

TOWN OF SPRING PRAIRIE

CODE OF ORDINANCES

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TOWN OF SPRING PRAIRIE

CHAPTER I

GENERAL PROVISIONS

SECTION 1.00. Town of Spring Prairie Code.

- 1.01. Title. This code of ordinances shall be known and cited as the “Town of Spring Prairie Code of Ordinances”.
- 1.02. Amendments. Any additions or amendments to this code, when passed in such form as to indicate the intention of the Town Board of the Town of Spring Prairie to make the same a part of this code, are incorporated in this code, so that a reference to the Town of Spring Prairie Code of Ordinances shall be understood as including them.
- 1.03. Numbering of Sections. Each section number of this code shall consist of two component parts, separated by a period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.
- 1.04. Additions. The decimal system shall be used for additions or amendments to these ordinances. When a chapter or section is added, the new chapter or section shall be given a decimal character.

SECTION 1.10. Terms and Definitions.

- 1.11. Statutory Terms. Terms used in this code, unless otherwise specifically defined in this code, shall have the meanings prescribed by the statutes of the State of Wisconsin for the same terms.
- 1.12. Person. A person is defined as any individual, firm, copartnership, corporation, company, association, club, joint adventure, estate, trust or any club or combination acting as a unit, and the individuals constituting such group or unit, and the plural as well as the singular number; and the singular masculine pronoun includes the feminine neuter and plural; unless the intention to give a more limited meaning is disclosed by the context.
- 1.13. Town. Town shall refer to the Town of Spring Prairie, Walworth County, Wisconsin.

SECTION 1.20. Repeal of Ordinances. All ordinances heretofore adopted by the Town of Spring Prairie of a general nature, and relating to the subject matter

herein contained, are repealed. The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of such ordinances, and not as new enactment. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of such repeal, shall not be affected by such repeal, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

SECTION 1.30. Ordinances not Re-enacted. No ordinance or part of any ordinance previously repealed shall be considered reordained or re-enacted by virtue of this code, unless specifically re-enacted. The repeal of any curative or validating ordinance shall not impair or affect any cure or validation already effected thereby.

SECTION 1.40. Penalties.

1.41. Standard Penalty. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall be punished by a forfeiture of not more than \$200 and the costs of prosecution. Each act of violation, and every day of any such violation shall constitute a separate offense.

1.42. Applicability. The penalty provided by this section shall apply to the amendment of any section of this code or any code adopted herein by reference whether or not such penalty is re-enacted in the amendatory ordinance.

1.43. Reference to Sections. Reference to any section of these ordinances shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

SECTION 1.50. Separability of Provisions. It is the intention of the Town Board of the Town of Spring Prairie that each section, paragraph, sentence, clause, and provision of this code is separable, and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof, other than that affected by such decision.

TOWN OF SPRING PRAIRIE

CHAPTER II

BUILDING CODE FOR DWELLINGS

SECTION 2.00. Scope. The provisions of this Chapter shall govern the design, construction, alteration, demolition and moving of all buildings and structures in the Town of Spring Prairie.

SECTION 2.01. Title. These regulations shall be known and cited as “Town of Spring Prairie Building Code” and shall be construed to secure the expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

SECTION 2.02. Adoption of Administrative Codes. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are hereby made a part of this document by reference and adopted for enforcement by the Building Inspector, who shall be certified as a Commercial Building Inspector by the State of Wisconsin Department of Commerce:

- Chs. COMM 16-17 Electrical Code
- Chs. COMM 20-25 Uniform Dwelling Code
- Chs. COMM 61-65 Wisconsin Commercial Building Code
- Chs. COMM 75-79 Existing Buildings Code
- Chs. COMM 70 Historic Building Code
- Chs. COMM 81-87 Plumbing Code

SECTION 2.03. Zoning Laws. No provision of this chapter shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.

SECTION 2.04. Personnel. There is hereby created the position of Town Building Inspector, who shall administer and enforce this Chapter and who shall be certified by the Department of Commerce as specified by the Wisconsin Statutes and Chs. COMM 5 of the Administrative Code.

SECTION 2.05. Building Inspector.

- (1) Appointment - There is hereby created a position of Town Building Inspector, who shall administer and enforce this Chapter and who shall be certified by the Wisconsin Department of Commerce as specified by Section 101.66(2), Wis. Stats. The Town Building Inspector shall be appointed by the Town Board and shall serve at the sole discretion of the Town Board of the Town of Spring Prairie.

- (2) Compensation - The building inspector shall receive his compensation as approved by the Town Board.
- (3) Right of Access - While any project or improvement subject to any permit issued by the Building Inspector is pending, said Building Inspector or authorized agent(s) may at all reasonable hours, for any proper purpose, enter upon such premises and make inspection, and may require the production of the permit for any building, plumbing, electrical, or heating work being done, or the required license. No person shall interfere with or refuse to permit lawful access to any such premises to the representatives of the Town while in the performance of their duties.
- (4) Enforcement - The Building Inspector shall receive applications required by this chapter, issue permits and furnish the prescribed certificates. The Building Inspector shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction proceeds safely. The Building Inspector shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures except as may be otherwise provided for. For the purpose of enforcing compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in existing buildings and structures, the Building Inspector shall issue such notices or orders as may be necessary. The Building Inspector shall have, except where otherwise provided, the general management and control of all matters pertaining to the department of building inspections and shall enforce all state laws, town ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.
- (5) Records - There shall be kept in the office of the Building Inspector a record of all applications for building permits for such purpose, and each permit shall be regularly numbered in the order of its issue. Also a record showing the number, description, and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all buildings in the various classes shall be kept. There shall be kept in the department of building inspections a record of all inspections made, and of all removal and condemnation of buildings, and a record of all fees collected showing the date of their receipt.

SECTION 2.06. Building Permits.

- (1) Permits Required -- No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the Town of Spring Prairie or moved into, within or out of the municipality except as hereinafter provided, unless a permit therefore shall first be obtained by the owner or his agent from the Building Inspector.

Permits required are as follows:

- (a) Building Permit
 - (b) Air conditioning
 - (c) Wrecking or razing
 - (d) Heating
 - (e) Moving of buildings
 - (f) Occupancy
 - (g) Driveway and culvert installation
 - (h) Any other permits as required by Town regulations
- (2) Application for Permits -- Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require. With such application, there shall be submitted, to the Building Inspector, 3 complete sets of plans, structural details, 2 copies of a survey or site plan and a copy of the approved Walworth County Zoning Permit Application.
- (b) 1. Plans and Specifications -- All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:
- All elevations.
 - All floor plans.

- Complete construction details.
 - Fireplace details (3/4 inch per foot) showing cross section of fireplace and flues.
 - Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
2. All plans shall remain on file in the office of the Building Inspector until at least ten (10) years after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record or may destroy them.
- (3) Waiver of Requirements -- At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
- (4) Drainage-Grading of Lots – The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of the grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
- (5) Inspector May Revoke Permits
- (a) The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

Whenever there is a violation of any regulation of this code or of any other ordinance, law or lawful orders or Wisconsin Statute WI Administrative Code relating to the same subject matter;

Whenever the continuance of any construction becomes dangerous to life or property;

Whenever there is any violation of any condition or provision of the application for permit or of the permit;

Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site;

Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified lot or plot plan on which the issuance of the permit or approval was based;

Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.

- (b) The notice to remove a permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
- (c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Inspector.
- (d) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void and before any construction or operation is again resumed, a new permit, as required by this code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this code.

- (6) Fees – All applications for a building permit must be accompanied by the proper fee amount. Permit fee amounts shall be set from time to time by resolution of the Town Board.
- (7) Posting Permit Card - A weatherproof card, signed by the Building Inspector, indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this code.
- (8) Expiration of Permit
 - (a) Existing buildings and any alterations or additions thereto, accessory buildings and accessory structures. The building permit shall become void unless operations are commenced within six (6) months from the date the permit is issued or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) days. The building permit shall expire twelve (12) months from the date the permit is issued. Time periods referenced herein may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant. No additional permits for the same work will be issued unless a timetable of completion is agreed upon by the Building Inspector.
 - (b) New dwellings. The building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed.
 - (c) New commercial buildings. The building permit shall become void unless operations are commenced within six (6) months from the date the permit is issued or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) days. The building permit shall expire twenty four (24) months from the date the permit is issued. Time periods referenced herein may be extended by the Building Inspector if the delay was due to conditions beyond the control of the applicant. No additional permits for the same work will be issued unless a timetable of completion is agreed upon by the Building Inspector.

- (d) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued and all fees paid.

SECTION 2.07. Inspections.

- (1) Coordinated Inspections -- All provisions of the laws and regulations of the municipality and of legally adopted rules of local fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this code, or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.
- (2) Certified Reports
 - (a) The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state, in detail, that all construction work has been executed in accordance with all of the regulations of this code, approved plans, specifications, terms of the permit and, further, that such construction work was executed in accordance with accepted architectural and engineering standard procedures.
 - (b) In addition to any certified report required by the Building Inspector in (2)(a) of this section, any time a foundation is to be constructed as part of an approved building, a foundation certification must be provided to the Building Inspector, as required by county zoning ordinances or after the foundation is formed but before the concrete is poured. Certification shall be made as noted in (2)(a) of this section. In certain instances, the Building Inspector, at his discretion, may waive this requirement or require certification of the footing instead of a foundation certification.
- (3) Appeals – Any person aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Town Board within five (5) days after a written order or notice of such ruling is

made and is delivered in writing setting forth the order appealed from. Such appeal shall be filed with the Town Clerk.

SECTION 2.08. Stop Work Order. Whenever the provisions of this code or of the plans approved hereunder are not complied with, a stop work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

SECTION 2.09. Certificate of Occupancy and Occupancy Bond.

- (1) Occupancy Certificate Required . No building, nor part thereof, shall be occupied until after the final inspection and the occupancy certificate is issued.
- (2) Bond Required . Upon application for a building permit, the Building Inspector shall collect an occupancy bond to be held until after the occupancy certificate has been issued and all final inspections for code compliance have been completed, including inspections by other Town Departments. The bond amount shall be in an amount set from time to time by the Town Board. Occupation of the building prior to the final inspection and issuance of an occupancy certificate shall cause the occupancy bond to be forfeited.
- (3) Occupancy Inspection . The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If construction meets the requirements of this or any other Town ordinance and no violations exist, the Building Inspector may issue a certificate of occupancy, stating the purpose for which the building is to be used.
- (4) Use Discontinued or Changed, Structure Damaged .
 - (a) No building may be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this code, the Building Inspector shall order such use or occupancy discontinued and the building, or portion thereof, vacated by notice served on any person(s) using or causing such use or occupancy to be continued and such person(s) shall vacate the building or portion thereof within ten (10) days after receipt of the notice or make the building, or portion thereof, comply with the requirements of this code.

- (b) It shall be unlawful to change the use of any building, structure, premises or part thereof, without first obtaining, from the Building Inspector, an approval of such change in the occupancy or use and a certificate of occupancy therefore.
 - (c) Any building, structure or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.
- (5) Temporary Hardship Occupancy Certificate. The Building Inspector shall have the authority and power to permit occupancy of any building or structure in the Town, prior to issuance of an occupancy certificate, in cases of hardship, as in his judgment and discretion, warrant occupancy before final stage of completion as set forth in this Code. Before granting such permission, the Building Inspection shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed and the temporary permit shall reflect that time. In no case can an authorized hardship occupancy permit occur for more than 120 days.

SECTION 2.10. *Intentionally omitted.*

SECTION 2.11. *Intentionally omitted.*

SECTION 2.12. Razing of Buildings.

- (1) The Building Inspector is hereby authorized to act for the municipality under the provisions of Section 66.0413 of the Wisconsin Statutes, relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The municipal treasurer is authorized to place the assessment and collect the special tax as therein provided.
- (2) Before a building can be demolished or removed, the owner or agent, shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or

sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

SECTION 2.13. Regulations for Moving Buildings.

- (1) General. No person shall move any building or structure upon any of the public right-of-ways of the Town of Spring Prairie without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. In addition to obtaining a permit the person shall also post a street repair bond and obtain insurance in amounts set forth herein.
- (2) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the Town of Spring Prairie that has deteriorated or has been damaged by any cause in an amount equal to fifty (50) percent or more of its equalized value (including such moving and separation from its foundation and service connections in case of moved buildings). No permit shall be granted to repair, alter or move such building within or into the Town of Spring Prairie.
- (3) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (4) Street Repair. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town of Spring Prairie, the Town of Spring Prairie shall repair

the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

- (5) **Conformance with Code.** No permit shall be issued to move a building within or into the Town of Spring Prairie and to establish it upon a location within the said municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, who shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Town of Spring Prairie to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.
- (6) **Bond**
 - (a) Before a permit is issued to move any building over any public way in this municipality, the party applying therefore shall give a bond to the municipality in a sum to be set from time to time by resolution of the Town Board. Said bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.
 - (b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling into such excavation by children under 12 years of age unlikely, the

bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (7) Insurance – In addition to the bond required in subsection (2), the permit applicant shall also provide public liability insurance for injury to one person and for one accident, together with property damage insurance or such other coverage as deemed necessary and in the amounts determined by the Town Board as set forth by resolution from time to time. In addition to said bond above indicated, the permittee shall furnish to the Building Inspection Department proof of public liability insurance covering injury to one person, for one accident, property damage insurance or such other coverage as deemed necessary in amounts set from time to time by resolution of the Town Board.

- (8) Plan Commission
 - (a) No such permit shall be issued unless it has been found as a fact by the Plan Commission of the municipality by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the municipality or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (b) Upon application being made to the Building Inspector, he shall request a meeting of the Plan Commission to consider applications for moving permits which he has found comply, in all respects, with all other ordinances of the municipality. The Plan Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Plan Commission shall, in writing, make or refuse to make the finding required by subsection (8) hereof and file it in the office of the clerk, who shall send a copy of it to the Building Inspector.

SECTION 2.20. General Requirements.

- (1) Foundations and Footings. Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. Minimum requirements are as follows: Reinforcement shall be a minimum of number 10 six by six (6" X 6") inch wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Exterior wall curbs shall be not less than four (4) inches above the finished ground grade adjacent to the garage. Anchor bolts three-eighths (3/8) inches in diameter with nuts and washers attached, six (6) inches long, shall be embedded three (3) inches in the concrete curb of detached garages, eight (8) feet on centers. Floating footings and slab may also be engineered.
- (2) Floor Surface. The floor in all private garages shall be of concrete construction and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

- (3) Construction. Private garages shall be constructed as follows:
- (a) Unless designed through structural analysis, load bearing foundation walls and partitions shall be constructed as per sections COMM 21.15-21.18, or subsequent revisions.
 - (b) Detached private garages of wood frame construction shall be constructed with the following requirements:

Studs may have a maximum spacing of twenty-four (24) inches on centers.

Diagonal corner bracing shall be installed on both walls at each corner.

Diagonal corner bracing may be applied on the inside surface of studs.

Corner posts may consist of two (2) two by four (2 X 4) inch studs or a single four by four (4 X 4) inch stud.

Collar beams at the top plate and collar ties in the upper one third of the roof shall be installed with a maximum spacing of forty-eight (48) inches on center. Collar beams may be two by six (2 x 6) inch. Collar ties shall be at least two by four (2 x 4) inch for roof slopes less than four (4) inches per foot. A one by six (1 x 6) inch collar tie may be used for roof slopes four (4) inches per foot or greater.

