or structures and conduct water quality testing for existing wells.

4. If the resident or owner requests a copy of the survey, then, within 48 hours of the request, the blaster shall provide the copy.

5. In cases where a blasting permit is renewed because it is part of a permitted continuing operation that lasts over a number of years, the applicant shall not be required to conduct a pre-blast survey of any dwelling or structure or conduct a well water quality test more than once every five (5) years.

6. The pre-blast survey and water quality testing shall be conducted by an independent survey company and a laboratory approved by the State of Wisconsin or an organization selected by the applicant and acceptable to the owner or resident and the Town. Reasonable and reasonably related costs of such independent survey shall be the sole responsibility of the applicant/permitted.

3-1.1118 PROCEDURES

1. Upon receipt of the complete application form and the permit fee(s), the Town Clerk shall place the application on the agenda for the next meeting of the Town Board. The Town Board shall review the application. If it determines that the permit application is complete and the proposed blasting activity will comply with all the applicable provisions of this ordinance and of Wis. Administrative Code Comm. 7, the Town Board may grant a blasting permit. The Town Board may also recommend conditions related to the permit, as appropriate. If the Town Board determines that the application is incomplete or that the proposed blasting activity will not be conducted in conformity with the provisions of this ordinance or Wis. Administrative Code SPS 307, the Town Board shall deny the permit.

3-1.1120 PRE-BLASTING SITE INSPECTION

1. The blaster shall visually inspect the controlled blasting site area to determine if there is any evidence of a sinkhole, a cave or a subsurface void in the karst that could be part of a sinkhole or cave. If visual inspection reveals such, no blasting shall occur, nor shall any structure support be placed therein.

2. In addition to a visual inspection, especially if visual inspection is inconclusive and the general area is known to have sinkholes and caves, it is recommended that the blaster use probes (such as borings) or geophysical methods such as resistivity tomography, seismic refraction, micro gravity or ground seismic refraction, microgravity or ground penetrating radar, to ascertain the presence of sinkholes or caves.

3. The blaster shall submit a pre-blasting site inspection report regarding his finding and methods used to the Town Board at the time an application for a permit to mine is made.

3-1.1122 NOTIFICATION OF BLASTING

Notification must be given to the following persons and by the following means at least 72 hours prior to the initial blasting at a blast site as well as prior to all subsequent blasting events at the blast site:

1. At least 72 hours prior to initial blasting at a blast site, the blaster in charge shall make a reasonable effort to notify all residents or owners of affected buildings, within the controlled blasting site area as defined in 3-1.1108(9). The blaster shall make all reasonable efforts to ensure timely and effective notice that a blasting operation is to begin, using such means as a written notice, a phone call, email or verbally in person.
2. A resident call list shall be established for the purpose of notifying persons living in the vicinity of the blast site at least 72 hours prior to a blasting event. A resident shall be placed on this call list only upon request to be so listed and called. The call list must be maintained and used prior to any blast.
3. Before any blasting operation or blasting event, the blaster in charge shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign displayed within 100 feet of all public roads bordering the blasting site or at least the nearest public road bordering the blasting site. Said sign should also warn against the use of all mobile wireless communication equipment on all roads within 1000 feet of the blasting operations. The flag and sign shall be displayed prior to and during all blasting operations and events.
4. A distinctive warning signal shall be sounded prior to commencing blasting. Automotive or truck horns shall not be used as a warning signal.
5. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, these utilities shall be notified no less than 72 hours prior to commencing blasting.
6. Verbal (in person or by phone) or written (on hard copy or email) notice shall be given to the Town Clerk and the Town Chairperson at least one full working day prior to the onset of any blasting event. If a schedule including dates and times of blasting events is known at the time of application, making that schedule part of the application can serve as written notice. If part of the application, further notice shall be required only if there is deviation from the schedule.

3-1.1125 BLASTING SCHEDULE

All surface blasting shall be conducted between sunrise and sunset, unless one of the following conditions applies:

1. A more restrictive time period is specified by the Town as a condition of use.
2. The operator has shown that the public will not be adversely affected by noise and other impacts, and the Town Board has approved the deviation from normal blasting hours.

3-1.1128 BLASTING LOG

An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of this log shall be kept by the permitted for a period of not less than 5 years and furnished to the Town of Seymour within 3 working days of a request for a copy of said log by the Town Clerk or Town Board. The Town of Seymour may require that the permitted furnish an analysis of any particular blasting log to be prepared by the permitted. Each blasting log shall include, but not be limited to, the following information:

1. Name and License number of the blaster in charge of the blast.
2. Blast location references on an aerial photograph.
3. Date and Time of blast.
4. Weather conditions at the time of blast.
5. Diagram and cross section of blast hole layout.
6. Number of blast holes.
7. Blast hole depth and diameter.
8. Spacing and burden of blast holes.
9. Maximum holes per delay.
10. Maximum pounds of explosives per delay.
11. Depth and type of stemming used.

12. Total pounds and type of explosives used.
13. Distance to nearest inhabited building not owned by the operator/blasted in charge.
14. Distance of blast hole to groundwater.
15. Type of initiation used.
 - a. Seismographic and air blast records which shall include all of the following:
 - 1) Type of instrument and last laboratory calibration date.
 - 2) Exact location of instrument and the date, time, and distance from the blast.
 - 3) Name of person and firm taking the reading
 - 4) Trigger levels from ground and air vibrations
 - 5) The vibration and air blast levels recorded.

3-1.1130 MONITORING

1. The permittee shall monitor all blasts at the closest location to the controlled blast area of any affected building or structure beyond the controlled blast area, provided, however, that the permittee may monitor at another location approximately the same distance from the perimeter of the controlled blast area, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location.
2. The Town of Seymour, by its Town Clerk or Town Board, may, at its discretion, require the relocation of the monitoring equipment to a more suitable site.

3-1.1132 STORAGE OF EXPLOSIVES

No storage of explosive material on site is allowed.

