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Town Code

ORDINANCE NO. 47

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF RICHMOND, WISCONSIN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE TOWN BOARD OF THE TOWN OF RICHMOND DO ORDAIN AS FOLLOWS:

Section 1. The Code entitled "Town Code Town of Richmond, Wisconsin," published by Municipal Code Corporation, consisting of chapters 1 through 58, each inclusive, is adopted, except for the following sections:

Article III. Parking

Sec. 50-61 No parking areas.

Sec. 50-62 Fine and forfeiture.

Sec. 50-63 Towing authorized.

Sec. 50-65 Regulating the parking of vehicles-Words and phrases defined.

Sec. 50-66 Same Parking regulations.

Sec. 50-67 Same - Penalty.

Sec. 50-68 Same - Removal of vehicles.

Sec. 50-69 Prohibited parking.

Article III. WHITEWATER LAKE

Sec. 58-131 Intent

Sec. 58-132 Applicability; Enforcement

Sec. 58-133 Forfeitures and deposits.

Any reference in the index and/or Chapter headers shall be indicated as "reserved".

Section 2. All ordinances of a general and permanent nature enacted on or before July 9, 2002, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance rule or regulation adopted or issued in pursuance thereof shall be punished by a fine upon conviction of such violation, forfeit not less than \$5.00 nor more than \$500.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 90 days. Each

violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the ordinance shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any ordinance. In addition to the above, the town may enforce the judgment in the same manner as a judgment in an ordinary civil action. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance.

Section 5. The Town Board having reviewed the Code as prepared by the Municipal Code Corporation hereby adopts the following changes and/or additions:

Added as an addition to the Ordinances as passed above is the following addition:

Sec. 6-5 Town Clerk Duties:

The Town Clerk of the Town of Richmond has the authority granted by WI. Stat. §125.17 to grant provisional operators licenses to applicants who have applied for permanent licenses in the Town of Richmond, provided that a criminal background check shows that they have not been convicted of any felonies. The provisional license shall be for any period as allowed by WI. Stat. §125.17. The Town Clerk is also further directed to bring the permanent application before the next Town Board meeting for approval.

Under CD 2:5 Sec. 2-2. Confirmation of Statutory Authority

The Town of Richmond has adopted Village powers as authorized under state statutes as of April 23, 1956.

Under CD 6:3 Sec. 6-4. Licence fees; duration.

Sec. (5) The fee for a new/original one-year operator's license - \$11.00 is struck and \$11.20 is inserted.

Sec. (6) The fee for the provisional license - \$16.20 is struck and \$15.00 is inserted.

Sec.18-2 Coordinator of emergency government.

Strike and change entire paragraph to:

Supervisor 3 is hereby designated and appointed coordinator of emergency government for the Town of Richmond, subject to the terms, conditions and provisions as set forth in Wisconsin Statutes, and Walworth County joint actions and Town Ordinances.

Article III. WHITEWATER AND RICE LAKE ORDINANCE

(As attached and to be codified as part of Chapter 58 of the Ordinances)

PASSED AND ADOPTED by the Town Board of the Town of Richmond, Walworth County, Wisconsin this 9th day of July, 2002.

By:

Wayne Redenius, Chairperson

David Overbeek, Supervisor

Laurel Pinnow, Supervisor

Carol Behrens, Supervisor

Tom Kraus, Supervisor

Attest:

Barbara Ceas, Town Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Town Board of Richmond, Wisconsin, held on the 9th day of July, 2002.

Barbara Ceas, Town Clerk

CODE
Town of
RICHMOND, WISCONSIN

Codified through
Ord. No. 28, adopted Nov. 10, 1992.

Preliminaries

TOWN CODE
TOWN OF
RICHMOND, WISCONSIN

Published by Order of the Town Board

Published by Municipal Code Corporation

Tallahassee, Florida 2002

OFFICIALS

of the

TOWN OF RICHMOND, WISCONSIN AT THE TIME OF THIS CODIFICATION

Wayne Redenius

Town Chair

Dave Overbeek

Laurel Pinnow

Carol Behrens

Tom Kraus

Town Board

Terry P. Race

Town Attorney

Barbara A. Ceas

Town Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the Town of Richmond, Wisconsin.