Detached garage roofs shall be framed in accordance with the applicable requirements of section COMM 21.28.

- (4) Size Restrictions -- Private detached garages and accessory buildings shall be restricted as follows:
- (a) Lots one acre or less - The maximum first floor area footprint shall be restricted to 1200 square feet and the maximum height shall be restricted to 18 feet to the roof peak. The structures shall architecturally match the principle building.
 - (b) Lots greater than one acre shall meet the requirements as listed in the Walworth County Zoning Ordinances.

SECTION 2.40. Regulations of Swimming Pools.

- (1) Public Swimming Pools. All public pools shall be constructed and maintained in accord with the provisions of the Wisconsin Administrative Code.
- (2) Private Swimming Pools
 - (a) Definition. The term "private swimming pool" is defined as a receptacle for water, or an artificial pool of water, having a depth at any point of more than 36 inches or more than 15 feet in diameter, whether above or below the ground, located in the Town, used or intended to be used by the owner, family and invited friends, for sun-bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 square feet in area and less than 36 inches in water depth, and/or 15 feet in diameter which are dismantled and removed for the winter are not included in this Ordinance. This definition includes self-contained spa, spas or hot tubs. Self-contained spa or hot tub and spa or hot-tub means a factory fabricated unit or a hydro massage pool, or a tub for recreation or therapeutic use designed for immersion of users and usually having a filter, heater and motor-driven blower, generally not designed or intended to have its contents drained or discharged after each use.
 - (b) No person shall construct, install, or reconstruct a private swimming pool which is not enclosed in a permanent building in the Town except in accordance with the regulations of this Ordinance.
 - (c) Swimming pools that are completely enclosed within a permanent building, shall comply with all other applicable Ordinances, building codes, regulations and statutes but where a conflict occurs between regulations for a pool in a permanent building and the terms of this Section, this Section does not apply.
 - (d) Permit. No person shall construct, install, enlarge, or alter any private swimming pool unless permits have been obtained from the Building Inspector. The pool permit fees shall be set from time to time by resolution of the Town Board. Applications shall be on forms provided by the

Building Inspector. Applications shall be accompanied by the following:

- Survey or accurate drawing of the property, **in duplicate**, showing all dimensions for existing structures and lot lines as well as all the proposed improvements, including, but not limited to the swimming pool or spa location, fencing, overhead or underground electrical wiring, water lines, decking, water disposal system or septic system, and heating, pumps and filtration systems.
 - Two (2) copies of brochure which shows the type, style, etc. of the pool or spa to be installed;
- (e) The Building Inspector may refer an application for a private swimming pool to the Plan Commission when it is apparent that due to the configuration of the lot, the pool may become a visual or audible nuisance for a determination as to whether the private swimming pool requires screening by use of dense vegetation, aesthetic fencing, structural barriers or a combination thereof based on the scale plan submitted with the application. The Commission shall have the authority to approve, deny, or impose appropriate changes or safeguards. Its decision shall be based upon the avoidance of a substantial adverse effect upon property values in the neighborhood.
- (f) Location of pool. A private swimming pool shall be constructed in accordance with the following requirements:
- Distance required: All private swimming pools shall be constructed and all equipment and utilities must be located not less than the minimum setback and offset requirement for buildings located within the zoning district where such swimming pool is located.
 - A private pool shall be at least 10 feet from the residence, except for a portion that is 4 feet in depth or less and used for ingress or egress to the pool, such as a stair well area, which portion only can be reduced to 8 feet. A private swimming pool shall not be less than 4 feet from any wall or fence.

- No private swimming pool or spa may be located in a front yard.
 - Private swimming pools shall be located from the required distances from wells and septic systems as required by COMM 83, Wis. Adm. Code.
- (g) Fences. The fencing requirement shall be applicable to all private swimming pools, including those constructed before enactment of this Ordinance.
1. Every private swimming pool shall be completely surrounded by a fence or wall not less than 4 feet in height, but not to exceed 6 feet in height, be of sufficient strength to prevent accidental access, and shall be constructed so as not to have openings, holes or gaps larger than 4" in any one dimension, which would allow ease of access by unauthorized persons, except for doors or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors shall be equipped with an inside self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
 2. A temporary fence (snow fence, etc.) can be used while said pool is under construction. A permanent fence must be constructed within 30 days after water is in the pool.
 3. Above-ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of minimum required height and design as heretofore specified. All access from grade to above ground pools having ladders, stairs, or ramps shall not have less than equal safeguard protection provided the pool proper.
 4. The requirement of a fence may be waived by the Building Inspector of the Town of Spring Prairie if the pool is an above-ground pool and if the deck of said pool is at least 4 feet above grade and the Building Inspector determines from an on-site inspection that, except for ladders or other access devices, the outside pool wall or decking is at least 4 feet above grade and provides no direct access to the pool.

(h) Requirements.

1. No pool shall be directly connected to the sanitary sewer or septic system.
2. Provisions shall be made for disinfecting all pool water. No gaseous chlorination shall be permitted.
3. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed concrete areaway around the entire pool of at least three (3) feet on in-ground pools.
4. Except for a properly installed diving board, access ladders or safety railings there shall be an unobstructed areaway around the entire pool of at least 3 feet on above-ground pools.
5. Heating units, pumps, and filter equipment shall be located not less than the minimum setback or offset required in the zoning district where the property is located.
6. Any exterior hose bibs to be used in conjunction with the filling of any swimming pools shall have an anti-siphoning type valve.
7. No swimming pool may be drained onto the lands of neighboring or adjacent property.
8. Decks shall be constructed in accord with the provisions of COMM 21.225, Wis. Adm. Code, or subsequent revisions and shall be considered an integral part of the swimming pool which shall comply with all applicable setbacks and offsets per the Town Zoning Code.

(i) Electrical regulations.

1. All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the national, state, and local codes regulating electrical installations.
2. Overhead flood or other artificial lights used to illuminate a pool shall be shielded or positioned to eliminate direct light and minimize reflected light onto adjoining properties and roadways.

- (j) Nuisances. No pool shall be so operated or maintained as to create a nuisance, any eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to the public health, safety and welfare.
- (k) Sanitation. A swimming pool and its appurtenant facilities shall be kept clean and in a sanitary condition.

SECTION 2.50. Foundation Repairs and Damp-Proofing.

- (1) Repairs to foundations require a permit from the Building Inspections Department. Application for permit shall include a statement of the existing defects, and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.
- (2) Plans and/or specifications must be submitted for approval prior to issuance of a permit.
- (3) Except as otherwise permitted by the Building Inspector, foundation repair shall be performed in accordance to the Best Management Standards for Foundation Repair, March 2003.
- (4) Permit fee for foundation repairs and damp-proofing shall be set from time to time by resolution of the Town Board.

SECTION 2.60. Failure to Obtain Permit. It shall be unlawful to commence work prior to obtaining a permit therefore. Permit fees shall be charged at double the regular permit cost if work is commenced prior to the issuance of a permit.

SECTION 2.61. Damage to Public or Private Property. Damage to curbs, gutters, catch basins, sidewalks, culverts, street surface, shoulders, storm drainage ditches or sewers, man holes, monuments, fire hydrants and other utility fixtures, fences, fixed barriers, lights, signs or trees and shrubs located on contiguous private or public property shall be replaced or repaired at the discretion and supervision of the owner of such contiguous property.

SECTION 2.62. *Intentionally omitted.*

SECTION 2.63. Violations. It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code, or to cause, permit or suffer any such violations to be committed by the Town of Spring Prairie Code of Ordinances. Any person violating any of the provisions of this Code shall be subject to the penalty provisions as set forth in Section 3.64 of this Chapter. It shall be the responsibility of the offender to abate

the violation expeditiously as possible and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

SECTION 2.64. Penalties. The Town Board shall provide for the enforcement of this section and all other laws and ordinances relating to the buildings by means of withholding of building permits, imposition of forfeitures and injunctions and injunction action. Any person violating any of the provisions of this Chapter shall, upon conviction, forfeit no less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00), together with the costs of prosecution thereof, 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 but not exceeding thirty (30) days

TOWN OF SPRING PRAIRIE

CHAPTER III

PUBLIC GATHERINGS, PUBLIC AMUSEMENTS AND PUBLIC SHOWS

SECTION 3.00. License Required.

- 3.01. No person shall promote, invite or suffer a gathering of more than one thousand (1,000) persons at any one time on such person's property within the Town of Spring Prairie, Walworth County, Wisconsin, unless a license or permit therefor shall be obtained as hereinafter provided and prescribed.
- 3.02. No person shall conduct, exhibit, operate or maintain within the Town of Spring Prairie, Walworth County, Wisconsin, any circus, caravan, carnival, play, game contest, theatrical performance, theater, concert, carousel, athletic event, shooting gallery of any kind, or any other public amusement or show, or any other exhibition, to which admission may be had by the payment of a fee whereby the purchase, possession or presentation of a ticket or token obtained for money, or other valuable consideration, or in which a charge is made indirectly for admittance, unless a license or permit therefor shall be obtained as hereinafter provided and prescribed.

SECTION 3.10. Exemptions. This Chapter shall not be deemed to require a license for gatherings and/or activities conducted within a structure in existence on the date of adoption of this ordinance where the attendance is limited by legal limits on capacity of the structure, or on premises where permitted by, and under the provisions of, an existing conditional use permit.

SECTION 3.20. Application. Written application, accompanied by a fee of \$250.00 to cover the investigation to be performed hereunder, shall be filed with the Town Clerk, setting forth in addition to such other information as the Town Board may require, the following information:

- a. Name, age, residence or permanent address of the applicant or of the principal officers of the firm, partnership, corporation or association which applicant represents, and of the person to whom the applicant shall designate as manager.
- b. Places of employment for two years previous.

- c. Place or places where the public gathering, amusement, show or exhibition is to be located or conducted, total area to be used, and the name and residence of the owner thereof.
- d. Specific nature of public gathering, amusement, show or exhibition for which the license is sought.
- e. Length of term requested for the license sought.

SECTION 3.30. Inspection. The Town Clerk shall refer any application filed under this section to the Town Board, Building Inspector, Walworth County Sanitarian, Walworth County Sheriff's Department and the Chief of the Fire Department which has jurisdiction over the premises to be used. These officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and is a proper place for the purposes for which it is to be used. Within thirty (30) days of receiving any application filed under this ordinance, the officials named above, with the exception of the Town Board, shall make a report of their findings to the Town Board. Upon receipt of such reports, the Town Board shall proceed as follows:

- 3.31. At the option of the Town Board, a public hearing may be held at the regular meeting place of the Town Board and a notice of said meeting shall be published in a newspaper of general circulation in the Town of Spring Prairie at least ten (10) days before the date of said public hearing. At such public hearing, the Town Board shall hear all persons interested in the granting or denying of said license and may, if it sees fit, take testimony relative to the application. Such public hearing shall not be mandatory, but if held, the public hearing shall take place within sixty (60) days after filing the application.
- 3.32. Within thirty (30) days after the aforesaid public hearing, or within ninety (90) days after the filing of the application, whichever shall be last in time, the Town Board shall make a determination to either grant or deny the application. The license, if approved, shall be issued for the term requested in the application or for such other term determined by the Town Board.

SECTION 3.40. Restrictions on Granting Licenses. In making its determination on the license application, the Town Board shall take into consideration the information contained in the application, the reports of the officials required to make the same, the information presented at the public hearing, if any, the Town Board's inspection of the premises and investigation, and any other information assembled by the Town Board. In addition thereto, the following restrictions shall apply:

- 3.41. No license shall be issued under this Chapter unless and until it shall be found that all of the persons named in the application are of good moral character, that the proposed location complies with and conforms to all ordinances, health and fire regulations applicable thereto, and is a safe and proper place for the purpose for which it shall be used.
- 3.42. A license shall be refused to any applicant or applicants who shall have had a license issued by the Town of Spring Prairie revoked within two (2) years of the date of application, or to any person who has within five (5) years of the date of application has been convicted of a felony. No applicant to whom a license has been refused shall make further application until a period of at least one (1) year shall have elapsed since the last previous rejection.
- 3.43. No license shall be granted to a person under twenty-one (21) years of age; no license shall be issued for any premises within a residential district; no license shall be renewed without full compliance with the procedures referred to above.

SECTION 3.50. Suspension and Revocation. The Town Board may at any time suspend for such period of time as it may think proper, but in no event longer than one (1) year, any license granted under the provisions of this ordinance for disorderly, immoral or objectionable conduct on the premises, or may at any time revoke any license for the violation by the licensee, his agents, or employees, of any of the rules, regulations, ordinances or laws of the Town of Spring Prairie, County of Walworth or State of Wisconsin governing or applying to public peace, safety, morals or general welfare. Notice of such suspension or revocation and the reasons therefore, in writing, shall be served personally upon the person named in the application, or by mailing the same to the latest address given in the application. No refund of any portion of any fee paid hereunder shall be made, in any case.

SECTION 3.60. Penalties. Any person violating any provision of this Chapter shall, upon conviction thereof, forfeit not less than \$1,000.00 for each day of non-compliance, and each such day of non-compliance shall be deemed a separate and distinct offense. Additionally, such person shall be liable for the costs of prosecution, including without limitation, any and all actual attorneys fees incurred by the Town in connection with such prosecution, together with court costs and disbursements incurred in connection with the same. Nothing set forth herein shall affect the suspension and revocation of any license or the application for or the granting of a restraining order or injunction prohibiting the public gathering, amusement, show or exhibition for which the license is sought.

TOWN OF SPRING PRAIRIE

CHAPTER IV

DEDICATION AND CONSTRUCTION OF STREETS

SECTION 4.00. Definitions.

- 4.01. Street. The term “street” means a public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however otherwise designated.
- 4.02. Town. The term “Town” shall refer to the Town of Spring Prairie, Walworth County, Wisconsin.
- 4.03. Other Terms. All other pertinent terms shall be as defined in Chapter 236 of the Wisconsin Statutes as revised and amended, from time to time.

SECTION 4.10. Acceptance of Streets. The Town Board of the Town shall not accept any street for dedication or otherwise unless such street meets the requirements of this Chapter.

SECTION 4.20. Adoption of Wisconsin Statutes and Walworth County Ordinance. Except as otherwise properly provided in this Chapter, the provisions of Chapter 236 of the Wisconsin Statutes, as amended from time to time, and any Walworth County Subdivision Control Ordinance, as amended from time to time, are hereby adopted by reference and made a part of this Chapter.

SECTION 4.30. Subdivisions. A subdivider shall construct and install all streets dedicated or provided for in such subdivision in accord with the standards for such streets as specified herein, in the Town Ordinances or as otherwise specified by the governmental units with jurisdiction over such streets.

SECTION 4.40. Street Design.

4.41. General. Street shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.

4.42. Arrangement:

- a. Major streets and highways shall be properly integrated with the existing and proposed system of major streets and highways insofar as

practicable shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.

- b. Collector streets shall be properly located to special traffic generators such as schools, churches and places of business, to concentrations of population, and to major streets into which they feed.
- c. Minor streets shall be designed to conform to the topography, to discourage use by through traffic and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- d. Proposed streets shall extend to the boundary lines of any tract being subdivided unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of said subdivision or for the advantageous development of the adjacent tracts.