3-1.1135 CONTROL OF ADVERSE EFFECTS

The permittee and the operation requiring blasting shall be responsible for taking all reasonable actions necessary to control the adverse effects described herein.

1. General requirements. Blasting shall be conducted by the permittee and the operation requiring such blasting so as to prevent injury and unreasonable

annoyance to persons and damage to public or private property outside the controlled blasting site area.

2. Flyrock. The permittee and the operation requiring blasting shall take all reasonable actions to assure that flyrock traveling in the air or along the ground meets all of the following conditions:

- a. Remain within the controlled blasting site area.
- b. Not be cast more than one-half the distance to the nearest inhabited building within or outside of the controlled blasting site area.

3. Air blast.

- a. An air blast may not exceed 133 peak dB at the location of any dwelling, public building or place of employment outside the controlled blasting site area.
- b. The blaster shall conduct monitoring of every blast to determine compliance with the air blast limit.

The measuring system used shall have a lower-end flat frequency response of not more than 2 Hz and an upper-end flat frequency response of at least 200 Hz

4. Ground vibration.

- a. The maximum ground vibration at the location of any dwelling, public building or place of employment outside the controlled blasting site area shall be established in accordance with the blasting-level chart of paragraph c.
- b. All structures in the vicinity of the controlled blasting site area, not listed in Definitions, item # 1; such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines, shall be protected from damage by establishment by the blaster of a maximum allowable limit on the ground vibration. The blaster shall establish the limit after consulting with the owner of the structure.
- c. The blaster shall use the ground vibration limits specified in Figure 7.44 WI Admin. Code Comm. 7(bel0w) to determine the maximum allowable ground vibration. Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in 3 mutually perpendicular directions.
- d. The blaster shall make and keep a seismograph record including both particle velocity and vibration frequency levels for each blast. The method of analysis shall be subject to discretionary review by the Town Board.

- e. For quarry operations, the blaster shall report any ground vibration levels to the Town Board that are above 0.75 inch per second with frequencies less than 40 Hz.

3-1.1137 PROOF OF INSURANCE

Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than two million (\$2,000,000.00) dollars in the aggregate and one million (\$1,000,000.00) dollars per occurrence and the Town shall be named as an additional insured on said Policy of Liability Insurance.

3-1.1140 PERMIT DURATIONS, RENEWALS AND FEES

1. A short-term permit may be issued for a single blasting event and shall be valid for 14 days from the effective date of the permit. The fee for a temporary permit shall be \$100. Only one subsequent short-term permit may be granted and the fee for a subsequent short-term permit shall be \$100.
2. A long-term permit shall be granted for period of no more than 180 days. The fee for a 180-day permit, and for a renewal thereof, shall be \$300.
3. An application for a renewal of an existing permit shall be made 60 days prior to the expiration date of the existing permit.

3-1.1143 REVOCATION AND SUSPENSION

1. The Town Board, on its own motion or following due review and investigation of a written complaint, may suspend or revoke the blasting permit for any violation of provisions or requirements of this ordinance or of other applicable State and Federal law. The following persons may file a written complaint and request suspension or revocation:
 - a. A resident, lessee or owner of an affected building, structure or well
 - b. The Town Chairperson
 - c. A Town Supervisor
 - d. The Town Clerk

2. Where warranted, as determined in the reasonable discretion of the Town Board, a blasting permit may be temporarily suspended without notice or hearing to the permitted. Written or verbal notice of a temporary suspension, and of conditions that must be met to reinstate the permit, shall be promptly given to the permitted at the address contained in the application.

3. In general, the Town Clerk shall provide the permitted with no less than 24 hours-notice of a meeting where action to suspend the blasting permit is on the agenda. Permittee's failure to appear at such meeting shall be deemed a waiver of the opportunity to be heard prior to final action of the Town Board. Written or verbal notice of the suspension, and of conditions that must be met to reinstate the permit, shall be promptly given to the permitted at the address contained in the application.

4. Prior to revocation of a blasting permit, the Town Board shall give the permitted no less than 72 hours-notice of a meeting where action to revoke is on the agenda. The permitted shall be given a reasonable opportunity to be heard prior to final action by the Town Board. Permittee's failure to appear at such meeting shall be deemed a waiver of the opportunity to be heard prior to final action of the Town Board. Written or verbal notice of the revocation shall be promptly given to the permitted at the address contained in the application.

3-1.1145 PENALTIES

In addition to the denial, suspension or revocation of a permit issued under this ordinance, any person who violates any provision of this ordinance shall be subject to forfeiture in an amount not less than \$500 nor more than \$1000 for each day of continued violation, plus costs of prosecution. (Class A)

3-1.1150 SEVERABILITY AND INTERPRETATION

1. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.

2. The provisions of this ordinance shall be liberally construed in favor of the Town of Seymour and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Seymour.

3-1.1155 NO LIABILITY FOR DAMAGES

This ordinance shall not be construed as an assumption of liability by the Town of Seymour for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 1
ARTICLE 1
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 1 – STREET REGULATION

4-2.0105 PURPOSE. The purpose of this article is to regulate the use of Town roads and streets, hereinafter called streets, in the Town for the safety and convenience of the public.

4-2.0110 FIRES IN STREETS. It is unlawful for any person to burn any rubbish, leaves or other combustible material in any street or alley in the Town. (Class D - \$25.00)

4-2.0125 WARNING LIGHTS REQUIRED. Every person, firm or corporation or the agent of any person, firm or corporation who receives permission from the Town Road Supervisor to place any building materials or other obstructions upon any street or highway in the Town shall place and maintain upon or around such material or other obstructions each night from time of sunset until time of sunrise, sufficient lights to warn all persons riding, driving, or passing along said street or highway of the presence of such material or obstruction. (Class D - \$50.00)

4-2.0130 TAMPERING WITH BARRICADES OR LIGHTS. No person or persons shall knock down, destroy or injure any barrier, light or other protection in and upon streets, alleys and public places under construction or improvement in the Town; nor shall any person walk, drive upon, or in any way injure, disfigure, or destroy any pavement upon any street, alley or public place not opened by the road commissioner for public use or travel; nor shall any person knock down, destroy or injure any manhole, water hydrant, or catch basin in or upon any streets.