Source materials used in the preparation of the Code were furnished by the town. Each section is new and was adopted for the first time with the adoption of the Code with the exception of section 1-8. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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CODE

CD1:1

CODE APPENDIX

CDA:1

CODE COMPARATIVE TABLES

CCT:1

STATE LAW REFERENCE TABLE

SLT:1

CODE INDEX

CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of David G. Poucher, Code Attorney, and William B. Eddy, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. T. P. Race, Town Attorney, for his cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Town of Richmond, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Town of Richmond, Wisconsin.

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TOWN CODE

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

Sec. 1-2. Definitions and rules of construction.

Sec. 1-3. Catchlines of sections; history notes; references; editor's notes.

Sec. 1-4. Provisions deemed continuation of existing ordinances.

Sec. 1-5. Certain ordinances not affected by Code.

Sec. 1-6. Effect of repeal of ordinances.

Sec. 1-7. Code does not affect prior offenses or rights.

Sec. 1-8. General penalty; continuing violations.

Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.

Sec. 1-10. Supplementation of Code.

Sec. 1-11. Severability.

Sec. 1-12. Responsibility for acts; aiding and abetting.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Town Code Town of Richmond, Wisconsin" and may be so cited.

Sec. 1-2. Definitions and rules of construction.


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


Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the town board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

And/or. The term "and" may be read as "or" and the term "or" may be read "and" where the sense requires it.

Code. Whenever the term "Code" is used without further qualification, it shall mean the "Town Code of the Town of Richmond, Wisconsin," as designated in section 1-1.

Computation of time. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done or proceeding had or taken falls on Sunday or legal holiday the act maybe done or the proceeding had or taken on the next secular day. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or filing with any officer, agent, agency, department or division of the state

or of the county, or a city, village, town, school district or other division of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report notice or other document is required to be filed, do not include any office hours thereof on such Saturday, such proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or legal holiday. Regardless of whether the time limited in any ordinance for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time. The expression "legal holiday" as used in this section means any statewide legal holiday provided in Wis. Stats.  895.20. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this definition.


State law references: Similar provisions, Wis. Stats.  990.001(4).

County. The term "county" means Walworth County, Wisconsin.

Delegation of authority. A provision that authorizes or requires a town officer or town employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.


Following. The term "following" means next after.

Gender. A term importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations and limited liability companies and partnerships as well as to males, unless the intention to give a more limited meaning is disclosed by the context.

State law references: Similar provisions, Wis. Stats.  990.001(2).

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.


State law references: Similar provisions, Wis. Stats.  990.001(8).

May. The term "may" is to be construed as being permissive and not mandatory.


May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Number. A word importing the singular may extend and be applied to the plural as well as to the singular number and vice versa.

State law references: Similar provisions, Wis. Stats.  990.001(1).

Oath. The term "oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by law to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

State law references: Similar provisions, Wis. Stats.  990.001(24).

Officers and employees. Whenever any officer or employee is referred to by title, such as "town clerk" or "clerk" such reference shall be construed as if followed by the words "Town of Richmond, Wisconsin."

Owner. The term "owner," as applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real property, personal property and mixed property.

Real property, real estate, land, lands. The terms "real property," "real estate," "land," and "lands" includes lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the sidewalk.

Signature. If the signature of any person is required by law it shall always be the handwriting of such person or, if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence.

State law references: Similar provisions, Wis. Stats.  990.001(38).

State. The term "state" means the State of Wisconsin.

Street. The term "street" means any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the town. The term "street" also means the entire width thereof between abutting property lines. The term "street" includes a sidewalk or footpath.

Tenant, occupant. The terms "tenant" and "occupant," as applied to a building or land, include:

(1) Any person holding either alone or with others a written or oral lease of such building or land.

(2) Any person who either alone or with others occupies such building or land.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Town. The term "town" means the Town of Richmond, Wisconsin.

Town board, board. The terms "town board" and "board" mean the board of supervisors of the Town of Richmond, Wisconsin.

Week. The term "week" means a period of seven consecutive days.

Wis. Stats., statute. The terms "Wis. Stats." and "statute" mean the Wisconsin Statutes, as amended.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.

Sec. 1-3. Catchlines of sections; history notes; references; editor's notes.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parenthesis after sections in this Code have no legal effect and only indicate legislative history.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(d) Editor's notes and other references appearing after sections thorough this Code are not intended to have any legal effect but are merely intended to assist the user of the Code.

Sec. 1-4. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-5. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance:

(1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.