4.43. Intersections:

- a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- b. The number of streets converging at one intersection shall be reduced to a minimum preferable of not more than two.
- c. The number of intersections along major streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.

4.44. Minor streets shall not necessarily continue across major or collector streets, but if the center lines of such minor streets approach the major from opposite sides thereof, within 300 feet of each other, measured along the center line of the major or collector street, their location shall be adjusted so that the alignment across the major or collector street is continuous and a jog is avoided.

4.45. Widths of Streets and Pavements:

- a. The minimum right-of-way and roadway of all proposed streets shall be 66 feet.
- b. All cul de sac streets shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet.

- c. Notwithstanding the foregoing requirements with regard to widths of streets, the Town Board shall have the discretion to accept dedication of street right-of-ways of not less than 30 feet in width, but only in recorded subdivisions platted prior to 1950. In those instances only, the Town Board shall have the right to designate minimum road design and improvement standards which may be different from the specifications and standards for improvement for other Town roads.

4.46. Street Specifications:

- a. Upon approval of the lines and grades of the proposed streets by the Town Board, all street improvements shall be installed to a permanent line and grade. The minimum street improvements required shall be the removal, and excavation of all sod and vegetable matter from all thoroughfares, streets, highways and other ways from curb to curb or shoulder to shoulder line, as the case may be, and the full extent thereof to a sufficient depth to permit the same to be brought to an approved established grade by means of a minimum of eight inches of gravel after compaction, top grade to provide for adequate and approved drainage facilities necessary for the proper use and safety thereof.
- b. When streets within the jurisdiction of this chapter other than state and county highways are improved for dedication by the subdivider, owner, or agent, said streets shall be in conformance with the following minimum dimensions: All streets shall consist of a minimum of twenty-two feet width driving surface with three inches of high bituminous concrete unless the Town Board by resolution prescribes a different standard.

TOWN OF SPRING PRAIRIE

CHAPTER V

MOBILE HOME PARKS AND MOBILE HOMES

SECTION 5.00. Definitions. For the purpose of this Chapter:

- a. "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
- b. "Licensing authority" means Town of Spring Prairie, Walworth County, Wisconsin, wherein a mobile home park is located.
- c. "Park" means mobile home park.
- d. "Person" means any natural individual, firm, trust, partnership, association or corporation.
- e. "Mobile home" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.
- f. "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
- g. "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating appliances and complete year-round facilities.
- h. "Unit" means a mobile home unit.
- i. "Mobile home park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.
- j. "Space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home unit.

- k. "Town" means the Town of Spring Prairie, Walworth County, Wisconsin.

SECTION 5.10. Location of Mobile Homes Outside of Mobile Home Parks.

- 5.11. No mobile home shall be kept and used for dwelling purposes within the Town outside of a mobile home park except as provided in Section 5.12 hereinafter.
- 5.12. In the event an owner of real estate outside of a mobile home park has destroyed by fire or other casualty a dwelling located thereon or voluntarily removes such a dwelling and said owner desires to rebuild a home on the location of the home so destroyed or removed, said owner may apply to the Town Board for a permit to keep a mobile home on said real estate for occupancy as a dwelling by persons who had occupied the destroyed or removed dwelling. Said permit may be granted by the Town Board for a period not to exceed one year. Said mobile home shall conform to all applicable requirements of the Town Building Code. In the event a new dwelling cannot be completed within the initial permit period, the owner may apply for and the Town Board may grant an extension of up to ninety (90) days.

SECTION 5.20. License and Revocation or Suspension Thereof.

- 5.21. It shall be unlawful for any person to maintain or operate within the limits of the Town of Spring Prairie any mobile home park unless such person shall first obtain from the Town a license therefor.
- 5.22. Any license granted under the provisions of this ordinance shall be subject to revocation or suspension for cause by the Town Board of the Town of Spring Prairie upon complaint filed with the Clerk of such Town signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint, provided that the holder of such license shall be given 10 days' notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Town Board of the Town of Spring Prairie, may within 20 days of the date of such revocation or suspension, appeal therefrom to the Circuit Court of Walworth County by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town of Spring Prairie in the sum of \$1,000.00 with two sureties or a bonding company approved by the said Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

SECTION 5.30. License and Monthly Mobile Home Fee.

- 5.31. Each licensee shall pay an annual fee to the Town Clerk in advance for each calendar year or fraction thereof of \$1,000.00 for each 50 spaces or fraction thereof within each mobile home park within the Town limits except where the park is in more than one municipality, the fee shall be in such fraction as the number of spaces in the park within the Town bears to the entire number of spaces in the park.
- 5.32. Each transferee shall pay a fee of \$100.00 in advance to the Town Clerk for transfer of any license.
- 5.33. In addition to the license fee provided in Sections 5.31 and 5.32, the Town of Spring Prairie shall collect from each occupied mobile home occupying space or lots in a mobile home park in the town, a monthly parking permit fee computed in the manner provided in the Revised Statutes of the State of Wisconsin. The fee shall be applicable to occupied mobile homes moving into the Town any time during the year. The park operator shall furnish information to the Town Clerk and the Town Assessor on occupied mobile homes added to his park within five days after their arrival, on forms prescribed by the State of Wisconsin Department of Revenue. As soon as the Town Assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value, and notify the Town Clerk of his determination. The Town Clerk shall equalize the fair market value established by the Town Assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12, and notify the mobile homeowner of the monthly fee to be collected from the mobile homeowner. Liability for payment of the fee shall begin on the first day of the next succeeding month, and shall remain on the mobile home only for such months as the occupied mobile home remains in the Town. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under ch. 70 of the Revised Statutes of the State of Wisconsin. If the Board of Review reduces a valuation on which previous monthly payments have been made, the Town shall refund past excess fee payments. The monthly parking permit fee for mobile homeowners within a mobile home park, shall be paid by the mobile homeowner, to the licensee (mobile home park operator) on or before the 10th of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and the automobile bear license plates issued by any other than the State of Wisconsin, for an accumulating period not to exceed 60 days in any 12 months, or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the Town

Treasurer of the licensing authority from qualified nonresident tourist or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in the State of Wisconsin, there shall be no exemption from the monthly parking permit fee.

The licensee of a park shall be liable for the monthly parking fee for any mobile home occupying space therein, as well as the owner and occupant thereof.

- 5.34. The monthly parking permit fee shall be collected by the licensee (mobile home park operator) from each mobile homeowner in the mobile home park of the licensee, required to pay such permit hereunder and shall remit said fees to the Town Treasurer of the Town of Spring Prairie forthwith.
- 5.35. The fee for a mobile home located outside of a licensed park shall be paid by the owner of the mobile home, the occupant thereof, or the owner of land on which it stands, the same, as in the manner provided for, mobile homes located in a mobile home park and the owner of such land shall be required to comply with the reporting requirements of Section 5.33 above; provided that the fee shall be paid directly to the Town Treasurer on or before the 10th day of the month following the month for which such parking permit fee is due.
- 5.36. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under chs. 70 and 74 of the Revised Statutes of the State of Wisconsin.

SECTION 5.40. Application for License. Original application for mobile home park license shall be filed with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following:

- a. The name and address of the applicant.
- b. The location and legal description of the proposed mobile home park.
- c. The complete plan of the park.

SECTION 5.50. Plans, Specifications and Applications, and Application Fee.

- 5.51. Accompanying and to be filed with the original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable regulations, ordinances and laws of the State of Wisconsin, County of Walworth and Town of Spring Prairie. The

application shall be accompanied by a fee of \$500.00 to defray the cost of publication, investigation and public hearing.

- 5.52. Upon receipt of an application submitted in compliance with Sections 5.40 and 5.50 of this Chapter, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for public hearing upon such application, which date shall be not more than 30 days after the receipt of said application by the Town Board. A public hearing shall be held by the Town Board at its regular meeting place and a notice of said meeting shall be published in a newspaper or general circulation in the Town of Spring Prairie at least 10 days before the date of said public hearing or in lieu thereof, notice of said hearing shall be posted in not less than three public places within said Town at least five days before the date of said hearing. At such public hearing, the board shall hear all persons interested in the granting or denying of said permit and may, if it sees fit, take testimony relative to the application.
- 5.53. Within 90 days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town of Spring Prairie and as to whether the mobile housing development would cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided. Such determination shall be made on the basis of the information contained in the application together with the information presented at the public hearing and any other information assembled by the Town Board. Upon such determination, the Town Board shall either grant or deny the application.

SECTION 5.60. Renewal of License. Upon application by any licensee and after approval by the Town Board, and upon payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.

SECTION 5.70. Limitations, Restrictions and Regulations.

- 5.71. Not more than one license for a mobile home park may be issued under this ordinance in each common school district within the Town, and no mobile home park shall contain spaces for more than fifty (50) mobile homes, except that the Town Board may permit additional mobile home parks or additional spaces within a park upon the following conditions:
- a. If such additional parks or spaces will not cause the school costs to increase above the state average, and if adequate and proper sewage disposal can be provided.

- b. If the mobile home park has been in operation for at least one year prior to the request for additional spaces.
- c. If the mobile home park complies with the requirements of this and any other applicable ordinances.

5.72. Each mobile home park shall be subject to the following requirements:

- a. Drainage. Every mobile home park shall be located on a well-drained site and shall be so graded and adequately drained so as to eliminate collection of surface waters at any point in the mobile home park and drainage easements obtained when necessary.
- b. Sewage. Adequate provisions shall be made for the disposal of all sewage from the mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage oxidation system approved by the State of Wisconsin.
- c. Water. Where a public water supply is not available within the mobile home park, an adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons which can be accommodated in such mobile home park and shall be installed in compliance with the town plumbing and well codes, and shall be approved by the State of Wisconsin.
- d. Refuse. Every mobile home in the park shall have two (2) containers with close-fitting covers for garbage and provisions shall be made for the handling and removal of all garbage, trash or refuse from the park no less than twice each week.
- e. Lighting. All entrances, exits, lanes and driveways between rows of mobile homes used or occupied in any mobile home park shall be lighted by electric lighting approved by the Town Board.
- f. Fire Extinguishers. Adequate fire fighting equipment shall be provided, including water and chemical-type fire extinguishers, and there shall be no less than one (1) fire extinguisher for every four (4) mobile home spaces in the mobile home park.

5.73. Each mobile home park shall have the following lots, parking area, driveway and sidewalk requirements:

- a. Each mobile home shall be located on a lot of not less than 6,000 square feet with a minimum width of 50 feet, less 400 square feet for off street parking within a reasonable distance of the mobile home lot. Each double mobile home shall be located on a lot of not less than 9,000 square feet with a minimum width of 75 feet, less 600 square feet for off street parking within a reasonable distance of the mobile home lot.
- b. Each mobile home lot shall contain a parking space upon which the mobile home shall be situated, which parking space shall be paved with concrete or bituminous material. Each parking space shall not be less than ten (10) feet wide nor of less length than the length of the mobile home to be parked thereon, plus five (5) feet.
- c. There shall be additional parking spaces for automotive vehicles within such park, paved with concrete or bituminous material, equal to not less than 400 square feet for each mobile home space. Each automobile parking space shall not be less than nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.
- d. There shall be a system of driveways, with a minimum of 66-foot widths, of which 28 feet shall be paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
- e. If recreation buildings, laundry facilities, or any other service areas are provided for the convenience of the mobile home park residents, there shall be sidewalks, with a minimum of thirty (30) inch widths, paved with concrete or bituminous material, from every mobile home space within the mobile home park to said building, facility or area.
- f. Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall not be less than 15 feet wide, except that there need not be more than a 10-foot setback from an access driveway; provided, however, that such 10-foot setback shall apply to the longest mobile home to be accommodated within such park.
- g. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other

required yards and open spaces, which shall not be less than 15 feet wide.

- h. Each mobile home park shall contain an open area for recreation and park purposes which shall be appropriately landscaped and planted to grass and trees. Said open area shall not be less than two (2) acres for every twenty-five (25) mobile home spaces in the mobile home park.

5.74. Such rules and regulations shall be prescribed and enforced by licensee of mobile home park so as to insure:

- a. That the park shall be kept and maintained in a neat, sightly and orderly manner.
- b. That no public or private nuisance may be kept or maintained in the park.
- c. That no mobile home shall be used for illegal or immoral purposes.
- d. That no mobile home shall be used for other than residential purposes or by more than one person, whether child or adult, for each 125 square feet of floor area thereof.
- e. That no more than one family unit shall occupy any one mobile home.

5.75. Each mobile home park shall maintain a register for the registration of all occupants, which register shall contain information as follows:

- a. Name and address of each occupant.
- b. Mobile home license number and manufacturer's name.
- c. Automobile license number and name and make of automobile.
- d. Number of site to which assigned.
- e. Last place of location.
- f. Date of arrival.
- g. Date of departure.

SECTION 5.80. Application of County Ordinance. The provisions of this Chapter or of the County Zoning Ordinance of any County Mobile Trailer Ordinance, whichever is more restrictive, shall apply.

SECTION 5.90. Penalty.

- 5.91. Any person, firm or corporation violating any provisions of Sections 5.33 and 5.35 of this Chapter relating to reporting the addition of occupied mobile homes shall, upon conviction thereof, forfeit not more than \$100.00 together with costs of prosecution, and each failure to report shall be regarded as a separate offense.
- 5.92. Any person, firm or corporation violating any provisions of this Chapter other than those specified in Section 5.91 of this section, shall upon conviction thereof, forfeit not less than \$100.00 together with costs of prosecution. Every day of noncompliance shall be deemed a separate and distinct offense.
- 5.93. Nothing set forth herein shall effect the application for or the granting of a restraining order or injunction prohibiting the location of a mobile home within the Town or requiring the removal of a mobile home from any location within the Town.

TOWN OF SPRING PRAIRIE

CHAPTER VI

PUBLIC NUISANCES

SECTION 6.00. Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Spring Prairie.

6.01. Intent; Right to Farm. It is the intent of this ordinance to allow continuation of present agricultural uses and practices in the Town. The Town Board finds that changes in agricultural technological practices and scale of operation have, on occasion, tended to create conflicts between agricultural and other activities. The Town Board finds that, to the extent possible consistent with good public policy, the prohibition against public nuisances should not hamper agricultural production or the use of modern technology in lands zoned for agricultural purposes.

- a. The Town Board confirms the right of a property owner, his lessee or assign, to continue an agricultural use or practice conducted at the same location, on substantially the same scale, and in substantially the same manner as at the time of the adoption of this ordinance.
- b. In any nuisance action against an agricultural use or agricultural practice conducted on lands zoned for such use, the relief granted, if any, shall not substantially restrict or regulate such uses or practices unless the court specifically finds that such relief is necessary to protect the public health or safety and such uses or practices affect an appreciable number of persons within the Town.

SECTION 6.10. Definitions.

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

- a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b. In any way render the public insecure in life or in the use of property;
- c. Greatly offend the public morals or decency;

- d. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- 6.12. Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 6.11 of this section:
- a. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - b. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - c. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - d. Privy vaults and garbage cans which are not fly-tight.
 - e. All noxious weeds and other rank growth of vegetation.
 - f. All animals running at large.
 - g. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits in such quantities as to endanger the health of persons of ordinary sensibility or to threaten or cause substantial injury to property located within the Town.
 - h. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
 - i. Any use of property, substances or things within the Town of Spring Prairie emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town. (This provision is not intended to preclude application of sludge and organic fertilizer for normal agricultural purposes.)