4-2.0135 OBSTRUCTING, LITTERING, VEGETATION CONTROL.

A. No person shall place, deposit or cast or cause to be placed, deposited, or cast upon any street, alley, gutter, sidewalk or public ground within the Town any grass clippings, leaves, ashes, rubbish, paper, snow or ice or anything or substance whatever which may obstruct any such street, alley, gutter, sidewalk or public ground, or impede, hinder, or endanger travel thereon, or which shall or may injure or disfigure the same, or tend to the injury or disfigurement thereof, or tend to render the same unclean or a nuisance; nor shall any person cause or suffer any motor vehicle or other vehicle, or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any such street, alley, sidewalk or public ground longer than may be actually necessary. (Class D - \$25.00)

B. No person shall permit any vegetation growing on premises owned or controlled by him or her to obstruct or impede, hinder, or endanger travel upon any street, sidewalk or alley under like penalty. (Class E - \$10.00)

C. No person shall place or cause or permit another to place snow or ice anywhere upon a Town owned right-of-way at a location or at a height or depth that said snow or ice interferes with or impedes Town snow clearance operations or which causes damage or injury to any Town equipment or personnel. (Class D - \$25.00).

D. No person shall deposit, place, or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. Class C - \$100.00)

4-2.0140 CLEANING OF SNOW AND ICE REQUIRED.

A. The owner of every lot or parcel of land shall keep the public sidewalk adjacent to said premises reasonably clear and free from snow and ice and shall clear the snow from such sidewalk within 24 hours following a snowfall. (Class D - \$25.00)

B. Upon the failure of an owner to clear any sidewalk as required under this section, the Town shall cause the sidewalk to be cleaned and the cost chargeable to such lot or parcel of land to be collected like other taxes upon real estate as prescribed in Wisconsin Statutes 66.0627.

4-2.0145 INJURE OR TEARING UP PAVEMENT.

A. No person may injure or tear up any pavement, sidewalk, crosswalk, ditch, boulevard, drain, or sewer or any part thereof, or dig any hole, ditch or drain in any highway right-of-way, or excavate in or place an obstruction in any such highway right-of-way, or remove any gravel, sod, sand or pavement from any highway right-of-way unless such person has first obtained a permit therefor.

B. The Chair is authorized to issue, pursuant to Section 86.07 (2), Wisconsin Statutes, to any qualified person who applies for a permit under this ordinance, an excavation permit. The Chair may impose conditions on such permit consistent with the terms of this ordinance. Any person aggrieved by the denial of such permit or the imposition of conditions thereon, may appeal to the Board.

C. An excavation or construction permit may be issued to the following persons:

1. To any person previously using the highway right-of-way lawfully for the provision of services through buried or overhead facilities, for the repair, maintenance or reconstruction of such facilities;

2. To any person for the purpose of installing new underground or overhead facilities in those areas of the Town where such person is lawfully authorized to provide such service. Such lawful authorization shall be by the Board, unless such authorization arises by permit or order of the Public Service Commission of the State of Wisconsin, or by operation of Section 196.495 of the Wisconsin Statutes.

D. While granting such a permit, the Chair shall impose such conditions as he or she considers necessary and appropriate for the preservation of access to adjoining property, the provision of emergency services, the protection of public safety, and the coordination of planned construction or maintenance by the Town or by other authorized users of the right-of-way.

E. Permit applications shall be filed prior to the proposed construction or excavation as set forth below except as permitted by the Chair or Board:

1. Emergency repairs - no limit;
2. Individual service lateral or drop from existing facilities -
3. Regular or scheduled maintenance or inspection -
and
4. Reconstruction of existing facilities or construction of new facilities

F. Additional Provisions and Conditions. All utility work, projects and facilities in Town highway right-of-way shall be subject to the conditions set forth in this section F. Application for any permit shall constitute a consent to abide by these conditions. These conditions include:

1. The permitted facilities shall, if necessary, be altered at the expense of the applicant to permit alteration, improvement, or maintenance of the highway as may hereafter occur. The entire cost of construction and maintaining the permitted facilities shall be the obligation of the applicant.
2. No open cutting, trenching, tunneling, or boring under a highway paved within the past five years is allowed. If an exception is granted and boring is allowed on a road less than five (5) years old, the Utility is required to make any repairs to restore it to the condition that it was before boring occurred. No open cutting for a crossing will be allowed where pavement is too narrow to maintain one-way traffic at all times, unless the Town has granted permission for a detour.
3. Wherever the pavement is opened, the spoil shall be hauled away, and the trench shall be back filled with sand or gravel and compacted in layers, not to exceed six (6) inches at a time. Pavement shall be cut back and removed, two (2) feet from each side

of trench. The pavement removed for a crossing shall be replaced using eight (8) inches of gravel base and two (2) inches of hot-mixed asphalt, unless otherwise stated in "Special Provision" in the permit.

4. When one-way traffic or detour is used, the applicant shall provide all necessary signs, flagger, and lights required according to the "Manual on Uniform Traffic Control Devices." When a detour is allowed, three (3) days prior notification is required to Eau Claire County Communication Center (715)839-4972 Township Fire Department (715)834-6868

5. All disturbed areas shall be returned to their present condition or better as determined by the Town. Access to all private drives and public street intersections shall be maintained. Cost for unsatisfactory repairs will be charged back to the permit holder.

6. Any trenching, tunneling, or excavating shall be performed in accordance with the requirements of OSHA, Wisconsin Department of Commerce, and any applicable local regulations.