(2) Authorizing or approving any contract, deed or agreement.

(3) Granting any right or franchise.

(4) Making or approving any appropriation or budget.

(5) Providing for salaries or other employee benefits not codified in this Code.

(6) Levying, imposing or otherwise relating to taxes not codified in this Code.

(7) Adopting or amending the comprehensive plan.

(8) Dedicating, accepting or vacating any plat or subdivision.

(9) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.

- (10) Establishing the grade of any street or sidewalk.
- (11) Levying or imposing any special assessment.
- (12) Annexing property into the town.
- (13) Deannexing property or excluding property from the town.
- (14) That is temporary, although general in effect.
- (15) That is special, although permanent in effect.
- (16) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

Sec. 1-6. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any action or forfeiture incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

Sec. 1-7. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any town ordinance on the effective date of this Code.

Sec. 1-8. General penalty; continuing violations.

Any person who shall violate any ordinance of the Town of Richmond shall, upon conviction of such violation, forfeit not less than \$5.00 nor more than \$500.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the ordinance shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any ordinance. In

addition to the above, the town may enforce the judgment in the same manner as a judgment in an ordinary civil action.

(Ord. No. 28, ♦ I, 11-10-1992)

State law references: Bail, Wis. Stats. ♦ 66.114; penalties for violation of municipal ordinances, Wis. Stats. ♦ 66.115; outstanding unpaid forfeitures, Wis. Stats. ♦ 66.117; actions for violations of municipal ordinances, Wis. Stats. ♦ 66.12; fines and costs in municipal courts, Wis. Stats. ♦ 814.65.

Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Richmond Town Code is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) _____ of the Richmond Town Code is hereby created to read as follows"

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-10. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-11. Severability.

The provisions of this Code shall be deemed severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall only apply to the specific section or portion specified in the decision and shall not affect the validity of other portions thereof of the ordinance. The remainder of the Town of Richmond ordinance or ordinances shall remain in full force and effect. Any other Town of Richmond ordinance whose terms are in conflict with the provisions of this Code are hereby repealed as to those terms that conflict.

State law references: Severability generally, Wis. Stats.  990.001(11).

Sec. 1-12. Responsibility for acts; aiding and abetting.

Every person concerned in the commission of any act prohibited by this Code, whether any person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, upon conviction, is punishable as if such person had directly committed such act.

State law references: Collection of forfeitures generally, Wis. Stats.  778.10.

Chapter 2 ADMINISTRATION*

*Cross references: Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, [1-5\(a\)\(1\)](#); any ordinance authorizing or approving any contract, deed, or agreement saved from repeal, [1-5\(a\)\(2\)](#); any ordinance making or approving any appropriation or budget saved from repeal, [1-5\(a\)\(4\)](#); administration of numbering buildings, [10-164](#); administrative procedure and review of adult oriented establishments, [14-42](#); civil emergencies, ch. 18; elections, ch. 22; administration of recycling solid waste, [38-37](#); taxation, ch. 46; administration and enforcement of traffic and vehicles, [50-31](#) et seq.

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Sec. 2-5. Notice of meetings of the town.

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Sec. 2-136. Contracts.

Sec. 2-137. Notices.

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Sec. 2-141. Board of review.

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Sec. 2-162. Authority, powers and duties.

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Sec. 2-164. Deposit of town money.

Sec. 2-165. Records.

Sec. 2-166. Taxes.

Secs. 2-167--2-185. Reserved.

Division 5. Assessor

Sec. 2-186. Short title.

Sec. 2-187. Authority, powers and duties.

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Division 6. Water Patrol

Sec. 2-206. Authority, powers and duties.

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Division 7. Weed Commissioner

Sec. 2-226. Appointment.

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Division 8. Superintendent of Highways

Sec. 2-246. Appointment; termination.

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Division 9. Town Attorney



Sec. 2-266. Retention.

Sec. 2-267. Compensation.



Sec. 2-268. Duties.

ARTICLE I. IN GENERAL

Sec. 2-1. Authority to manage and direct town.

The town board has the specific authority, powers and duties, pursuant to Wis. Stats. ch. 60 (Wis. Stats.  60.01 et seq.), and has, with authorization of the town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the town. In addition, the town board has additional general and specific statutory authority, powers and duties established within other statutes and such grant shall continue without limitation until rescinded as provided by law. Such grant shall include without limitation by enumeration, those specified in Wis. Stats.  60.10(2).