- j. All abandoned wells not securely covered or secured from public use.
 - k. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- 6.13. Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of 6.11 of this section:
- a. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
 - b. All gambling devices and slot machines.
 - c. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town of Spring Prairie and/or laws of the State of Wisconsin.
 - d. Any place or premises within the Town of Spring Prairie where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
 - e. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.
- 6.14. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of 6.11 of this section:
- a. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
 - b. All buildings erected, repaired or altered within the municipal boundaries of the Town of Spring Prairie in violation of the provisions

of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within said district.

- c. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad signal or which because of its color, location, brilliance or manner of operation interfered with the effectiveness of any such device, signal or sign.
- d. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- e. All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street, or less than 10 feet above any other public place.
- f. Any and all use or display of fireworks except as permitted by the laws of the State of Wisconsin and subject to Chapter XXI of this Code of Ordinances..
- g. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- h. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- i. All loud, discordant and unnecessary noises or vibrations of any kind.
- j. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- k. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- l. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

- m. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- n. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- o. Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
- p. All snow and ice not removed or sprinkled with ashes, sawdust or sand.

SECTION 6.20. Abatement of Public Nuisances.

6.21. Inspection of Premises. Whenever complaint is made to the Town Chairman that a public nuisance exists within the Town of Spring Prairie, he shall promptly notify the Constable, Health Officer or Building Inspector, who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

6.22. Summary Abatement.

- a. Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Town Chairman may direct the Constable to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- b. Abatement of Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance

cannot be found, the Health Officer in case of health nuisances, and the Constable, in other cases, shall cause the abatement or removal of such public nuisance.

- 6.23. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Walworth County in accordance with the provisions of the Wisconsin Statutes.
- 6.24. Cost of Abatement. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be 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.

SECTION 6.30. Penalty.

- 6.31. First Offense/Penalty. Any person who shall violate this subsection shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$1,000.00 together with the costs of prosecution and in default of payment of such forfeiture, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, not to exceed ninety (90) days.
- 6.32. Second Offense/Penalty. Any person guilty of violating this subsection or any part of this subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction thereof forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

TOWN OF SPRING PRAIRIE

CHAPTER VII

ORDINANCE FOR THE CONTROL OF DOGS

SECTION 7.00. Adoption of County Ordinances. Except as otherwise specifically provided in this Code, the provisions of Sections 6-31 through 6-71 of the Walworth County Code of Ordinances describing and defining regulations with respect to the control of dogs are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference as required or prohibited by this Code.

SECTION 7.10. Noise Level Restriction. No person, firm or corporation shall permit a dog or other domestic animal within the Town to engage in a sustained level of noise, other than intermittent barking, which exceeds the barrier of 85 decibels, at any property line.

SECTION 7.20. *Intentionally omitted.*

SECTION 7.30. Penalties. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$50 together with the costs of prosecution and in default of payment of fine imposed, with costs, to be committed to the County Jail of Walworth County for a term not to exceed 30 days.

SECTION 7.40. Intent. It is the intention of this ordinance to protect the citizens from the ravages and damages caused by dogs, particularly those owned by people who fail to respect the rights of others. It is not the intention of this ordinance to penalize farmers or others, whose dog may for the first time and without their knowledge cause disturbance.

TOWN OF SPRING PRAIRIE

CHAPTER VIII

TOWN PLAN COMMISSION

SECTION 8.00. Creation of Plan Commission. There is hereby created and established a "Town of Spring Prairie Plan Commission."

SECTION 8.10. Membership. The Town of Spring Prairie Plan Commission shall have members and be appointed as follows:

- a. The Plan Commission shall consist of seven (7) members appointed by the Town Chairman, subject to confirmation of the Town Board.
- b. From the seven (7) members, the Town Chairman shall appoint a chairman of the Plan Commission who shall serve at the discretion of said Town Chairman.
- c. The Plan Commission members shall be residents who are domiciled within the Town of Spring Prairie.
- d. The members of the Plan Commission shall serve for staggered terms of three years.
- e. Members of the Town Board may attend Plan Commission meetings, but shall take no formal part in the duties and functions of the Plan Commission. Only the appointed members of the Plan Commission shall have a vote.

SECTION 8.20. Officers. The Town Plan Commission shall appoint a secretary of the Plan Commission, who shall serve at the pleasure of the Town Plan Commission. Said secretary shall neither be a member of the Plan Commission nor the Clerk or Treasurer of the Town of Spring Prairie, and therefore not entitled to a vote on Plan Commission matters. Such secretary shall be entitled to receive the same per diem payments as Plan Commission members.

SECTION 8.30. Budget. Annually, at the request of the Town Board, the Town of Spring Prairie Plan Commission shall submit and present an operating budget for Town Board approval. The Town Board shall have the sole authority to accept, reject, or modify any budget so presented and shall formally adopt the budget for the Town of Spring Prairie Plan Commission for the ensuing year.

SECTION 8.40. Duties and Functions of Plan Commission. The Town of Spring Prairie Plan Commission shall have the powers, duties and functions as set forth and enumerated in Section 62.23 of the Wisconsin Statutes, as revised and amended from time to time. Notwithstanding the foregoing:

- a. The Town Board shall refer to the Plan Commission for its consideration and report before final action is taken by the Town Board the following matters: The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley, or other public way; the location, extension, abandonment, or authorization for any public utility whether publicly or privately owned; all plats for division of land in the Town or within the territory over which the Town is given planning jurisdiction (including, but not limited to, preliminary plats, final plats and certified survey maps); and the amendment or repeal of any ordinance adopted pursuant to this ordinance unless such report is made within thirty days, or such longer period as may be stipulated by the Town Board, the Town Board or other public body or officer may take final action without such report.
- b. The Town Plan Commission may make and adopt a master plan for the physical development of the Township, which shall be presented to the Town Board for approval. To this end, the Commission shall have the power and authority to employ experts and pay such expenses as may be necessary and proper, provided that appropriation for the same is first approved by the Town Board.
- c. In general, the Town Plan Commission shall have the powers as may be necessary to enable it to perform its functions and promote municipal planning. The duties of the Town Plan Commission shall be undertaken with the general purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the Township which will, in accordance with existing and future need, best promote public health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development.

SECTION 8.50. Rules. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

TOWN OF SPRING PRAIRIE

CHAPTER IX

DUMPING AND STORAGE OF RUBBISH, JUNKED AUTOMOBILES
AND JUNKED EQUIPMENT

SECTION 9.00. Definitions. For the purposes of this Chapter:

- 9.01. The word “rubbish” as used in this Chapter is defined to waste, refuse, and such as tin cans, used lumber, tree stumps and branches, lawn rakings, glass, waste, metal, garbage, ashes, junk, crockery and part or parts of any automobile or motor vehicle, and similar waste products and debris.
- 9.02. The words “junked automobile” as used in this Chapter are defined as any self-propelled vehicle which is in an inoperative condition and remains in said inoperative condition for a period of thirty (30) days, whether or not licensed pursuant to Chapter 341 of the Wisconsin Statutes.
- 9.03. The words “junked equipment” as used in this Chapter are defined as any equipment, articles, tools, or implements, either farm or otherwise, which are in an inoperative condition and remain in said inoperative condition for a period of thirty (30) days, or are of no or nominal value or have been discarded.

SECTION 9.10. Prohibitions and Restrictions. Except for the storage in receptacles incidental to normal residential use of property and except for premises licensed as junk dealers, junk storage and motor vehicle salvage businesses and except for tree stumps, branches and tree trunks in farm woodlots, it shall be unlawful to dump or store rubbish, junked automobiles or junked equipment upon any property within the Town of Spring Prairie, County of Walworth and State of Wisconsin.

SECTION 9.20. Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of an offense, and upon conviction thereof, shall forfeit not less than \$100.00 nor more than \$250.00 and the costs of prosecution for each and every offense with each day that such offense exists, being determined a separate and distinct offense, and in default of payment thereof in the case of any individual, by imprisonment in the County Jail for Walworth County, Wisconsin, for such time, not less than five (5) days and not exceeding thirty (30) days, as the Court shall determine, unless judgment is sooner paid.

TOWN OF SPRING PRAIRIE

CHAPTER X

CABARET LICENSE

SECTION 10.00. License Required. Unless he first shall have obtained a Cabaret License from the Town Board, no holder of a class “B” intoxicating liquor or fermented malt beverage license within the Town of Spring Prairie shall:

- a. Afford to his patrons the music of one or more musicians and/or such music with dancing privileges.
- b. Specifically feature or advertise dancing by patrons or paid entertainers in his premises.

This section shall not apply to holders of temporary class “B” retailers licenses to sell fermented malt beverages at picnics or gatherings.

SECTION 10.10. Probationary Cabaret License. No person may apply for a regular cabaret license unless, at the time of such application, he has been issued a probationary cabaret license.

10.11. Any probationary license granted under this section shall be for a period of six (6) months and each probationary license shall be subject to revocation as hereinafter provided.

10.12. Each probationary license may be granted based upon the written agreement of the applicant to comply with conditions set forth by the Town Board. Conditions may only be imposed where findings of fact based upon evidence presented have been made and which address the safety, health and welfare of the general population, including, but without exception, noise, crowd disturbance and parking.

10.13. The Town Clerk shall be responsible for drafting and issuing all probationary licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Town Board. All such licenses shall be posted at the licensed premises in plain view.

SECTION 10.20. Regular License. After an applicant has held a probationary license for a period of six (6) months, and upon proper application, he shall be eligible for the issuance of a regular license. Whenever such an application for regular license is received by the Town Clerk, the Town Board shall request of the Walworth County Sheriff to report on whether any complaints have been

received concerning the holder of the probationary license during the term of said license. No application for a regular license shall be taken earlier than sixty (60) days prior to the expiration of the probationary license.

10.21. The Town Board shall either adopt, modify, or reject the application for regular license. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Town Clerk. If such application is denied, the Town Board shall specify findings in support of the denial.

10.22. Each regular license granted under this section shall expire on June 30 of each year and each license shall be subject to revocation as hereinafter provided.

10.23. The Town Clerk shall be responsible for issuing all such regular licenses. All such licenses shall specify the name of the holder of the license and the dates for which it is applicable as well as any conditions that may be imposed by the Town Board. All such licenses shall be posted at the licensed premises in plain view.

SECTION 10.30. Renewal License. Any holder of a regular license granted under this ordinance who wishes to renew that license shall submit his application for renewal at least sixty (60) days before the present license expires.

SECTION 10.40. Applications and Hearings for Probationary, Regular and Renewal Licenses. The application for any license permitted under this Chapter shall be filed with the Clerk for presentation to the Town Board at any regular meeting or special meeting called for such purpose thereof.

10.41. Such application shall contain the following:

- a. Name, age, residence, occupation and citizenship of the applicant, if any individual, or the names of the principal officers, their residences and ages if the applicant is an association or corporation. It shall also contain the name or names of one or more persons whom such firm, partnership or association shall designate as manager or person in charge, with his address.
- b. The length of time such applicant, if an individual, or the manager or person in charge in case the applicant is a firm, partnership, corporation or association, has or have resided in Walworth County; his or their places of previous employment; whether he or any of them have been convicted of violating any law or ordinance regulating the conduct of taverns, public dance halls or public dances, and if so, when and in what court.

- c. The premises proposed to be licensed, including the location of the room or rooms to be occupied for the purpose of conducting any music or dance, and the total amount of floor space to be used for dancing purposes.
- d. Whether the applicant or applicants or manager has or have, either alone or with someone else, previously engaged as owner, lessee or employee in conducting a business with music and/or dancing, when, where and for how long.
- e. The name and address of the person owning the premises for which the license is sought.

10.42. All applications shall be accompanied by a fee of \$100.00.

10.43. Whenever such application is received by the Town Clerk for a probationary license, the Clerk shall publish a Class 1 notice of such application in a newspaper circulated in the Town. Thereafter, the Town Board shall then hold a public hearing upon due notice on the cabaret application, such notice of hearing to be contained in the Town Clerk's published notice. The Town Board may, at its sole discretion after review of the application, waive the requirement of a public hearing on any application for a regular or renewal license.

10.44. After any such public hearing and after due deliberation in open session, the Board shall vote on the application after full and complete consideration of the public health, safety and welfare. Upon the favorable voting for granting of the license, it shall thereupon be issued by the Town Clerk. In the event the application is denied, such denial shall be based upon specific findings of fact.

SECTION 10.50. Special Exemption Permit. Notwithstanding any requirement for a license hereunder, upon request and application of any party not licensed hereunder, the Town Board may issue a Special Exemption Permit allowing the applicant to afford his patrons and guests the music of one or more musicians and/or music with dancing privileges which would otherwise require the issuance of a license. The Special Exemption Permit shall be valid only within a specified 24-hour period. Any request for such a permit shall be in writing, shall specify the reason for the requested exemption, shall be filed with the Town Clerk at least 30 days prior to the date to be specified and shall be accompanied by a \$25 application fee. No party may be granted more than two such permits within any calendar year.

SECTION 10.60. Regulations. Every licensee, personally and through his agents or employees shall comply with the following regulations:

- 10.61. Good order shall be maintained at all times. Without limitation due to enumeration, a lack of “good order” for purposes of this section shall be deemed to include persistent loud noises to the annoyance or detriment of the surrounding property owners and patrons, using profane language or fighting and disorderly conduct as defined in town ordinances and/or state statute.
- 10.62. The license holder shall comply with all state statutes and regulations and all county and town ordinances including building code ordinances and zoning ordinances.
- 10.63. The licensee shall obey all reasonable orders or directions of any law enforcement officer.

SECTION 10.70. Revocation of License. The violation of any provision of this Chapter or the failure of the licensee to comply with the conditions set forth in any license pertaining to noise, parking, orderly premises, or any other condition shall be grounds for the Town Board to revoke the issued license. In the event such license is revoked, the fee paid for such license shall be forfeited and not returned to the holder.

- 10.71. Notwithstanding any other grounds for revocation of a license, conviction for the violation of any provision of Wisconsin laws relative to intoxicating liquor and/or fermented malt beverage licenses, local zoning or building or sanitary codes or disorderly conduct ordinances or laws shall be sufficient for the Board to revoke such license. In the event such license is revoked, the fee paid for such license shall be forfeited and not returned to the holder.
- 10.72. A recorded hearing shall be held for the purpose of revoking a license under this chapter. This hearing shall be preceded by written notice to the holder of such license at least ten (10) days prior to said hearing. All hearings for revocation shall be heard before the Town Board, which hearings shall afford the holder of such license an opportunity to present evidence on his or her behalf to cross-examine witnesses sworn under oath by the Town Chairman and all such other due process rights to which the applicant may be entitled. The Board, prior to revoking any such license, shall make specific findings of fact to support revocation of the license. In lieu of revoking said license, conditions set by the Committee to address specific nuisances, dangers or hazards may be imposed.
- 10.73. No licensee whose cabaret license has been revoked shall be entitled to reapply for a new probationary license unless at least one (1) year has elapsed from the date of such revocation.

SECTION 10.80. Penalty. In addition to and separate from any revocation of a license issued hereunder, any person violating the provisions of this Chapter shall upon conviction pay a forfeiture of not less than Ten Dollars (\$10.00), but not to exceed Two Hundred Dollars (\$200.00) and the cost of prosecution for each and every offense, and in default of payment thereof shall be imprisoned in the Walworth County Jail for a period not to exceed ninety (90) days or until such forfeiture is paid.