G. If permitted construction will result in the destruction of more than fifty percent of the existing pavement for 50 or more linear feet measured on the centerline of the right-of-way, the entire roadway in the disturbed area shall be replaced by the permitted. Such replacement and any repairs or patching shall meet minimum Town road standards in effect at the time the permit is granted or, if the previous construction of the disturbed areas exceeded those standards, the replacement shall be equal to or better than the roadway replaced. If required in advance of construction, the permitted, unless excused by the Board or the Chair pursuant to policies adopted by the Board, shall file a completion bond issued by a surety company licensed in the State of Wisconsin assuring completion and reconstruction according to the terms of the permit.

H. As a condition of any permit issued pursuant to this ordinance, the applicant shall:

1. Indemnify the Town and hold the Town harmless for any damages, claims, causes of action, losses or liability resulting from the exercise of this permit. The Chair may require from such applicant a certificate of insurance or other evidence of the financial ability of the applicant to meet its obligations under this provision.

2. Provide to all parcels of land in the Town abutting the portion of Town Road to be disturbed, the use of any utility or utility service installed therein. No such utility service shall be available to such abutting parcel until the owner or occupant thereof requests said service, pays for installation of said utility service on the same basis as that imposed on the majority of the existing customers of said utility, and pays for the utility service provided. There may be no other conditions for the provision of

service except that said utility service may be denied if providing the same would result in actual, rather than speculative, danger to public health or safety or danger to the health or safety of the occupants of the parcel.

I. Whenever any person disturbs or excavates within a Town Road Right-of-way, or restores or reconstructs a Town Road, such person shall cause the resulting roadway, shoulder and ditch to accommodate and conduct surface waters in such a manner that the Town Road and properties which drain to or toward the affected area, and properties downstream from the affected area, are not adversely affected because of said disturbance, excavation, restoration or reconstruction.

J. DEFINITIONS.

1. For the purpose of this ordinance, "utility" shall mean the person providing, and "utility service" shall mean the provision of energy, including but not limited to electricity and gas, electronic signals, including but not limited to telephone and television, water, sanitary sewer, and storm sewer.

2. For the purpose of this ordinance, "construction" does not include the construction of overhead facilities on or from existing poles, or the placement of new poles in substantially the same location as poles being replaced.

3. For the purpose of this ordinance, "person" includes individuals, partnerships, limited liability companies, corporations, cooperatives, regulated and unregulated public utilities, governments, public bodies, municipal and quasi-municipal corporations, and any subdivisions, agencies, units, or subunits thereof.

K. Any person who violates this ordinance shall forfeit not less than \$500.00 nor more than \$1,000.00, together with the costs of prosecution, for each offense. Each day during which a continuing offense exists, shall constitute a separate offense. (Class * A

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 2
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 3
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 4
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 4 – PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 5 - STREET CONSTRUCTION AND SUBDIVISION REVIEW

4-2.0505 No person shall file a plat or certified survey map, pursuant to Chapter 236 of the Wisconsin Statutes, affecting lands in the Town, Eau Claire County, Wisconsin, unless all streets and roads to be dedicated to the public have been constructed and approved pursuant to this article or construction has been deferred in compliance with Section 4-2.0560 below.

4-2.0510 The Board will not accept dedication of any other street or road unless it was constructed and approved pursuant to this article or Section 4- 2.0560 below has been complied with.

4-2.0515 No plat or certified survey map shall be approved by the Board unless the subdivider first submits a preliminary plat or preliminary certified survey map which shall be processed in accordance with Section 236.11(1) of the Wisconsin Statutes.

4-2.0520 ROAD PLANS.

A. The following documents shall be submitted to the Board before approval of any road:

1. A scale drawing of the location of the proposed road and the area it will serve. The drawing shall contain contours at vertical intervals of not more than two feet (2') showing the topography of the road and the area served and shall indicate how runoff from the area served will be diverted from the road.
2. If the proposed road is not located within a platted subdivision, a certified survey map of the location of the proposed road and the area served.

B. In addition to the foregoing, the Board may require the submission of either or both of the following additional documents before construction of the road is undertaken:

1. A profile drawing of the centerline of the proposed road, drawn to scale, showing the grade of the road.
2. A cross-section drawing of the road, drawn to scale, showing the cut and fill areas.

4-2.0525 MINIMUM DESIGN STANDARDS. The road shall conform to the minimum Town road standards and specifications contained in the Wisconsin Statutes, the Wisconsin Administrative Code and publications issued by the State Department of Transportation.

4-2.0530 The following standards, or Town road standards established by the State of Wisconsin, shall be met or exceeded by all public highways, streets and roads, hereinafter constructed in the Town, unless modified by the Board for good cause shown. Whenever there is a conflict between any particular standard of the Town and a corresponding standard of the state, the more-strict standard shall apply.

- A. Road Right-of-Way 66 feet (4 rods)
- B. Right-of-Way Width (sub grade) ... 28 feet
- C. Roadway Width (base course) 26 feet
- D. Traffic Lanes (surfaced area) 22 feet
- E. Maximum Grade 10 percent
- F. No road shall dead-end without a permanent or temporary cul-de-sac with a right-of-way radius of fifty-five feet (55') and a pavement radius of forty-five feet (45').

4-2.0535 DITCHES.

- A. All ditches shall be seeded, sodded or provided with sodded check dams at discretion of the Board.
- B. All portions of the right-of-way beyond the edge of the base course that are disturbed at the time of construction shall be properly seeded or sodded to prevent erosion.
- C. No trees or stumps may be placed or left in any fill.

4-2.0540 BRIDGES AND CULVERTS.

- A. Culverts shall conform to the minimum design standards contained in the Wisconsin Statutes, the Wisconsin Administrative Code, and publications issued by the State Department of Transportation. In addition, in every case the Board shall determine whether culverts are large enough to drain off the anticipated service area during heavy runoff and prevent ponding. The Board may require drainage calculations prior to the placement of any culvert.

B. The Board may require drainage calculations for any culvert placement, costs of which shall be borne by the sub-divider.