Sec. 2-2. Confirmation of statutory authority.

The town board has, by adoption of this chapter, confirmed the specific statutory authority, powers and duties of the town board established in Wis. Stats. ch. 60 (Wis. Stats.  60.01 et seq.), and has established, pursuant to Wis. Stats. ch. 60 (Wis. Stats.  60.01 et seq.) and this article, other statutory authority, powers and duties of the town board to manage and direct the affairs of the town.

Sec. 2-3. Membership of town board; compensation; expense reimbursement.

The town board shall consist of five members. The town board shall be designated the "Town Board of the Town of Richmond." The town meeting of the town may establish a rate of compensation for the town board members beginning in the next term. The town board may establish a rate of expense reimbursement at any time for the expense reimbursement of any town board member during the current term.

Sec. 2-4. Quorum.

A legal quorum of a town board is a majority of the members of the town board. The current town board consists of five members, of which three members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the town board.

Sec. 2-5. Notice of meetings of the town.

The notice of each and every public meeting shall be posted in accordance with Wis. Stats. § 19.84.

Sec. 2-6. Open meetings.

A meeting of the town board may be held within the town or in any town, city or village within or adjoining the town, subject to the open meeting provisions of Wis. Stats. ch. 19 (Wis. Stats. § 19.01 et seq.).

Sec. 2-7. General statutory authority, powers and duties of town board.

The town board has the specific powers and specific duties noted in this section that are established in Wis. Stats. §§ 60.22 and 60.23. These powers and duties are as follows:

- (1) Charge of town officers. The town board has charge of all public affairs of the town not committed by law to another body or officer or to a town employee of the town.
- (2) Charge of actions. The town board has charge of any action or legal proceeding to which the town is a party.
- (3) Pursue claims of town. The town board shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to breach of any official bond, any injury to property or other injury. If, following demand by the town board, payment is then not made, the town board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.
- (4) Miscellaneous powers. The town board adopts the authority to participate, enact or appropriate monies for any or all of the activities listed in Wis. Stats. § 60.23.

Secs. 2-8--2-30. Reserved.

ARTICLE II. MEETINGS

Sec. 2-31. Regular meetings.


(a) The regular meeting of the town board will be held at the town hall, located at W9046 County Highway "A" at 7:00 p.m. on the second Tuesday of each month, or at a time as determined by the town board.

(b) Any regular meeting of the town board falling upon a legal holiday shall be held on the day designated by the town board.

(c) Any meetings of the town board, including any special or adjourned meetings, that are not held at the town hall but at any other substitute location shall be designed by the town chair or his designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three usual and customary posting locations likely to give notice. This notice shall occur at least 24 hours prior to the meeting of the town board, unless in an emergency wherein the proper notice posting shall occur at least two hours prior to the meeting of the town board.

Sec. 2-32. Special meetings.


(a) Any special meeting of the town board may be called by any two members of the town board in writing with the written call for the special meeting of the town board filed with the town clerk at least 24 hours prior to the proposed special meeting of the town board with the time specified in the written call for the special meeting.

(b) No special meeting of the town board shall be held unless the notice requirement of the state open meeting law, pursuant to Wis. Stats.  19.84, has been complied with by the person requesting the public meeting.

(c) The town clerk, upon receipt of the written call for the special meeting of the town board, shall immediately notify, in writing, each member of the town board by delivering the written notice or by having the written notice delivered personally or via fax to each member of the town board. If any member of the town board cannot be personally notified in writing, then the town clerk shall deliver or have delivered a copy of the written notice at the home of any such member of the town board in the presence of an adult member of the family of the town board member. If any member of the town board cannot be noticed in writing through an adult family member as noted in this subsection, then the town clerk shall post such special meeting written notice in the above noted three usual and customary locations. The town clerk shall also attempt to notify the town board member who cannot be served with the notice of the special meeting by emailing their personal email, if known; and/or leaving a message on their telephone answering machine.

(d) The town clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and locations of authorized service of the special meeting notice upon the town board of the town. If personal service upon any member of the town board was not completed, then the town clerk shall so state in the affidavit the type of service or written notice completed.

(e) Special meetings of the town board may be held without such service and notice when all members of the town board are present in person or consent in writing to the holding of any special meeting of the town board. Any consent by any member of the town board shall be filed by the town clerk prior to the beginning of any special meeting of the town board.