TOWN OF SPRING PRAIRIE

CHAPTER XI

OBSCENITY

SECTION 11.00. Provisions of State Law Adopted by Reference. Except as specifically provided in this Code, the statutory provisions of Sections 944.20, 944.21, 944.23 and 944.25 of the Wisconsin Statutes are hereby adopted and by reference made a part of this Code as if more fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code.

TOWN OF SPRING PRAIRIE

CHAPTER XII

Intentionally omitted.

TOWN OF SPRING PRAIRIE

CHAPTER XIII

SNOWMOBILE OPERATION

SECTION 13.00. Provisions of State Law Adopted by Reference. Except as otherwise specifically provided in this Code, the statutory provisions of Sections 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99 of the Wisconsin Statutes, describing and defining regulations with respect to the operation of snowmobiles and snowmobile trails exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code.

SECTION 13.10. Future Amendments, Revisions or Modifications of State Law. Any future amendments, revisions or modifications of the statutory regulations in Chapter 350 incorporated herein are intended to be made part of this Code in order to secure to the extent legally practicable uniform statewide regulation of the operation of snowmobiles and snowmobile trails in the State of Wisconsin.

TOWN OF SPRING PRAIRIE

CHAPTER XIV

SPEED ZONES

SECTION 14.00. Purpose. The purpose of this chapter is to modify existing speed limits on designated Town roads within the Town of Spring Prairie pursuant to Section 349.11(3)(c) Wis. Stats. and to confirm speed zones previously created by ordinance.

SECTION 14.10. Prohibited Speeds and Zones. No person shall drive a vehicle at a speed in excess of the following limits in the zones herein set forth:

- A. 45 miles per hour on Spring Prairie Road between its intersection with S.T.H. 11 and its intersection with County Trunk Highway DD.
- B. 30 miles per hour on Potter Road from its intersection with County Trunk Highway DD, westerly for a distance of 0.30 of a mile.
- C. 45 miles per hour on Potter Road from its intersection with Lyons Road easterly to a point 0.30 of a mile west of its intersection with C.T.H. DD.
- D. 35 miles per hour on North Road from its intersection with S.T.H. 11, southerly to the Spring Prairie/Lyons Town boundary line.
- E. 45 miles per hour on Lyons Road between its intersection with Spring Prairie Road and its intersection with Potter Road.
- F. 35 miles per hour on Aspen Drive, Vail Drive and Chateau Court.
- G. 35 miles per hour on Paradise Drive; East Paradise Road; Dixon Drive; Horse Hollow Lane a/k/a Horsehollow Lane; Ski Hill Drive and Clayton Court.
- H. 45 miles per hour on Hargraves Road between its intersection with Spring Prairie Road and its intersection with County Trunk Highway D.
- I. 45 miles per hour for the entire length of Valley View Road.
- J. 45 miles per hour on the full length of Johnson Road from Potter Road to Spring Prairie Road.

K. ~~45 miles per hour on Lyons Road from its intersection with Spring Prairie Road, southerly to State Highway 11.~~

L. 35 miles per hour on Kearney Road from its intersection with County Road DD proceeding westerly for 3/10 of a mile.”

SECTION 14.20. Penalty. Any person violating any of the provisions of this Ordinance may be required to forfeit not less than \$40 nor more than \$300 for each offense, together with costs of prosecution.

Amended 010912
Amended 080811

TOWN OF SPRING PRAIRIE

CHAPTER XV

DRIVEWAYS AND CULVERTS

SECTION 15.00. Definitions. For the purpose of this Chapter, a driveway shall be defined as a private road, drive, or roadway giving access from a public way, road, or highway to abutting lands.

SECTION 15.10. Application and Permit. No driveway shall be constructed or installed adjacent to or within the limits of a Town road right-of-way without first filing an application with the Town Building Inspector and receiving a permit therefor. Applications may be granted and approved by the Town Building Inspector or any other person appointed for the purpose by the Town Board.

- a. Applications shall be made on forms approved by the Town Board and shall include a description of the location of the driveway, the nature of the present or proposed use, the proposed culvert size and length and any other details of the proposed installation. The application may be accompanied by a sketch, if appropriate.
- b. Upon receipt of an application and the proper permit fee, the Town Building Inspector or other authorized Town official will review the application and the suitability and safety of the driveway at the requested location and will determine the size culvert to be installed.
- c. The minimum size culvert installed shall be 15 inches in diameter, but may be of greater diameter as directed by the Town Building Inspector or other authorized Town official.
- d. The culvert length and the ends of the culvert shall be of a size and dimension as directed by the Town Building Inspector or other authorized Town official.
- e. The entire cost of installing and maintaining the driveway and culvert shall be borne by the owner/applicant.
- f. The elevation of the finished driveway surface directly atop the culvert shall be 4 inches below the elevation of the road edge at the driveway. The width of the driveway at the culvert shall be a minimum of 12 feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. No rip-rap walls, railings, posts, or other structures shall be placed around

or above a driveway culvert. Highway surfaces, slopes, shoulders, ditches and vegetation disturbed shall be restored. The work shall be carried out in a manner satisfactory to the Town Building Inspector and in compliance with the conditions of the permit and Town Code of Ordinances.

SECTION 15.20. Permit Fee. The applicant for the permit shall pay a fee of \$25 to the Town Building Inspector at the time of making the application for permit as set forth above.

SECTION 15.30. Maintenance and/or Replacement of Driveway and Culvert. The Town Board may, by written notice, require the property owner to maintain and/or replace any driveway and/or culvert situated within the Town road right-of-way which, in the sole discretion of the Town Board, is in need of maintenance and/or replacement. The entire cost of maintenance or replacement of any such driveway and/or culvert shall be borne by the property owner, notwithstanding the cause of the required maintenance and/or culvert replacement, unless otherwise agreed by the Town Board.

SECTION 15.40. Penalty. Any person violating any of the provisions of this ordinance may be required to forfeit not less than \$100 nor more than \$300 for each offense, together with the costs of prosecution.

TOWN OF SPRING PRAIRIE

CHAPTER XVI

RECYCLING PROGRAM

SECTION 16.00. Purpose. The purpose of this Chapter is to promote and to provide guidelines for recycling and resource recovery through the administration of an effective recycling program.

SECTION 16.10. Statutory Authority. This Chapter is adopted as authorized under Section 159.09(3)(b), Wis. Stats.

SECTION 16.20. Applicability. The requirements of this Chapter shall apply to each owner and/or occupant of all single family and 2 to 4 unit residences in the Town of Spring Prairie, with the following exceptions: Section 16.110 applies to owners of multiple family residential dwellings, nonresidential facilities and properties or their assigned agents.

SECTION 16.30. Administration. The collection and disposal of recyclable materials as defined herein shall be under the supervision of the Spring Prairie Town Board who shall make such regulations as are necessary regarding the collection and disposal thereof.

SECTION 16.40. Effective Date. The provisions of this Chapter shall take effect on January 1, 1995.

SECTION 16.50. Definitions. For the purposes of this Chapter, the following definitions as taken from Chapter NR544 of the Wisconsin Administrative Code and Chapter 159 of the Wisconsin Statutes shall apply and shall be subject to change from time to time to reflect any changes in said chapters of the Wisconsin Administrative Code and Wisconsin Statutes.

- A. *“Bi-metal container”*. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- B. *“Container board”*. Corrugated paperboard used in the manufacture of shipping containers and related products.
- C. *“Foam polystyrene packaging”*. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverages.
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- D. “*HDPE*”. High density polyethylene, labeled by the SPI code #2.
- E. “*LDPE*”. Low density polyethylene, labeled by the SPI code #4.
- F. “*Magazines*”. Magazines and other materials printed on similar papers.
- G. “*Major appliance*”. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove, furnaces, boilers, dehumidifiers, water heaters, humidifiers, garbage disposals and trash compactors.
- H. “*Multiple-family dwelling*”. A property containing 5 or more residential units, including those which are occupied seasonally.
- I. “*Newspaper*”. A newspaper and other materials printed on newsprint.
- J. “*Non-residential facilities and properties*”. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- K. “*Office paper*”. High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- L. “*Other resins or multiple resins*”. Plastic resins labeled by the SPI code #7.
- M. “*Person*”. Includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- N. “*PETE*”. Polyethylene terephthalate, labeled by the SPI code #1.
- O. “*Plastic container*”. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- P. “*Postconsumer waste*”. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of

structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

- Q. “PP”. Polypropylene, labeled by the SPI code #5.
- R. “PS”. Polystyrene, labeled by the SPI code #6.
- S. “PVC”. Polyvinyl chloride, labeled by the SPI code #3.
- T. “*Recyclable materials*”. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- U. “*Solid waste*”. Has the meaning specified in s. 144.01(15), Wis. Stats.
- V. “*Solid waste facility*”. Has the meaning specified in s. 144.43(5), Wis. Stats.
- W. “*Solid waste treatment*”. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.
- X. “*Waste tire*”. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- Y. “*Yard waste*”. Yard and garden debris and brush, including clean woody vegetative material no greater than 3 inches in diameter and 10 feet in length. This term does not include stumps, roots, shrubs with intact root balls or grass clippings.

SECTION 16.60. Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple family dwelling and nonresidential facilities and properties shall separate the following materials from postconsumer waste, which materials shall be subject to change from time to time to reflect any changes in Chapter NR544 of the Wisconsin Administrative Code or Chapter 159 of the Wisconsin Statutes.

- A. Lead Acid Batteries
- B. Major appliances
- C. Waste oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal containers

- G. Corrugated paper or other container board
- H. Foam polystyrene packaging
- I. Glass containers
- J. Magazines
- K. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

SECTION 16.70. Separation Requirements Exempted. The separation requirements of Section 16.060 do not apply to the following:

- A. Occupants of single family and 2 to 4 unit residences, multiple family dwelling and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 16.060 from solid waste in as pure a form as is technically feasible.
- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in Section 16.060(E) through 16.060(O) for which a variance has been granted by the Department of Natural Resources under Section 150.11(2m), Wis. Stats., or Section NR 544.14, Wis. Adm. Code.

SECTION 16.80. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 16.060 shall be clean and kept clean of contaminants such as food and product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

SECTION 16.90. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Except as otherwise directed, occupants of single family and 2 to 4 unit residences, multiple family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- A. Lead acid batteries shall be dropped off at the transfer station.

- B. Major appliances shall be dropped off at the transfer station.
- C. Waste oil shall not be accepted by the Town of Spring Prairie.
- D. Yard waste shall not be accepted by the Town of Spring Prairie.

SECTION 16.100. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Spring Prairie Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 16.060(E) through 16.060(O):

- A. Aluminum containers shall be rinsed free of product residue and deposited in the appropriate receptacle.
- B. Bi-metal containers shall be rinsed free of product residue and deposited in the appropriate receptacle.
- C. Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- D. Foam polystyrene packaging shall be clean. Check with attendant on items currently acceptable.
- E. Glass containers shall be rinsed free of product residue, caps shall be removed and discarded, and deposited in the appropriate receptacle.
- F. Magazines shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- G. Newspapers shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- H. Office paper shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- I. Steel containers shall be rinsed free of product residue and deposited in the appropriate receptacle.
- J. Waste tires shall not be accepted by the Town of Spring Prairie.
- K. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins shall be rinsed free of product

residue, caps shall be removed and discarded, containers shall be flattened and the container deposited in the appropriate receptacle.

SECTION 16.110. Responsibilities of Owners or Designated Agents of Multiple Family Dwellings, Nonresidential Facilities and Properties. Owners or designated agents of multiple family dwellings, nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 16.060(E) through Section 16.060(O):

- A. Provide adequate, separate containers for the recyclable materials;
 - B. Notify all users, tenants and occupants in writing at the time of renting or leasing, and at least semi-annually thereafter, about the established recycling program;
 - C. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - D. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- 16.111. The requirements specified in Section 16.110 do not apply to the owners or designated agents of multiple family dwellings, nonresidential facilities and properties if the postconsumer waste generated within the dwelling, facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of materials specified in Section 16.060(E) through Section 16.060(O) solid waste in as pure a form as technically feasible.

SECTION 16.120. Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 16.060(E) through 16.060(O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 16.130. Enforcement. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Spring Prairie Town Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and nonresidential facilities and properties, and any records

relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Spring Prairie Town Board who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

16.131. Any person who violates the provision of this Chapter may be issued a citation by the Spring Prairie Town Board to collect forfeiture. The issuance of a citation shall not preclude proceeding under any other chapter or law relating to the same or any other matter. Proceeding under any other Chapter or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

16.132. Penalties for violating this Chapter may be assessed as follows:

- A. Any person who violates Section 16.130 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation and not more than \$2,000.00 for a third or subsequent violation;
- B. Any person who violates any provision of this Chapter, except Section 16.130, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

TOWN OF SPRING PRAIRIE

CHAPTER XVII

LAND DIVISION CONTROL

SECTION 17.00. INTRODUCTION.

17.01. Authority. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

17.02. Purpose. The purpose of this chapter is to regulate and control the division of land within the limits of the Town of Spring Prairie, Walworth County, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics and general welfare of the Town and its environs.

17.03. Intent. It is the general intent of this chapter to regulate the division of land consistent with the Master Plan for the Town of Spring Prairie: 2020 which has been adopted by resolution of the Town Plan Commission on November 29, 2000, and the Town Board on December 11, 2000, as amended from time to time, and so as to:

- a. Obtain the wise use, conservation, protection and proper land development of the Town's soil, water, wetland, woodland and wildlife resources;
- b. Lessen congestion in the streets and highways;
- c. Further the orderly layout and appropriate use of land;
- d. Secure safety from fire, panic and other dangers;
- e. Provide adequate light and air;
- f. Facilitate adequate provision for housing, transportation, water supply, storm water, waste water, schools, parks, playgrounds and other public facilities and services;
- g. Secure safety from flooding, water pollution, disease and other hazards;
- h. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

- i. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- j. Preserve natural vegetation and cover and promote the natural beauty of the Town;
- k. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
- l. Regulate the further division of larger tracts into smaller parcels of land;
- m. Ensure adequate legal description and proper survey monumentation of subdivided land;
- n. Provide for the administration and enforcement of this chapter;
- o. Provide penalties for its violation; and
- p. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, neighborhood plans, adopted plan components, zoning ordinance and the Town Building Code.

17.04. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.05. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

17.06. Title. This chapter may be referred to as the "Land Division Ordinance, Town of Spring Prairie, Walworth County, Wisconsin".

SECTION 17.10. GENERAL PROVISIONS.

17.11. Jurisdiction. Jurisdiction of these regulations shall include all unincorporated lands within the Town of Spring Prairie, Walworth County, Wisconsin. The provisions of this chapter as it applies to divisions of tracts of land shall not apply to:

- a. Transfers of interests in land by will or pursuant to court order.
- b. Leases for a term not to exceed ten (10) years, mortgages, or easements.
- c. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- d. Cemetery plats made under Wisconsin Statute 157.07.
- e. Assessors' plats made under Wisconsin Statute 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

17.12. Compliance. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor land division, or replat as defined herein, and no such subdivision, minor land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- a. Walworth County Land Division Ordinance.
- b. Chapter 236, Wisconsin Statutes.
- c. Rules of the Wisconsin Department of Industry, Labor and Human Relations, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by public sewer and provisions for such services have not been made.
- d. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- e. Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standard preventing and abating pollution, and regulating development within flood land, wetland and shore land areas.
- f. The Master Plan for the Town of Spring Prairie: 2020, as amended from time to time.