C. All bridges shall conform to those minimum design standards and specifications contained in the Wisconsin Statutes, the Wisconsin Administrative Code, and publications issued by the State Department of Transportation, but in no case shall any bridge be built which is less than twenty-eight feet (28') in width. All bridge designs must bear the seal of a certified civil engineer of the State of Wisconsin.

4-2.0545 ROAD CONSTRUCTION MATERIALS.

A. Base course shall be compacted 8" minimum of crushed gravel, crushed lime rock or other such materials as approved by the Board. Base course shall be allowed to season for one winter before application of asphalt.

B. Unless the base course is mechanically compacted and meets Wisconsin Department of Transportation (WisDOT) Specifications, asphalt shall be applied no sooner than six months and no later than 36 months after application of base course.

C. Asphalt surfacing shall conform to WisDOT Specifications for local roads having a traffic count of less than 750 vehicles per day, but shall have a finished thickness of at least two inches (2") in all locations, or to such greater depth as may be prescribed by the Board on roads expected to experience moderate or heavy traffic or use by heavy vehicles. The Town may sample paving material at the plant and also on the roadway for a period of 15 days after application to determine acceptability.

D. No trees, brush or stumps shall be buried within the right-of-way. Disposal of unsuitable materials shall be in compliance with regulations issued by the Board or the State Department of Natural Resources.

4-2.0550 SIGNS. Street and Road signs at all intersections created by a newly constructed road shall be fabricated and erected by the person proposing dedication of such road. Fabrication shall be in accordance with then prevailing Town Road Sign Standards, and installation shall be as directed by the Chair or, in the Chair's absence, by the Board.

4-2.0555 The Board or its designee shall inspect any road before approval, and no plat or certified survey map will be approved, or surety released until the construction complies with all Town road standards.

4-2.0560 As an alternative to requiring completed approved construction of streets and roads prior to approval of a plat or certified survey map the Board may, in its sole discretion, permit a sub-divider to enter into an agreement with it providing for the future construction of said streets and roads. Full performance of the agreement shall be secured by one of the following:

- A. A surety bond issued by a bonding company licensed to do business in the State of Wisconsin;
- B. The pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation assigned in such a way that the Town can receive the funds without action or further consent of the sub-divider; or
- C. By an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation. The amount of the surety bond, deposit or letter of credit shall be in the amount of the Town's estimate of the full cost of engineering and constructing the road or roads by the deadline stated in the contract, adjusted upward for estimated inflation between the time the contract is signed and the deadline plus the anticipated cost of penalties for early withdrawal and the anticipated cost of enforcement of the contract, bond, pledge or letter of credit.

TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 6 - STREET LIGHTING
(Reserved for Future Use)

(Reserved for Future Use)

TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 7 - DRIVEWAYS

4-2.0710 INSTALLATION AND MAINTENANCE OF DRIVEWAYS.

A.No person may construct or thereafter maintain a driveway or other means of facilitating vehicular traffic onto a public highway from property which is not a public highway, upon public highway right-of- way land, unless they first obtain a permit from the person appointed by the Board to issue said permits. This ordinance applies only to driveways constructed, expanded, or relocated after July 1, 1995.

B.No person may construct or thereafter maintain any structure or other object upon any public right-of-way, except a driveway entrance, mailbox and a newspaper receptacle. Any such mailbox or newspaper receptacle shall be constructed of materials approved by the Board, constructed in a design approved by the Board, and placed at the location designated by the U.S. Postal Service.

C.Prior to issuing any permit under this ordinance the person authorized to issue such permits shall take into account directions from state and county highway officials, traffic safety, visibility, drainage of surface waters and snow melt and said permit may specify the location, dimensions, and construction methods and materials of said driveway, and said permit may also specify the location of any mailbox or other lawful accessory use on the right-of-way associated with the property served by said driveway.

D. The driveway within the area of the public right-of-way shall slope away from the road at a minimum of one percent and a maximum of five percent to prevent erosion on the Town road.

E.PENALTY. Violation of this section by failing to obtain a driveway permit or by constructing any driveway that does not comply with the terms of said permit or by erecting any accessory on the right- of-way in any manner or place not specified in said permit shall be a Class C offense, punishable by a forfeiture of not less than \$100.00 not more than \$250.00, plus costs and attorney fees. Each day of violation shall constitute a separate offense. The maintenance of any driveway or part thereof, or any other structure or object, on public right-of-way in violation of this ordinance is declared a public nuisance and may be abated summarily by the Town as provided by law.

(Reserved for Future Use)

TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 8 - VEHICLE WEIGHT LIMITS

4-2.0805 DAMAGE TO HIGHWAY. No person, shall, within the limits of any public highway, operate any vehicle or machinery of any sort, over, along, or across such highway so as to materially damage said highway.

4-2.0810. DESIGNATION OF HIGHWAYS. The Town Board may designate any Town Road in the Town as a class "B" highway, when, in its sole discretion, it is deemed advisable because of deterioration of the roadway or because of increases in heavy traffic which may accelerate roadway deterioration. If so designated, the Town Board shall cause to be erected appropriate signs at locations recommended by the Wisconsin Department of Transportation informing the public of the weight limits in effect.

4-2.0815. CLASS "B" WEIGHT LIMITS No person, firm, corporation, partnership, or other entity (hereinafter caller the "operator") shall operate on any class "B" highway in the Town any vehicle or combination of vehicles imposing wheel, axle, group of axles, or gross weight on the highway exceeding 60 percent of the weights authorized in Section 348.15(3), Wisconsin Statutes, without a permit issued by the Town.

4-2.0820. EXCEPTIONS TO CLASS B WEIGHT LIMITS:

A. PICKUP OR DELIVERY. Any motor vehicle whose operation is pickup or delivery, including operation for the purpose of moving or delivering supplies, commodities or construction services to or from any farm, place of business or residence that has an entrance on a class "B" highway, may pick up or deliver on a class "B" highway without complying with the gross vehicle weight limitations in this Article. Such vehicles shall use the shortest possible route from or to a state or county highway.