(f) Special meetings of the town board attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board if such regular town business was so noted in the written notice to the public as required by the state open meeting law, Wis. Stats.  19.82.

Sec. 2-33. Adjourned meetings.



The town board may, by majority vote, adjourn any special meeting of the town board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

Sec. 2-34. Robert's Rules of Order, Newly Revised.

Unless other rules of conduct are specifically adopted and codified by ordinance by the town board, the town board and the meetings of the town board shall be governed by procedures established in Robert's Rules of Order, Newly Revised.

Secs. 2-35--2-60. Reserved.

ARTICLE III. COMMITTEES*

*Cross references: Town recycling committee,  38-48; board of review,  46-31 et seq.

Sec. 2-61. Standing committees.

The town shall have the following three standing committees:

(1) Safety committee. The safety committee shall include two members of the town board and up to three noncouncil members who live in the community.

(2) Land management committee. The land management committee shall include two members of the town board and up to three noncouncil members who live in the community.

(3) Equipment committee. The equipment committee shall include one board member from the town board, the town roadman and three or more members who are residents of the township.

Sec. 2-62. Appointment of committee members.

Any and all members of the above listed committees in section 2-61 will be tasked as necessary by the town board, and will have meetings as tasked. The town board member, or senior town board member on the committee will chair the meetings of the committee. The town board shall solicit members for the committee in town notices to join as vacancy occurs. The positions for each citizen member of the committees shall be for a term of not more than three years, with each citizen member term ending in a different year.

Secs. 2-63--2-90. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES*

*Cross references: Any ordinance providing for salaries or other employee benefits not codified in this Code saved from repeal, [◆ 1-5\(a\)\(5\)](#); building inspector, [◆ 10-5](#); clerk of board of review, [◆ 46-32](#).

DIVISION 1. GENERALLY

Sec. 2-91. Appointment of special offices.

The town board shall, at its first meeting or, if the established agenda does not permit, at the second meeting, appoint or reappoint persons to the special offices of the town board as set forth in this article.

Sec. 2-92. Authority for oath and bond.

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

(b) The town board has, by the adoption of this division, confirmed the specific statutory authority, powers and duties noted in Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and has established, pursuant to such chapter and this division, other statutory authority, powers and duties of the town board related to requiring the taking of oaths and the filing of bonds.

Sec. 2-93. Oath.

(a) Generally. All elected officers and appointed officers of the town, except elected assessors and municipal judges, shall take and file the oath set forth in this section within five days after notification of election or appointment by the town clerk. The written oath of office and the oral oath of office, pursuant to Wis. Stats. § 19.01, shall be substantially in the form set forth in subsection (b) of this section.

(b) Written oath.

STATE OF WISCONSIN

County of Walworth

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

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature _____

(c) Filing locations. The official oath of all elected officers and appointed officers of the town shall be filed with the town clerk except that the town clerk shall file his oath with the town treasurer.

(d) Failure to file oath. If any elected officer or appointed officer of the town fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No municipal judge in the town shall be paid a salary for any time during the term during which the municipal judge has not executed and filed his oath.

Secs. 2-94--2-110. Reserved.

DIVISION 2. TOWN CHAIR

Sec. 2-111. Short title; purpose.

This division is entitled the "Town of Richmond Town Chair Ordinance." The purpose of this division is as set forth in this division.

Sec. 2-112. Authority, powers and duties.

The town board has, by the adoption of this division, confirmed the specific statutory authority, powers and duties of the town chair established in Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and has established, pursuant to that chapter and this division, other statutory authority, powers and duties of the town chair to manage and direct certain affairs of the town.

Sec. 2-113. Administration of town.

The town chair shall supervise the administration of the statutes and ordinances relating to the town, and town operations to see that they are faithfully executed.

Sec. 2-114. Town meetings.

The town chair shall chair all meetings of the town board. If the town chair cannot be present or abstains for a portion of the meeting, the next senior town board member shall chair the meeting during the absence or abstention.

Sec. 2-115. Emergency.

The town chair shall have the authority to declare that there is an emergency that requires the expenditure of up to \$1,000.00, between meetings of the town board without the authority of the town board. This \$1,000.00 spending limit may not be exceeded between meetings. This spending authority is to be used only for expenditures directly benefitting the town.