- g. Any other duly approved comprehensive plan or comprehensive plan component of the Town of Spring Prairie, Walworth County, Wisconsin.
- h. All other applicable local and county ordinances and regulations.

17.13. Dedication and Reservation of Lands. Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of a public street, drainage way, or other public way which has been designated on a duly adopted Town or regional master or comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in this chapter.

17.14. Improvements. Before final approval of any final plat located within the jurisdiction limits of this chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Town Attorney or a certified check in an amount equal to one hundred twenty-five percent (125%) of estimated cost of the improvements -- said estimate to be made by the Town Plan Commission after review and recommendation by the Town Engineer -- as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than two (2) years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Town Engineer.
- b. Survey monuments: Before final approval of any plat within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

17.15. Variances. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Chapter shall be granted unless the

Town Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Exceptional circumstances: There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Control Chapter should be changed).
- b. Preservation of property rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- c. Absence of detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

A simple majority vote of the Town Board shall be required to grant any such variance to the provisions of this chapter.

The Town Board may waive the placing of monuments, required under Section 236.15(1)(b), (1)(c), and (1)(d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by the Town.

17.16. Land Suitability. No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Town. In addition:

- a. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (i.e.: septic tank or mound system) system shall include flood lands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
- b. Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites

which are to be served by on-site soil absorption sewage disposal systems.

- c. Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sewage disposal systems.
- d. Lands having bedrock within six (6) feet of the natural, undisturbed surface shall not be divided into building sites to be served by on-site solid absorption sewage disposal systems.
- e. Lands having groundwater within six (6) feet of the natural, undisturbed surface shall not be divided into building sites to be served by on-site solid absorption sewage disposal systems.
- f. Lands covered by soils having an unsatisfactory percolation rate as determined by the Town Engineer in accordance with applicable chapters of the Wisconsin Administrative Code shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- g. Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems unless the location of such system is first approved by the Town Engineer who shall have the right to require drain tile to be relocated and rerouted as a condition of such approval.

The Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if they so desire. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

17.17. Violations. It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this chapter or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a building permit by the Town authorizing the building on or improvement of any subdivision, minor land division, or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

17.18. Penalties and Remedies. Any person, firm, or corporation who violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- a. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- b. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- c. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

17.19. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if its finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

SECTION 17.20. SUBDIVISION PROCEDURE.

17.21. Pre-Application Conference. It is recommended that, prior to the filing of a conceptual plan or preliminary plat, the subdivider consult with the Town Plan Commission in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible adverse effects on the neighborhood and

community. The subdivider will gain a better understanding of the subsequently required procedures.

17.22. Conceptual Plan. It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider submit ten (10) copies of a conceptual plan of the proposed land division prepared in accordance with this chapter for review and comment by the Town Plan Commission and Town Engineer. The conceptual plan is intended to provide an early opportunity to review policy issues relating to the development and its possible adverse effects on the adjacent neighborhood and community.

17.23. Preliminary Plat Review. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat with supporting data and a letter of application. The preliminary plat and supporting data shall be prepared in accordance with this chapter, the Walworth County Land Division Ordinance and Wisconsin law and the subdivider shall file an adequate number of copies of the plat with supporting data and the application with the Walworth County Planning and Zoning agency together with all necessary fees at least thirty (30) days prior to the meeting of the Town Plan Commission at which first consideration is desired.

- a. The preliminary plat and supporting data shall then be reviewed by the Town Plan Commission and Town Engineer for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components and neighborhood plans and shall make a recommendation to the Town Board.
- b. The Town Board shall, within sixty (60) days of the date of filing of a preliminary plat and supporting data with the Town Clerk, approve, approve conditionally, or reject such plat. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town's permanent file.
- c. Failure of the Town Board to act within sixty (60) days shall constitute an approval of the plat as filed.
- d. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as

indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat and supporting data shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Town Plan Commission at the time of its submission.

17.24. Final Plat Review Within the Town. The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Walworth County Planning and Zoning agency at least forty-five (45) days prior to the meeting of the Town Board at which action is desired.

- a. If permitted by the Town Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a "phase" or addition to the approved preliminary plat.
- b. The Town Plan Commission and Town Engineer shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Town Board.
- c. If the final plat is not submitted within two (2) years of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.
- d. The Town Board shall, within sixty (60) days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
- e. Failure of the Town Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- f. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the

certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds.

- g. The subdivider shall file five (5) copies of the approved final plat as recorded with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected departments for their files.

17.25. Replat. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in section 17.20.

17.26. Covenants. The Town Board or the Town Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision, and otherwise protect the proposed development. The Town Attorney shall review all covenants and shall approve covenants as to form.

17.27. Deed Restrictions. The Town Board may require that deed restrictions be filed with the final plat.

Section 17.30. MINOR LAND DIVISION-CERTIFIED SURVEY MAP.

17.31. Certified Survey Map Required. A certified survey map prepared by a registered land surveyor shall be required for all "minor land divisions" when it is proposed:

- To divide land into at least two (2) but not more than four (4) parcels or building sites, any one of which is less than fifteen (15) acres in size; or
- To create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot, or outlot.

17.32. Approval Procedure for Certified Survey Map. The certified survey map shall be prepared in accordance with the requirements of this chapter and Section 236.34 of the Wisconsin Statutes as amended from time to time. Five (5) copies of the map and the letter of application shall be filed with the Town Clerk.

- a. The Town Clerk shall, within five (5) normal work days after filing, transmit the copies of the map and letter of application to the Town Plan Commission and Town Board.
- b. The Town Clerk shall transmit a copy of the map to the Town Engineer and all affected Town boards, commissions, or officials for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission and Town Board within twenty (20) days from the date the map is filed. The map shall be reviewed by the Town Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components and neighborhood plans.
- c. The Town Plan Commission shall, within forty-five (45) days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Town Board. Failure to act within the forty-five (45) day period shall constitute a recommendation for approval unless the time to act is extended by consent of the land divider and Plan Commission.
- d. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within seventy-five (75) days from the date of filing of the map unless the time is extended by agreement with the land divider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the land divider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the land divider.
- e. The land divider shall record the approved map with the Walworth County Register of Deeds after approval by the Town Board and any other agency for which approval is required.
- f. The land divider shall file five (5) copies of the certified survey map as recorded with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected Town officials for their files.

17.33. Certified Survey Map Information. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- a. All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- b. Setbacks or building lines required by the Town Plan Commission or other ordinances.
- c. Utility and/or drainage easements.
- d. All lands reserved for future acquisition.
- e. Existing contours when required by the Town Engineer at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) are fully developed.
- f. Proposed lot drainage as may be required by the Town Engineer or Town Plan Commission.
- g. Date of map, graphic scale and north arrow.
- h. Name and address of the owner, subdivider and surveyor.
- i. Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural, undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- j. Location of soil percolation tests where required by the Wisconsin Administrative Code, conducted in accordance with applicable provisions of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

17.34. State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been

relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village, or Town, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

17.35. Certificates. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

Section 17.40. MINOR LAND DIVISION-PLAT OF SURVEY.

17.41. Plat of Survey Required. A plat of survey prepared by a registered land surveyor shall be required for all "minor land divisions" when a certified survey map is not required.

17.42. Plat Requirements. The plat of survey shall meet the following requirements:

- a. "Plat of survey" shall be printed on the plat in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted.
- b. The sheets thereof shall be numbered consecutively, shall contain a notation giving the total number of sheets in the plat of survey and shall show the relationship of that sheet to the other sheets.
- c. The plat of survey of shall set forth the following:
 - Date of the plat of survey
 - Graphic scale
 - Name and address of owner and surveyor
 - Names of streets, highways, streams, lakes and wetlands

- Flood land and shore land boundaries
- d. A certificate by the surveyor or surveyed, divided and mapped the land with the following information:
 - A clear and concise legal description of the land surveyed, divided and mapped, and each parcel therein, and of all lands being dedicated for public use, including but not limited to highways and easements.
 - A statement that the map is a correct representation of all exterior boundaries of the land surveyed and the division of that land.

Section 17.50. REQUIRED LAND IMPROVEMENTS.

17.51. General. No division of land by final plat or certified survey map shall be approved or construction or installation of improvements begun without receiving a statement signed by the Town Chairman and Town Clerk certifying that the improvements described in the subdivision's plans and specifications, together with agreements, meet the minimum requirements of all ordinances and design standards of the Town.

17.52. Street Plans, Improvements and Standards. The division of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the county jurisdictional highway system plan, comprehensive plans or plan component, or neighborhood unit development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- a. Street or private driveway improvements are required to be constructed in conformity with the Design Standards adopted by the Town.
- b. Final surface for public streets should be delayed to avoid premature damage of final surface course. Final surface course should be installed after approximately fifty percent (50%) of the lots have experienced construction, as determined in the "Contract for Subdivision or Development Improvements", but not more than three (3) years.
- c. All minimum standards established are intended to be construed solely as minimums. Additional standards may be required

depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the Design Standards established by the Town. The Town Engineer may recommend and the Town Plan Commission may require standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.

- d. All right-of-way widths shall conform to the dimensions shown in Design Standards adopted by the Town.
- e. Minor streets shall be so laid out that their use by non-local traffic will be discouraged, without impairing overall traffic or utility efficiency.
- f. Alleys in residential districts are not permitted, except where deemed necessary and at the discretion of the Town Board.
- g. Where an existing, dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- h. Temporary termination of the streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection, 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.
- i. No street names may be used which will duplicate, or be confused with the names of the existing streets. Existing street names must be projected wherever possible. Each street name shall be approved by the Town Board.
- j. Provisions should be made for serving lots abutting primary, major and arterial streets and highways by the use of restriction of access only to internal subdivision streets. Frontage streets should be avoided.
- k. Streets are the preferred routing of the overland emergency floodway.
- l. An approval letter from the jurisdiction controlling driveway access shall be provided.

- m. Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
 - 1. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
 - 2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between the intersections shall not be less than 1,200 feet.
 - 3. Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

17.53. Easements. Easements, when required for Town or utility district owned and/or maintained utilities, shall be at least twenty (20) feet wide and shall include a provision prohibiting the installation of trees, shrubs, hedges, bushes, playground equipment, fences, sheds, or other buildings and any other type of structure or building other than those owned by the Town or utility district. All other easements provided for non-municipally owned utilities shall meet the requirements of the individual company.

- a. The Town may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, side and rear yard drainage and other utility lines.
- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width needed to straighten, or for maintenance access, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.
- c. Easements shall be added when storm water from public or other private areas drain to a publicly or privately owned and maintained (de)(re)tention area such that a perpetual right to drain is established and the Town retains the right to enter the easement

and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

17.54. Lot and Block Standards.

- a. The lengths of blocks should, as a general rule, not be less than 600 feet or more than 1,500 feet.
- b. No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.
- c. Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles; all in accordance with applicable Walworth County ordinances and codes.
- d. The minimum lot dimensions for residential development shall be pursuant to the County Zoning Ordinance at the established building line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.
- e. Building lines shall conform to the front yard provisions of the Zoning Ordinance, and in no instance, shall the building lines be less than 25 feet from the street line.
- f. Double frontage lots are discouraged except where lots back upon a primary street (major thoroughfare) and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least 20 feet in order to allow for a protective screen planting.
- g. Lots abutting a limited access highway, railroad, watercourse, drainage way, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards.

17.55. Public Sites and Open Spaces. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for drainage ways and other public purposes. If designated

on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

17.56. Hydrology and Soils. Direction shall be included in both the plans and special provisions in sufficient detail to define what physical measures the developer shall perform to eliminate the effects of soil erosion (refer to Wisconsin Construction Site Best Management Practice Handbook), mud tracking and the resultant sedimentation problems both on and off the site. Control of erosion shall be required both during and following construction, until the soils are stabilized and expiration of the required maintenance bond.

17.57. Sewerage Disposal. A subdivision plat shall in no case be approved which shall be dependent upon individual septic systems and private wells, except where lots therein contain not less than 40,000 square feet each and shall not be less than 150 feet in width. Any utility district maintained utilities shall be placed within dedicated rights-of-way and approved easements and, specifically, those utilities shall not be placed upon private properties except for condominium or planned developments in which alternate agreement(s) are entered into by the Town and the developer.

17.58. Public Utilities-Subdivisions. All existing utility lines, conduits, or cable for electric, telephone, cable television and other communication services should be placed in a minimum of 24 inches underground within the easements or within 10 feet of the right-of-way line of dedicated public ways as recommended by the Town Engineer and as approved by the Town Board in conjunction with the approval of any final plat of subdivision, condominium, or planned unit development. All transformer boxes shall be located so as not to be hazardous to the public.

17.59. Landscaping, Street Signs and Survey Monuments.

- a. Landscaping shall be required to be constructed in accordance with any Design Standards adopted by the Town from time to time.
- b. Maintenance of the parkway area, defined as that area adjacent to any lot or parcel between the property line and any street shoulder, shall be the responsibility of the property owner of said lot or parcel including, but not limited to:
 1. Mowing of grass or ground cover.

2. Private driveway approaches.
 3. The flare from the pavement edge extended, for a private driveway approach.
 4. Tree trimming and watering to assure a healthy, well-shaped appearance and maintaining adequate roadway clearances, as approved by the building inspector.
 5. Keeping culvert opening free of debris.
 6. Mailboxes and support structures.
- c. Each subdivider or subdivision owner shall provide for the adequate lighting of public streets within the proposed subdivision in accordance with any standards and requirements established by the Town Engineer in accordance with the provisions of this chapter and subject to the approval of the Town. It shall be the responsibility of the subdivider or subdivision owner to pay the installation cost of all such lighting.
 - d. The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.26 of the Wisconsin Statutes and as may be required by the Town Engineer.
 - e. Street signs and guard rails shall, at the option of the Town Board, be obtained by the Town and placed where necessary by the Town and the cost of the same shall be paid for by the subdivider.

Section 17.60. ACCEPTANCE PROCEDURE.

17.61. Substantial Completion. Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Town Engineer shall make an inspection of the work.

- a. The Town Engineer shall then prepare a Substantial Completion Certificate and Punchlist for correction of items which do not comply with the approved drawings and specifications for Design Standards of the Town which need immediate attention. Upon completion of all items listed in the punchlist, the subdivider shall sign and return the Substantial Completion Certificate.
- b. If all punchlist items are found to be completed, the Town Engineer shall notify the town Clerk in writing that the project has been substantially completed.

- c. If items required for substantial completion are not taken care of in a timely manner, the Town Board reserves the right to make a claim on the developer's bond or letter of credit to complete the necessary work, or withhold building and occupancy permits.

17.62. Final Acceptance. Upon written request of the subdivider, after all the required improvements have been completed and record drawings have been submitted, the Town Engineer shall make a final inspection of the completed work.