B. BY AGREEMENT. The provisions of this Section may be modified by an agreement between the Town and any operator, group of operators, or person employing or contracting with one or more operators, collectively hereinafter called "the operator". Such agreement shall: (1) protect the interests of the Town, its residents, visitors, and taxpayers so the cost of construction, repair, maintenance, and reconstruction of any Town Road specified in the agreement does not exceed the cost of the road to the Town if said hauling had not occurred; and (2) protect the health and safety of persons within the Town from risks associated with hauling heavy loads in excess of those imposed above.

1. Such agreement shall provide for the construction, repair, maintenance, and reconstruction of any Town Road specified in the agreement or used by the operator for such heavy hauling contrary to the agreement, during and at the conclusion of the term of the agreement, at the expense of the operator. Said agreement may address other matters such as the time and routes used for hauling, the condition of the vehicles which will do the hauling, and any other conditions necessary or convenient to achieve the protective goals of this paragraph. The Town board may reasonably exercise its discretion in determining with whom it shall contract and what shall be the terms of any such agreement.

2. Said agreement shall require the operator to provide financial assurance that it will pay to have the covered Town Roads repaired or reconstructed as called for under the agreement. Such financial assurance may, in the discretion of the Town Board, be in the form of a bond described in Section 4-2.0830(B)

3. Upon execution of said agreement by all parties to it, the Town Chair or Superintendent shall issue a permit for the operation of vehicles of greater weights than otherwise permitted as provided for in the agreement.

B. SPECIFIC VEHICLES. The reduced weight limits imposed by this chapter shall not apply to emergency vehicles, vehicles operated by a governmental authority, or vehicles carrying fuel, septage or milk commodities.

C. HARVEST TRANSPORTATION. Between September 1 and December 15 of each year, no permit shall be required for the transportation of corn, soybeans, potatoes, grain, horseradish, vegetables, seeds, or cranberries from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, or from the field to initial processing.

D. SEASONAL OPERATION OF VEHICLES HAULING PEELED OR UNPEELED FOREST PRODUCTS CUT CROSSWISE OR ABRASIVES OR SALT FOR HIGHWAY WINTER MAINTENANCE. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, or as soon thereafter as reasonably convenient, the Town Board shall declare particular highways as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this

Town under this section is liable to the Town for any damage caused to such highway.

4-2.0825. TEMPORARY OR SEASONAL ROAD LIMITS. Whenever it appears by reason of deterioration, rain, snow, frost, thaw, or other climatic conditions that certain road will be seriously damaged or destroyed by vehicles weighing in excess of a certain designated amount, the Town Board may declare a temporary embargo as per WI's State Statute 348.17 whereby vehicles weighing in excess of an amount designated by the Town Board, but not less than three tons, shall not be operated on the roads so designated when signs have been erected giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded. The temporary road weight limits may be restricted to certain designated roads or may be declared on a Town- wide basis applicable to all Town roads, streets and highways.

4-2.0830. OVERWEIGHT PERMITS.

A. Upon good cause shown, the Town Board may issue single trip or annual permits to exceed weight limits in the manner prescribed in Sections 348.26 and 346.27. The permits may be route specific or general and shall apply to only one vehicle, or combination of vehicles. A copy of the permit shall be carried in the permitted vehicle at all times; and shall be presented for review, upon demand of any law enforcement officer. No overweight permit shall be issued by the Town unless the applicant is also in full compliance with the provisions of Sections 348.25, 348.26, 348.27, and 348.28, Stats. Application for such permit shall be made on forms furnished by the Town and must be accompanied by the non-refundable processing fee on the Town's schedule of fees. The amount of the fee shall be in addition to any fee specified in Section 348.25, Stats.

B. Bond. Except when an operator has entered into an agreement pursuant to Section 4-2.0820(B) above, an applicant for a permit under this Article must file with the Town Board a bond in the amount determined by the Board and in a form approved by the Town Attorney, to indemnify the Town for the entire cost of repairing or restoring any pavement, bridge, culvert, or other highway improvement that may be injured by reason of the use of the highways by the operator. Said bond shall be secured by one of the following: (a) a surety bond issued by a bonding company licensed to do business in the State of Wisconsin, (b) the pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, which is assigned in such a way that the Town can receive the funds without action or further consent of the operator, or (c) by an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. The amount of the surety bond, deposit or letter of credit shall be in the amount of the Board's estimate of the full cost of reconstructing those Town Roads on which the operator is permitted to travel, including the cost of construction,

engineering, and administration, adjusted upward for estimated inflation between the time the bond is filed and the expiration date of the permit, plus the anticipated cost of penalties for early withdrawal and enforcement of the contract, bond, pledge or letter of credit.

4-2.0840 IMPLEMENTS OF HUSBANDRY (IOH) Opt-In for Category B IOHs, Category 1 Ag CMVs or the trailering of one of either of these two types of vehicles from farm to field, from field to field, or from farm to farm, to comply with the statutory axle weight limits under State Statute 348.15(3)(b) pursuant to State statute 348.15(9)(f)2.

A. Wis. Stat. §§ 348.15(9)(f)1. & 348.15(9)(f)1m. provide that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in § 340.01(24)(a)1.b., for Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or for a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, but does apply gross vehicle weight limitations to these vehicles, and

B. § 348.15(9)(f)2. authorizes the municipality or county to require compliance with axle weight limitations established under § 348.15(3)(b) for Category B implements of husbandry defined in § 340.01(24)(a)1.b., for Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or for a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, on all highways under its jurisdiction,

Pursuant to § 348.15(9)(f)2. of Wis. Statutes, all Category B implements of husbandry as defined in § 340.01(24)(a)1.b., all Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., and any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm may not exceed the axle weight limits imposed by § 348.15(3)(b) of Wis. Statutes.

To exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the town.

Pursuant to § 348.27(19)(b)4m. in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in § 340.01(24)(a)1.b., a Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, the municipal jurisdiction or county may not deny the application but may modify and approve the application to include an alternate route or map of highways other than those specified by the applicant and may include highways that are not under its jurisdiction only upon prior approval of the authority having jurisdiction over those highways, except that no prior approval is required

with respect to a highway on which these vehicles may be legally operated or transported without a permit or as authorized by the other jurisdiction.

4-2.0850. FORFEITURES. Violation of this Section is designated an unclassified offense and the forfeiture amount shall be established as follows:

A. For the first conviction, a forfeiture of not less than \$50 or more than \$200 plus an amount equal to whichever of the following applies:

1. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
2. Two cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Three cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
4. Five cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Seven cents for each pound of total excess load if the excess is over 5,000 pounds.

B. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
2. Four cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Six cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Ten cents for each pound of total excess load if the excess is over 5,000 pounds.

(Reserved for Future Use)

TITLE 4 - PUBLIC WORKS
CHAPTER 3 – LAND USE
ARTICLE 1 – PLAN COMMISSION

4-1.0105 PURPOSE- AUTHORITY The purpose of this Ordinance is to create and empower a Town Plan Commission to undertake statutory and local duties on behalf of the Town including, but not limited to, zoning, planning, and subdivision matters. This Ordinance is adopted pursuant to the authority vested in the Town Board under §§60.10(2)(h), 60.61(4) and 61.35, Wis. Stats.

4-1.0110 COMPOSITION OF PLAN COMMISSION The Plan Commission shall consist of five (5) members, four (4) of whom shall be citizen members, selected from among the residents of the Town, with the remaining one (1) member being selected from among appointed or elected officers of the Town. All members of the Plan Commission shall be appointed by the Chairperson of the Town Board. Citizen members shall be persons of recognized experience and qualifications. The Chairperson may appoint himself or herself to the Commission.

4-1.0115 TERM OF OFFICE; COMMENCEMENT OF TERMS; VACANCIES Each member of the Plan Commission shall serve a three (3) year term of office. Appointments shall be made on or after the second Tuesday of April with each term commencing on May 1st.

4-1.0120 INITIAL APPOINTMENT OF MEMBERS.

A. It being the intent of the Town to designate staggered terms of office for the members of the Plan Commission, upon adoption of this Ordinance, the Town Board Chairperson shall make the following appointments:

(1) Initial three (3) year terms:

Citizen Seat #1

Citizen Seat #2

(2) Initial two (2) year terms:

Citizen Seat #3

Town Officer Seat #1

(3) Initial one (1) year term:

Citizen Seat #4

B. If the initial appointments under A., above, take place after May 1, each appointment shall be made for the duration of a one, two, or three-year term retroactive to the next prior May 1 and appointments shall be made for the unexpired remainder of each such term.

C. Should a vacancy occur during a given term of office, the Chairperson shall appoint a successor to fill the remainder of the term of office in question.

D. After the initial appointment under A., above, to staggered terms, each appointment of Citizen Seat #s 1, 2, 3 and 4 and Town Officer Seat # 1 shall be to successive three (3) year terms of office.

4-1.0125 POWERS The Plan Commission shall perform those duties assigned to it from time to time by the Town Board as well as such powers as are assigned to it by State Statutes and Town Ordinances.

(revised 12/9/2019)

TITLE 4 - PUBLIC WORKS
CHAPTER 3 – LAND USE
ARTICLE 2 COMPREHENSIVE PLAN

4-3.0205. Pursuant to section 60.22(3) of the Wisconsin Statutes, the Town of Seymour, is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

4-3.0210. The Town Board of the Town of Seymour, Eau Claire County, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

4-3.0215. The Plan Commission of the Town of Seymour, by a majority vote of the board recorded in its official minutes, has adopted a resolution recommending to Town Board the adoption of the document entitled "Town of Seymour, Eau Claire County, Wisconsin Comprehensive Plan 2019-2039," containing all the elements specified in section 66.1001(2) of the Wisconsin Statutes.

4-3.0220. The Town has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

4-3.0225. The Town Board of the Town of Seymour, Wisconsin, does, by enactment of this ordinance, formally adopts the document entitled, "Town of Seymour, Eau Claire County, Wisconsin Comprehensive Plan 2019-2039," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

4-3.0230 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.

(Revised 12/8/2019)

TITLE 4- PUBLIC WORKS
CHAPTER 4- STORMWATER MANAGEMENT
ARTICLE 1- ILLICIT DISCHARGE AND CONNECTION ORDINANCE

4- 4.0105. PURPOSE/INTENT.

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

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

4- 4.0110. DEFINITIONS.

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

Authorized Enforcement Agency. Employees or designees of the Town Chair of the Town of Seymour designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical,

chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

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

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

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Seymour and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC

§ 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

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

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from

constructing a building or structure; and noxious or offensive matter of any kind.

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

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

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

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

4- 4.0150. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Town of Seymour.

4- 4.02000. RESPONSIBILITY FOR ADMINISTRATION.

The Town of Seymour shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town of Seymour may be delegated in writing by the Town Chair of the Town of Seymour to persons or entities acting in the beneficial interest of or in the employ of the agency.

4- 4.02500. COMPATIBILITY WITH OTHER REGULATIONS.

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

4- 40300. SEVERABILITY.

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

4- 4.0350. ULTIMATE RESPONSIBILITY.

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

4- 4.0400 DISCHARGE PROHIBITIONS.

A. Prohibition of Illegal Discharges.

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

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- (2) Discharges or flow from firefighting, and other discharges specified in writing by the
Town of Seymour as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing, however this activity requires a verbal notification to the Town of Seymour prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved sanitary sewer system upon approval of the Eau Claire County Planning and Development.