Secs. 2-116--2-130. Reserved.

DIVISION 3. CLERK

Sec. 2-131. Short title.

This division is entitled the "Town of Richmond Town Clerk Ordinance."

Sec. 2-132. Authority.

(a) The town board and the town clerk have specific statutory authority, powers and duties, pursuant to Wis. Stats. §§ 60.10, 60.15, 60.33 and 60.331, to manage and direct

certain affairs of the town. In addition, the town clerk has certain additional general and specific statutory authority, powers and duties beyond Wis. Stats. ch. 60 and has certain statutory authority, powers and duties with certain authorization of the town meeting.

(b) The town board has, by adoption of this division, confirmed the specific statutory authority, powers and duties of the town clerk noted in Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.), and has established, pursuant to Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and this division, other statutory authority, powers and duties of the town clerk to manage and direct certain affairs of the town.

Sec. 2-133. Clerk of town meetings.

The town clerk shall serve as clerk of the town meetings pursuant to Wis. Stats. § 60.15.

Sec. 2-134. Elections, appointments and notices.

(a) The town clerk shall perform the duties required by Wis. Stats. chs. 5, 10 and 12 (Wis. Stats. §§ 5.01 et seq., 10.01 et seq., 12.01 et seq.) relating to elections and notices.

(b) The town clerk shall transmit to the county clerk, within ten days after election or appointment and qualification of any town supervisor, treasurer, assessor or clerk, a written notice stating the name and post office address of the elected or appointed officer. The town clerk shall promptly notify the county clerk of any subsequent changes in such offices.

(c) The town clerk shall coordinate with the county clerk all elections including, but not limited to ballots, election inspectors, election equipment, results and any and all other matters concerning the election.

(d) The town clerk shall transmit to the county clerk of circuit court, immediately after the appointment of any certified or noncertified law enforcement officer in the town, a written notice stating the name of the law enforcement officer and the term for which he was appointed.

(e) The town clerk shall transmit to the county clerk of circuit court, immediately after the passage a copy of the ordinances of the town and update the changes to the ordinances so that they are available to the circuit court judges.

Sec. 2-135. Sale of real property.

The town clerk shall execute the conveyance of real property of the town. Unless otherwise directed by the town board, the town clerk shall execute any and all other contracts of the township.

Sec. 2-136. Contracts.

Unless otherwise directed by the town board, the town clerk shall execute any and all other contracts of the township.

Sec. 2-137. Notices.

(a) The town clerk shall publish or post ordinances and resolutions as required under Wis. Stats. 60.80.

(b) The town clerk shall give notice of town annual and special town meetings, and produce an agenda for each and every meeting, which may also be the notice, as required under Wis. Stats. 60.11(5) and 60.12(3).

Sec. 2-138. Licenses.

The town clerk shall issue any license or permit granted by the town board when presented with a receipt from the town treasurer indicating that any required fee has been paid.

Sec. 2-139. Checks.

The town clerk shall write the checks that the town issues for valid bills. The town clerk shall ensure that there is a bill that matches each and every check. The town clerk shall write checks, address envelopes, and mail personnel checks and payments for bills received after the town board meeting that are due and will cause a penalty charge if not mailed prior to the next town board meeting.

Sec. 2-140. Budget.

The town clerk shall draft a proposed budget for the town board to consider at the annual budget meeting. If there is no other specific direction from the town board the town clerk is to base the next budget on actual expenditures in the current year, plus known additions and an increase in each category for inflation.

Sec. 2-141. Board of review.

The town clerk shall serve as the clerk for the board of review.

Secs. 2-142--2-160. Reserved.

DIVISION 4. TREASURER

Sec. 2-161. Short title.

This division is entitled the "Town of Richmond Town Treasurer Ordinance."

Sec. 2-162. Authority, powers and duties.

(a) The town board and the town treasurer have the specific authority, powers and duties, pursuant to Wis. Stats. §§ 60.10, 60.22, 60.34 and 60.341, to manage and direct certain affairs of the town. In addition, the town treasurer has certain additional statutory authority, powers and duties beyond Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and certain statutory authority, powers and duties with authorization of the town meeting.

(b) The town board has, by adoption of this division, confirmed the specific statutory authority, powers and duties of the town treasurer noted in this section and in Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and has established, pursuant to Wis. Stats. ch. 60 (Wis. Stats. § 60.01 et seq.) and this division, other statutory authority, powers and duties of the town treasurer to manage and direct certain affairs of the town.