- a. The Town Engineer shall then prepare a Final Completion Certification and Final Punchlist for correction of items which do not comply with the approved drawings and specifications or Design Standards of the Town. Upon completion of all items listed in the final punchlist, the subdivider shall request, in writing, a reinspection. If all punchlist items are found to be completed, the Town Engineer shall notify the Town Clerk, in writing, of his recommendation for approval and acceptance of the work. The Town Clerk shall schedule the acceptance for the next regular Town Board meeting.
- b. Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit five percent (5%) maintenance bond for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Town Engineer. Said maintenance bond shall be the developer's guarantee against defects of the public improvements and shall terminate one (1) year after acceptance of maintenance of the public improvements by the Town Board.
- c. Upon acceptance by the Town Board, the balance of the public improvements construction guarantee, cash, or letter of credit and any deposited fees remaining shall be released to the subdivider.

17.63. Building Permit. No building permit shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this chapter have been fully complied with, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable to support emergency equipment.

17.64. Occupancy Permit. No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting and replatting until required utility facilities have been installed and made ready to service the property, and that roadways

providing access to the subject lot or lots have been substantially completed, excluding final surface course. In case of corner lots, this shall include both streets upon which the property is located.

SECTION 17.70. DEVELOPERS OR SUBDIVIDERS AGREEMENTS.

17.71. General. Prior to improving the property, a final plat must be filed for record and be accompanied by the following:

- a. An opinion of probable cost of all public improvements prepared by a professional engineer licensed in the State of Wisconsin.
- b. Construction plans and specifications for such improvements previously approved by the Town Engineer.
- c. Agreements executed by the Town and the subdivider wherein they agree to make and install the improvements, in accordance with the plans and specifications accompanying the final plat.
- d. Letter of credit in a form approved by the Town in the amount of one hundred twenty-five percent (125%) of the Town Engineer's opinion of probable cost of the installation of such improvements with good and sufficient surety thereon, to be approved by the Town Board, conditioned upon the installation of the required improvements within two (2) years of the approval of the final plat.
- e. Maintenance bond in an amount not less than five percent (5%) of all public improvements, approved by the Town Engineer, providing guarantee of workmanship and materials. The maintenance bond shall be delivered to the Town and shall guarantee for a period of one (1) year from the project's final acceptance the public improvements items and improvements of a public nature that are constructed in a private development, including but not limited to streets, ditches, sewer mains and street lights.
- f. The work schedule for each major phase of work to be performed under this agreement, with estimated starting and completion dates.

17.72. Reduction of Letter of Credit. The letter of credit can be periodically reduced by the Town Clerk upon recommendation of the Town Engineer.

- a. The subdivider may submit to the Town Engineer a list of completed items and their cost along with copies of waivers of lien for the completed items. Upon review of these submittals, the Town Engineer shall recommend to the Town Clerk the reduction in

the value of the letter of credit to be approved. Each reduction shall not be more than the value of items estimated in the letter of credit guarantee amount.

- b. The twenty-five percent (25%) contingency shall be held as retainage and not released until acceptance of the project and receipt of the five percent (5%) maintenance bond as specified herein.

17.73. Insurance. The subdivider's contractor shall provide and maintain comprehensive general liability insurance which will protect the Town and each of its officers, employees, agents and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable.

- a. Comprehensive general liability insurance shall provide coverage in the amounts reasonably acceptable to the Town.
- b. The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Town Clerk and Town Engineer.
- c. The policies of insurance so required by this paragraph to be purchased and maintained shall:
 - 1. With respect to comprehensive general liability insurance, include as additional insureds the Town and Town Engineer, all of whom shall be listed by name as additional insureds, and include coverage for the respective officers and employees of all such additional insureds;
 - 2. Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing, or replacing defective work in accordance with this chapter, and
 - 3. With respect to completed operations insurance, shall remain in effect for at least two (2) years after final payment (and the subdivider shall furnish the Town and any other additional insured to whom an insurance policy has been furnished, evidence satisfactory to the Town and any such additional insured of continuation of such insurance at final payment and one (1) year thereafter).

SECTION 17.80. DEFINITIONS.

17.81. General Definitions. For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

17.82. Specific Words and Phrases.

Alley

A special public way affording only access to abutting properties.

Arterial Street

A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

Block

A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.

Building Line

A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

Collector Street

A street used or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

Community

A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.

Comprehensive Plan

The extensively developed plan, also called a master plan, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

Conduit

A buried pipe for the installation of wires or cables or the conveyance of gas, water, storm water, or sewage.

Contractor

An individual, company, firm, or other party or organization who contracts to physically construct all or a portion of a project for either a subdivider or the Town.

Crosswalk

A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-Sac

A local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Easement

A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Flood Protection Elevation.

An elevation two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.

Flood Lands

Those lands, including the channels, flood ways and floodplain fringe of any given reach, which are subject to inundation by a flood with a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a one percent [1%] probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this chapter are the 50-year recurrence interval flood (or that flood having a two percent [2%] probability of occurring in any given year) and the 10-year recurrence interval flood (or that flood having a ten percent [10%] probability of occurring in any given year). Where detailed flood data is not available, the maximum flood of record is used.

Frontage Street

A minor street auxiliary to and located on the side of any arterial street for control of access and for service to the abutting development.

High Water Elevation (Surface Water)

The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the

water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

Lot

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in this and County ordinances.

Minor Land Division

Any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot; or the division of any number of parcels greater than five (5) acres in size (thus not constituting a "subdivision" as defined in this chapter) into parcels less than thirty-five (35) acres in size.

Minor Street

A street used or intended to be used primarily for access to abutting properties.

Outlot

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be dedicated to the public, redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

Parkway

That area of a street right-of-way between the pavement edge and the right-of-way line intended for use primarily by pedestrian traffic or roadside ditches and developed in a park-like character.

Public Way

Any public road, street, highway, walkway, drainage way, or part thereof.

Record Drawings

Design drawings checked in the field and which are revised to show as-construction location, elevation, grading and specification of material for improvements and utilities.

Replat

The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

Street

An area of land which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

Street, Public

All primary, secondary and minor streets which are shown on the subdivision plat and are to be dedicated for public use.

Street, Major

A street for interurban continuity or regional importance; that provides reasonably continuous routes through the whole or major portion of the Town, or any street which carries volume greater than 12,000 vehicles per day.

Street, Secondary

Those which carry volume between 5,000 and 12,000 vehicles per day and act as main feeders or connector streets between major streets, serving as major trafficways for heavy traffic flow between the various residential districts and areas in and surrounding the Town.

Street, Commercial and Industrial

Those which, as feeders to commercial and industrial districts from and between major secondary streets, serving as major trafficways for heavy vehicle and truck traffic regardless of volume.

Street, Major Residential

Those carrying 1,000 to 5,000 vehicles per day from minor streets within residential development areas, to secondary or major streets.

Street, Residential

Those having limited continuity and carrying up to 1,000 vehicles per day which are used primarily for access to abutting properties, or to meet the local traffic flow needs of a neighborhood or community.

Subdivider

Any person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term "developer" may be used interchangeably with subdivider for the purpose of these standards.

Subdivision

The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a period of five (5) years.

Surety Bond

A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Town Engineer

The individual or firm appointed or contracted by the Town who is licensed to practice professional engineering in the State of Wisconsin and is responsible for reviewing subdivision plans on behalf of the Town, recommends changes from time to time to these Design Standards and performs other duties as directed by Town Ordinance.

Wetlands

Those lands which are partially or wholly covered by marshland flora and generally covered with shallow, standing water or lands which are wet and spongy due to a high water table.

Wisconsin Administrative Code

The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

TOWN OF SPRING PRAIRIE

CHAPTER XVIII

CITATIONS

SECTION 18.00. Statutory Authority. Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board of the Town of Spring Prairie, Walworth County, Wisconsin, hereby elects to use the citation method of enforcement of Town ordinances described herein, other than those for which a statutory counterpart exists.

SECTION 18.10. Form of Citation. The citation shall contain the following:

- a. The name and address of the alleged violator;
- b. The factual allegations describing the alleged violation;
- c. The time and place of the offense;
- d. The section of the Code violated;
- e. A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so;
- f. The time at which the alleged violator may appear in court;
- g. A statement which in essence informs the alleged violator:
 1. That a cash deposit based on the schedule established by this ordinance may be made prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

- 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- h. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under “g” above has been read. Such statement shall be sent or brought with the cash deposit;
- i. Such other information as the Town deems necessary.

SECTION 18.20. Schedule of Deposits. The schedule of cash deposits for use with citations issued under this ordinance shall be in conformity with the schedule of deposits in use by the Walworth County Sheriff’s Department on the date of issuance of said citation. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court, who shall provide a receipt therefor.

SECTION 18.30. Issuance of Citations. The following Town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Dwelling Code Ordinance	Building Inspector
All Other	Town Chairman Town Supervisors Constable County Sheriff’s Deputies

SECTION 18.40. Procedure. Section 66.119(3) Wisconsin Statutes relating to violator’s options and procedures on default is hereby adopted and incorporated by reference.

SECTION 18.50. Nonexclusivity.

18.51. Other Ordinance. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

18.52. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

TOWN OF SPRING PRAIRIE

CHAPTER XIX

UNIFORM EMERGENCY SIGNS

SECTION 19.00. Numbering and Placement of Signs.

- 19.01 The uniform system of numbering properties and principal buildings, as shown in the records on file with the Town Clerk for the Town of Spring Prairie is hereby adopted for use in the Town.
- 19.02 All properties or parcels of land within the boundaries of the Town shall hereafter be identified by reference to this uniform numbering system, provided that all existing numbers of property and buildings not now in conformity with the provisions of this ordinance shall be changed to conform to the provisions of this ordinance within ninety (90) days from the date of the passage of this ordinance.
- 19.03 Each principal building shall bear the number and sign in the appropriate location on which the front entrance is located. If a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number in the appropriate location.

SECTION 19.10 Installation and Placement. The Town shall install the uniform numbers on a Uniform Emergency Sign on all existing properties assigned such a number in a location on the property to be determined by the building inspector, in conjunction with appropriate emergency authorities. All property owners within the Town shall cooperate in allowing access to their properties for the purpose of the installation.

- 19.11 The Town shall employ a third party contractor of its choosing to perform the installation of the Uniform Emergency Signs and the cost of the same shall be funded by a special assessment to be levied by the Town of Spring Prairie.
- 19.12 All further applicants for new construction subsequent to the adoption of this Chapter shall pay a separate fee for the Uniform Emergency Sign installation on said property, with said fee to be established by the resolution of the Town Board, in conjunction with obtaining a building permit.

SECTION 19.20 Maintenance

- 19.21 All property owners shall maintain the Uniform Emergency Sign located on their property in good and visible condition at all times. No property owner may change the location or placement of numbers after installation without the expressed written consent of the Town of Spring Prairie. Maintenance shall include, without limitation keeping the Uniform Emergency Signs clear of organic growth, debris and other impediments to a direct line of site from the roadway.
- 19.22 The Town shall make replacement Uniform Emergency Signs available for property owners to purchase for a fee to be established by the resolution of the Town Board.
- 19.23 In the event that a property owner fails to maintain the Uniform Emergency Sign as required hereunder or fails to replace a lost or damaged sign within thirty (30) days after written notice from the Town of Spring Prairie, the Town shall be entitled to install a new Uniform Emergency Sign on the property and the cost for the labor and materials associated with such installation shall be assessed against the real estate upon which the installation occurred and added to the real estate tax roll as a special charge.

SECTION 19.30 Penalties

- 19.31 Any person violating any provision of this Chapter shall upon conviction be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00) for each offense. Each day that noncompliance continues shall be deemed a separate offense.

TOWN OF SPRING PRAIRIE

CHAPTER XX

PARKING

SECTION 20.00. Official Parking Restrictions. Areas of motor vehicle prohibition and parking restriction on Town roads shall be shown on an official listing or map on file in the office of the Town Clerk, which listing or map is adopted as part of this section. Failure to observe the restriction shown on such listing or map shall be a violation of this Chapter. The Town Board may, from time to time, make additions to or deletions from such listing or map by formal resolution.

SECTION 20.10. Winter Parking Restrictions. No person shall park a motor vehicle on any of the following Town roads during any period of time commencing with a snow accumulation in excess of two inches (2") until 11:59 p.m. on the second calendar day following such snowfall: East Lakeshore, West Lakeshore, Old County DD and Old County D.

SECTION 20.20. Violation of Parking Restrictions.

20.21. Forfeiture. Any person who receives a notice from a Town official that he has violated any of the provisions of this Chapter may, within five (5) days of the date when such notice was given to such person or attached to his motor vehicle, pay to the Town Clerk-Treasurer a forfeiture of Twenty Dollars (\$20.00) for the parking violation, as a penalty for and in full satisfaction of such violation. Each additional day of violation after the first day during which such violation occurs shall constitute a separate offense and violation.

20.22. Penalty. Any person who fails to make such payment or payments within the five (5) day period shall be mailed a "Final Notice of Payment Due" which increases the penalty for late payment to forfeiture of Thirty Dollars (\$30.00).

20.23. Penalty on Conviction. Any person who violates any of the provisions of this Chapter and fails to pay the forfeiture as set forth in Sections 20.21 or 20.22 above shall, upon conviction, pay a fine of no more than Fifty Dollars (\$50.00) and the prosecution cost.

SECTION 20.30. Removal of Illegally Parked Vehicles. In the event a vehicle remains illegally parked for more than a 24-hour period without being moved, or in an emergency, or to facilitate snow removal, any Town official so authorized or a Walworth County Deputy may cause to be removed any vehicle parked in

violation of the restrictions contained herein or shown on the official traffic listing or map. The cost of such removal and vehicle storage shall be charged to the owner of the vehicle in addition to any forfeiture imposed as a penalty.

SECTION 20.40. Sign Control. The Town Board shall cause to be erected or installed all regulatory signs and road markings necessary to give notice of the parking prohibitions and restrictions provided for by this Chapter.

TOWN OF SPRING PRAIRIE

CHAPTER XXI

FIREWORKS

SECTION 21.00. Fireworks. No person, firm, or corporation shall offer for sale, expose for sale, sell at retail, or use or explode any fireworks for purposes of inducing a sale, except as provided herein.

SECTION 21.10 Fireworks Defined. Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation.

SECTION 21.20 Permit Required. Any person, firm, or corporation who desires to offer for sale fireworks under this Ordinance shall make application to the Town Board for a permit on application forms as may be provided for from time to time by the Town Clerk or in the form as provided for by the resolution of the Town Board. Any permit issued hereunder shall be valid for such period of time as noted in the permit as determined in the reasonable discretion of the Town Board.

SECTION 21.30 Conditions to Permit. The Town Board may attach conditions to the issuance of a fireworks permit to address such things as hours of operation, financial responsibility of the applicant, inclusive of proof of insurance to satisfy claims for damages to property or personal injuries arising out of the sale of such fireworks, or such other conditions as are appropriate in the reasonable exercise of the Town Board's legislative discretion.

SECTION 21.40 Forfeiture. Any person who violates any provision of this Chapter or who shall engage in the sale of fireworks without a permit required hereunder shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 together with the costs of prosecution thereof. Each such day of continued violation of the provisions of this Chapter shall be considered a separate and distinct offense.

TOWN OF SPRING PRAIRIE

CHAPTER XXII

DEPOSITING OF SNOW ON PUBLIC RIGHT-OF-WAYS

SECTION 22.00. Purpose. The purpose of this ordinance is to ensure that the traveled portion of any public right-of-way is not impeded by the depositing of snow from private property. This ordinance protects the health, safety and welfare of the citizens of the Town of Spring Prairie.