Town of Seymour and Eau Claire County Planning and Development requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Town of Seymour and Eau Claire County Planning and Development.

4- 4.040. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

4- 4.0450. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

A. As per the Intergovernmental Agreement between the Town of Seymour and the Eau Claire County, the Eau Claire County shall administer and enforce the county ordinance within the jurisdictional boundaries of the Town with the understanding that the County is subject to the same obligations and regulatory oversight as the Town related solely to the adoption and enforcement of erosion control and storm water management ordinances. By administering and enforcing the County Ordinance, the County shall be responsible for meeting the Wisconsin Department of Natural Resources (DNR) Municipal Permit conditions for the Town entitled "Construction Site Pollutant Control" (section 2.4) and "Post Construction Storm Water Management" (Section 2.5). The County will provide all necessary reports of County activity to the Town related to implementation of the County Ordinance within the Town under said permit. The County Ordinance meets the WI DNR requirements for construction site pollutant control and post construction storm water management. As part of this agreement, the County is not responsible for any other provision of WPDES permit No. WI-S050075-2 other than those specifically stated in this or any agreement.

4- 4.0500. COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling.

The Town of Seymour shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Town of Seymour.
- (2) Facility operators shall allow the Town of Seymour ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The Town of Seymour shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town of Seymour to conduct monitoring and/or sampling of the facility's storm water discharge.

- (4) The Town of Seymour has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town of Seymour and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Town of Seymour access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Town of Seymour reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

B. Search Warrants.

If the Town of Seymour has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Town of Seymour may seek issuance of a search warrant from any court of competent TOWN OF SEYMOUR.

4- 4.0550. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

Town of Seymour will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a

storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

4- 4.0600. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Town of Seymour in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town of Seymour within 2 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 7 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

4- 4.0650. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

A. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Town of Seymour is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Town of Seymour is authorized to seek costs of the abatement as outlined in Section 17.

B. Warning Notice.

When the Town of Seymour finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town of Seymour may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to

immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Town of Seymour to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

C. Notice of Violation.

Whenever the Town of Seymour finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town of Seymour may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Town of Seymour by filing a written notice of appeal within 10 days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

D. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town of Seymour may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

E. Suspension Of MS4 Access.

1) Emergency Cease and Desist Orders

When the Town of Seymour finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town of Seymour may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all ordinance requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Town of Seymour may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Town of Seymour may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town of Seymour that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town of Seymour within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

2) Suspension due to Illicit Discharges in Emergency Situations

The Town of Seymour may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to

the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town of Seymour may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

3) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town of Seymour will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Seymour for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Town of Seymour.

F. Civil Penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Town of Seymour shall deem appropriate, after the Town of Seymour has taken one or more of the actions described above, the Town of Seymour may impose a penalty not to exceed \$[] (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$[] per violation per day and/or imprisonment for a period of time not to exceed [] days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

4- 4.0700. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Town of Seymour. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

4- 4.0750.

ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the Town of Seymour, then representatives of the Town of Seymour shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any

premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

4- 4.0800. COST OF ABATEMENT OF THE VIOLATION.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town of Seymour by reason of such violation.

4- 4.0850. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

4- 4.0900. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town of Seymour to seek cumulative remedies.

The Town of Seymour may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

4- 4.0950. ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effective upon publication after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED 7/12/2021.

FEE SCHEDULE

| | | |
|--------------------------------------|----|--|
| GARBAGE HAULER LICENSE | \$ | 550.00 |
| LIQUOR LICENSE – CLASS B COMBINATION | \$ | 600.00 |
| TOBACCO LICENSE | \$ | 75.00 |
| OPERATOR’S LICENSE | \$ | 20.00 |
| PROVISIONAL OPERATOR’S LICENSE | \$ | 15.00 |
| KENNEL LICENSE | \$ | 25.00 |
| DOG LICENSE – ALTERED DOG | \$ | 8.00 (10/15/2019) |
| UNALTERED DOG | \$ | 20.00 (10/15/2019) |
| MOBILE HOME PARK LICENSE | \$ | 100/year for every 50 units or fraction thereof. |
| NON-METTALIC MINE OPERATOR | | |
| License Application Fee | \$ | 500.00 |
| Base Administrative Fee Deposit | | \$15,000.00 |
| License Renewal Fee | \$ | 500.00 |
| Base Administrative Fee Deposit | | \$10,000.00 |
| License Transfer Fee | \$ | 500.00 |
| Base Administrative Fee Deposit | \$ | 5,000.00 |
| BLASTING | | \$100 Short Term \$300 – Long Term |

BUILDING PERMIT FEE SCHEDULE

Attachment 1

| | |
|---|--------------------------------|
| Residence New Construction | Residential – New Construction |
| Site Built – up to 3500 sf | \$700 |
| Site Built – 3501 and up | \$700 + .25/sf |
| Modular Homes up to 3500 sf | \$425 |
| Modular Homes 3501 & up | \$425 + .12/sf |
| Additions (finished) | \$.25/sf \$200 min. |
| Alterations – add electrical, HVAC & Plumbing | \$3.00/1000 value \$80 min. |
| Pole Barn/Building | 05/sf \$100 min. |
| Garage (detached) | \$.20/sf \$140 min. |
| Storage Shed - max 300 sf | \$40 |
| Decks & Pools (2 visits) | \$140 |
| Re-roof | \$50 |
| Residing | \$50 |
| Plumbing | \$80/inspection |
| HVAC | \$80/inspection |
| Electrical | \$80/inspection |
| Lean To | \$.12/sf \$100 min. |
| Permit to Start – Residential | \$50 |
| State UDC Seal | \$35 |
| Repeat Inspection/each | \$80 |
| Mobile Homes in Park – one inspection | \$100 |
| New Mobile Home (2 visits) | \$250 |

FINES:

| | |
|----------------------------|----------------|
| Starting without a permit | Double Fee |
| Covering before Inspection | Double Fee/day |