SECTION 22.10. Authority. This ordinance is enacted pursuant to §82.03, Wis. Stats., which grants the Town the obligation for the care and supervision of all highways under the Town jurisdiction.

SECTION 22.20. Depositing of Snow or Ice on Public Right-of-Ways Prohibited. No person shall remove or cause to be removed any snow or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, business property or other property owned or occupied by that person placing snow on or across the traveled portion of any public right-of-way, including paths and walkways. Snow or ice removed from private property shall not be stored in any manner that will obstruct or limit vehicular or pedestrian vision, movement or access, or in any way make Town right-of-ways unsafe.

SECTION 22.30. Depositing Snow or Ice in Public Right-of-Ways Declared a Nuisance. No person shall deposit any snow or ice upon the traveled portion of any sidewalk, alley, road or street of the Town contrary to the provisions of this chapter. The depositing of snow or ice upon said Town right-of-way in an unsafe manner is hereby declared a nuisance. The Town shall be empowered to issue citations for this violation.

SECTION 22.40. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00 for the first offense, \$150.00 for the second offense, and \$300.00 for a third offense, together with the costs of prosecution thereof, and default of payment of such forfeiture and costs, shall be imprisoned in the County Jail of Walworth County until such time as they are paid, not to exceed 30 days. Each such day in which a violation of this Chapter occurs shall be deemed a separate offense for purposes of this Section 21.40.

SECTION 22.50. Charge for Removal by the Town. In addition to the penalties provided for the violation of this Section, the Town may summarily remove any snow or ice so deposited, and assess the cost of removal to the owner of the property from which the snow or ice was removed. Upon failure of

the property owner to pay the cost, it may be charged as a special assessment of the tax bill of the property owner from which the snow or ice was removed.

TOWN OF SPRING PRAIRIE

CHAPTER XXIII

LICENSURE OF LIVESTOCK FACILITIES

SECTION 23.00. Authority. This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution and Wisconsin Statutes including but not limited to Section 92.15 and 93.90. Further this ordinance is adopted pursuant to the powers granted to the Town Board under the grant of village powers pursuant to Sec. 60.22 of Wis. Statutes for the protection of public health and safety.

SECTION 23.10. Purpose and Findings. The purpose of this ordinance is to comply with requirements of Section 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people in the Town of Spring Prairie. This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the Town of Spring Prairie.

SECTION 23.20. Definitions.

- a. "Adjacent" means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- b. "Animal unit" has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. **Note:** See s. 93.90(1m)(a), Stats., and s. ATCP 51.04. "Animal unit" equivalents, for different species and types of livestock, are shown in *Appendix A, worksheet 1 (animal units)*. The "animal unit" equivalents are based on s. NR 243.03(3) as it existed on April 27, 2004 (the date on which the livestock facility siting law, 2003 Wis. Act 235, was published).
- c. "Complete application for local approval" means an application that contains everything required under s. ATCP 51.30 (1) to (4).
- d. "Expanded livestock facility" means the entire livestock facility that is created by the expansion, after May 1, 2006, of an existing livestock facility. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered. **Note:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02. Although this chapter covers all

livestock structures in an “expanded livestock facility,” existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

- e. “Expansion” means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an “expansion” unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period. **Note:** See s. ATCP 51.04.
- f. “Livestock” means domestic animals traditionally used in this state in the production of food, fiber or other animal products. “Livestock” includes cattle, swine, poultry, sheep and goats. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- g. “Livestock facility” means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.” **Note:** See definition of “related livestock facilities” in sub. (36) and “separate species facility” in sub. (38).
- h. “Livestock structure” means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- i. “Manure” means excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

- j. “New livestock facility” means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years. **Note:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02.
- k. “Operator” means a person who applies for or holds a local approval for a livestock facility.
- l. “Person” means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- m. “Populate” means to add animal units for which local approval is required.
- n. “Property line” means a line that separates parcels of land owned by different persons.
- o. “Related livestock facilities” means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
 - (1) They are located on the same tax parcel or adjacent tax parcels of land. **Note:** A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities. See sub. (14).
 - (2) They use one or more of the same livestock structures to collect or store manure.
 - (3) At least a portion of their manure is applied to the same landspreading acreage. **Note:** Compare definition of “animal feeding operation” under s. NR 243.03(2). “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility. See subs. (19) and (38).
- p. “Separate species facility” means a livestock facility that meets all of the following criteria.

(1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. (36):

- Cattle.
- Swine.
- Poultry.
- Sheep.
- Goats.

Note: For purposes of par. (1), cattle and poultry are different “types” of livestock, but dairy and beef cattle are livestock of the same “type” (“cattle”). Milking cows, heifers, calves and steers (all “cattle”) are livestock of the same “type”. Turkeys, ducks, geese and chickens are livestock of the same “type” (“poultry”).

(2) It has no more than 500 animal units.

(3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. (36).

(4) It meets one of the following criteria:

- Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub. (36).
- It and the other livestock facilities to which it is related under sub. (36) have a combined total of fewer than 1,000 animal units.

q. “Waste storage facility” means one or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

r. “Waste storage structure” means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include

equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility.
 - (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- s. “WPDES permit” means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243. **History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this ordinance.

SECTION 23.30. License Required.

23.31. General. A license issued by the Town of Spring Prairie is required for *new or expanded* livestock facilities that will have 500 or more animal units.

23.32. Licenses for Existing Livestock Facilities.

- A. A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - The applicable size threshold for a license.
 - The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on (May 1, 2006 or on the effective date of the license requirement, whichever date is later).
- B. A license is not required for livestock facility that existed before May 1, 2006 or before the effective date of the license requirement in this ordinance, except as provided in sub. A.
- C. A license is not required for livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub. A. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably

designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

SECTION 23.40. Licensing Administration. The Town of Spring Prairie does hereby create the position of Livestock Facility Siting Administrator who shall have the primary responsibility of administering this ordinance and related matters thereto. The Livestock Facility Siting Administrator shall be appointed by the Town Board to serve at the pleasure of said board.

SECTION 23.50. Licensing Standards. The standards for issuing a license are as follows:

- A. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.
- B. The following setbacks shall apply to livestock structures:
 - (1) Property lines. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

Key Limitation: The siting law recognizes and allows local-established setback requirements for property lines, provided that the requirements do not impose a setback of more than 100 feet from any property line if the livestock facility will have fewer than 1,000 animal units, or more than 200 feet from any property line if the livestock facility will have 1,000 or more animal units.

- (2) Public road right-of-way. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of way if the

livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

Key Limitation: The siting rule recognizes and allows local-established setback requirements for public road right-of-ways, provided that the requirements do not impose a setback of more than 100 feet from any public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and more than 150 feet from any public road right-of-way if the livestock facility will have 1,000 or more animal units.

(3) Waste Storage Structure. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- No larger than the existing structure.
- No further than 50 ft. from the existing structure.
- No closer to the road or property line than the existing structure.

This setback requirement *does not apply* to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand *toward* that property line or road.

SECTION 23.60. License Application. A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance.

The operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

SECTION 23.70. License Application Fee. A non-refundable application fee of \$1,000.00 payable to the Town of Spring Prairie shall accompany an application for the purpose of offsetting the Town costs to review and process the application.

SECTION 23.80. Application Procedure.

- A. Pursuant to ATCP 51.30(5), within 45 days after the Town of Spring Prairie receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town of Spring Prairie shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- B. Pursuant to ATCP 51.30(6), within 14 days after the Town of Spring Prairie notifies an applicant that the application is complete, the Town of Spring Prairie shall notify adjacent landowners of the application. The Town of Spring Prairie shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
- C. Upon determination of completeness, the Town Clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice, the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.
- D. Pursuant to ATCP 51.32, the Town of Spring Prairie shall grant or deny an application within 90 days after the Town of Spring Prairie gives notice that the application is complete under paragraph B above. The Town Board may extend this time limit for good cause, including any of the following:
 - The Town Board needs additional information to act on the application.
 - The applicant materially modifies the application or agrees to an extension.

The Town of Spring Prairie shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town Board will act on the application.

SECTION 23.90. Criteria for Issuance of a License. A license shall issue if the application for the proposed livestock facility:

- A. Complies with this ordinance, and
- B. Is complete, and
- C. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance, specifically Section 23.50 above.

A license shall be denied if any of the following apply:

- A. The application, on its face, fails to meet the standard for approval in the previous paragraph.
- B. The Town Board finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this ordinance.
- C. Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.

SECTION 23.100. Record of Decision. The Town of Spring Prairie shall issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.

If the Town of Spring Prairie approves the application, it must give the applicant a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

The Town Clerk as required by ATCP 51.36 within 30 days of the decision on the application shall do all of the following:

- A. Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town decision.

- B. File with the Department a copy of the final application granted or denied, if the Town of Spring Prairie has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
- C. If the Town of Spring Prairie has withdrawn a local approval under this ordinance, file with the Department a copy of the Town final notice or order withdrawing the local approval.

{Note the information in this paragraph may shall be submitted to the Department of Agriculture, Trade and Consumer Protection at the following address:}

***Wisconsin DATCP – Agricultural Resource Management Division
Bureau of Land and Water Resources
P. O. Box 8911
Madison, WI 53708-8911
Facsimile: (608) 224-4615***

SECTION 23.110. Transferability of License. A license and the privileges granted by this license run with the land approved under the license and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.

The Town requests that upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

SECTION 23.120. Expiration of License. A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under license, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Town of Spring Prairie may treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within 2 years after issuance of the license:

- A. *Begin* populating the new or expanded livestock facility.
- B. *Begin* constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

SECTION 23.130. License Terms and Modifications. A license and the privileges granted by a license issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a license. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town of Spring Prairie shall not withhold authorization for those changes. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in Section 23.120 of this ordinance.

SECTION 23.140. Compliance Monitoring. The Town of Spring Prairie shall monitor compliance with the ordinance as follows:

- A. Upon notice to the livestock facility owner request the right of the Town Livestock Facility Siting Administrator under Section 23.40 of this ordinance to personally view the licensed premises at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.
- B. If the livestock facility owner refuses the Town Livestock Facility Siting Administrator the right to view the licensed premises, the Administrator may request the assistance of a Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.
- C. If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Livestock Facility Siting Administrator shall issue a written notice to the livestock facility owner stating the condition of non-compliance and directing that compliance of the commitments of the approved application and license be complied with in a reasonable amount of time stated in this written notice.
- D. If non-compliance of the license conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
- E. If the livestock facility owner disputes that the conditions of the license have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town Board shall schedule a hearing within five days to determine if the conditions of the license

have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

SECTION 23.150. Penalties. Any person who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

- A. Upon conviction by a court of law, pay a forfeiture of not less than \$250.00 nor more than \$1,000.00, plus the applicable surcharges, assessments and costs for each violation.
- B. Each day of violation exists or continues shall be considered a separate offense under this ordinance.
- C. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- D. In addition, the Town Board may suspend or revoke the local approval of a license under this ordinance after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.

The Town Board shall exercise sound judgment in deciding whether to suspend or revoke a license. The Town Board shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the Town of Spring Prairie may be collected under this ordinance or Sec. 823.06 of Wis. Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis. Statutes unless paid earlier.

SECTION 23.160. Appeals. In addition to other appeal rights provided by law, Sec. 93.90(5), Stats., provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the Town Board in connection with a permit application. An "aggrieved person" may challenge the decision on the grounds that the Town of Spring Prairie incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats.

An "aggrieved person" under this section as defined in Sec. 93.90(5) of Wis. Statutes means a person who applied to the Town of Spring Prairie for approval of a livestock siting or expansion, a person who lives within 2 miles of the

livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

An “aggrieved person” may request review of any decision of the Livestock Facility Siting Administrator decision or action by the Town Board.

Any appeal brought under this section must be requested within 30 days of the Town Board approval or disapproval or within 30 days after the decision on appeal before the Town Board.

Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

SECTION 23.170. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

SECTION 23.180. Effective Date. This ordinance is effective the day after publication.

Ordinance No. 2012-01

**ORDINANCE EXTENDING THE TERM OF OFFICE FOR
TOWN OFFICERS IN RESPONSE TO ELECTION LAW CHANGES
TOWN OF SPRING PRAIRIE,
WALWORTH COUNTY, WISCONSIN**

Whereas, the terms of office for elected town officers have previously begun on the second (2nd) Tuesday in April;

Whereas town officers elected in April 2012 and thereafter will now have their terms of office commence on the third (3rd) Tuesday in April due to recent state election law changes;

Whereas this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in 2011 and the start of the new terms of office for those officers elected in April 2013;

Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the second (2nd) Tuesday in April 2013 may be extended to the third (3rd) Tuesday in April in the same year in which the terms would otherwise have expired;

Therefore, be it hereby ordained by the Town Board of the Town of Spring Prairie, Walworth County, that the terms of elected town officers which shall expire after 11:59 p.m. on the second (2nd) Monday of April 2013 shall be extended until the third (3rd) Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 14th day of May, 2012.

By the Town Board of the Town of Spring Prairie, Walworth County, Wisconsin:

BY: _____
Chairman

Supervisor

ATTEST: _____
Clerk-Treasurer

Supervisor

Ordinance 2012-02
Destruction of Public Records

Sections:

- 1.01 (1) Financial Records**
- 1.01 (2) Utility Records**
- 1.01 (3) Other Records**
- 1.01 (4) Notice Required**
- 1.01 (5) Limitation**

1.01 (1) Financial Records. Town of Spring Prairie officers may destroy the following non-utility records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Bureau pursuant to ss. 16.61(3)(e), and then after such shorter period.

These records include miscellaneous charges for recycling, elections, association dues, subscription notices, library and recreation charges, and any other miscellaneous expenses the Town may incur. These records also include all banking records, including savings and checking account information and old checks. These records also include obsolete tax records, including old receipts, and copies of records submitted to the county.

1.01 (2) Utility Records. Town of Spring Prairie officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Bureau pursuant to ss. 16.61(3)(e), and then after such shorter period. These records include telephone, electric, gas, internet service and any other miscellaneous expenses the Town may incur as utility expenses.

1.01 (3) Other Records. Town of Spring Prairie officers may destroy other records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Bureau pursuant to ss. 16.61(3)(e), and then after such shorter period.

These records include road repair estimates and contracts for work completed, duplicate copies of meeting minutes, obsolete maps and publications, employee compensation records, obsolete budget and Board of Review records, miscellaneous correspondence, both incoming and outgoing, and any other unnecessary records and information that may have been put on file. This does not include original minutes of meetings and any other information that may be deemed as having historical significance.

1.01 (4) Historical Society Notification. Prior to the destruction of any public record described in Sections 1.01 (1), (2), or (3), at least sixty (60) days' notice in writing shall be given to the State Historical Society of Wisconsin.

1.01 (5) When Authorized. This chapter shall not be construed to authorize the destruction of any public record after a period of less than that prescribed by statute or state administrative regulations.

This ordinance shall become effective upon approval and publication as required by law.

Dated this 11th day of June, 2012.

Town of Spring Prairie, Walworth County, Wisconsin

BY: _____

Donald Henningfeld, Chairman

Thomas Bolfert, Supervisor

Donald Trimberger, II, Supervisor

ATTEST: _____

Debra A. Collins, Clerk-Treasurer