(c) The town treasurer shall make a report to the town board at the monthly meeting, and submit the account book and all other supporting documents as requested by the town board.

(d) Any and all accounting will be performed in accordance with the most recently issued Statements of the Governmental Accounting Standards Board.

(e) The town treasurer shall maintain accounting of all expenditures, per the budget, or amended budget that has been passed by the town board.

Sec. 2-163. Checks.

The town treasurer shall address envelopes for valid town bills as needed, and shall mail the bills in a timely fashion. Unless otherwise directed by the town board the town treasurer shall keep the town passbooks and/or savings books.

Sec. 2-164. Deposit of town money.

The town treasurer shall deposit, as soon as practicable, the funds of the town in the name of the town in a proper public depository or in the public depository or public depositories designated by the town board. Failure to comply with this section is grounds for removal from office.

Sec. 2-165. Records.

The town treasurer shall comply with Wis. Stats. § 19.21 et seq., concerning records of which the town treasurer is legal custodian.

Sec. 2-166. Taxes.

The town treasurer shall perform all of the duties relating to taxation required of the town treasurer under Wis. Stats. chs. 70--79 (Wis. Stats. §§ 70.01 et seq.--79.01 et seq.).

Secs. 2-167--2-185. Reserved.

DIVISION 5. ASSESSOR

Sec. 2-186. Short title.

This division is entitled the "Town of Richmond Town Assessor Ordinance."

Sec. 2-187. Authority, powers and duties.

(a) The town board has the specific authority, powers and duties pursuant to Wis. Stats. §§ 60.10 and 60.307 and has, with authorization of the town meeting, additional statutory authority, powers and duties related to assessors. This authority does not apply to any town within the jurisdiction of a county assessor under Wis. Stats. § 70.99.

(b) The town board has, by the adoption of this division, confirmed the specific statutory authority, powers and duties established in Wis. Stats. chs. 60, 66, 70 and 79 (Wis. Stats. §§ 60.01 et seq., 66.01 et seq., 70.01 et seq. and 79.01 et seq.) and has established, pursuant to these chapters and this division, other statutory authority, powers and duties of the town assessor of the town.

Sec. 2-188. Appointment.

The town board has created an appointed assessor system. The town assessor of the town shall be appointed by the town board for a term as to be decided by the board not exceeding five years.

Sec. 2-189. Property tax assessment.

The town assessor of the town shall have all the statutory authority, powers and duties for property tax assessment required of the town assessor pursuant to Wis. Stats. chs. 60, 66, 70 and 79 (Wis. Stats. §§ 60.01 et seq., 66.01 et seq., 70.01 et seq. and 79.01 et seq.).

Sec. 2-190. Confidentiality.

Whenever the assessor in the performance of the assessor's duties, requests or obtains income information pursuant to Wis. Stats. § 70.47(7), or any successor statute thereto, then, such income and expense information as provided to the assessor shall be held by the assessor a confidential basis, except, however, that such information may be revealed to, and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the assessor in the performance of official duties of the assessor's office and used by the board of review in the performance of official duties); or pursuant to order of the court. Income and expense information provided to the assessor under Wis. Stats. § 70.47(7), unless a court determines that it is inaccurate, is, not subject to the right of inspection and copying under Wis. Stats. § 19.35(1).

Secs. 2-191--2-205. Reserved.

DIVISION 6. WATER PATROL*

*Cross references: Waterways, ch. 58.

Sec. 2-206. Authority, powers and duties.

(a) The town board and the town water patrol has the specific statutory authority, powers and duties, pursuant to Wis. Stats. ~~◆◆~~ 60.22(4) and 60.35 and has, with authorization of the town meeting, additional statutory authority, powers and duties related to law enforcement officers.

(b) The town board has, by adoption of this division, confirmed the statutory authority, powers and duties noted in this section in Wis. Stats. ch. 60 (Wis. Stats. ~~◆~~ 60.01 et seq.) and has established, pursuant to that chapter and this division, other statutory authority, powers and duties of the town water patrol of the town.

Secs. 2-207--2-225. Reserved.

DIVISION 7. WEED COMMISSIONER

Sec. 2-226. Appointment.

The town chair may, pursuant to Wis. Stats. ~~◆~~ 66.0517, appoint on or before May 15 of each year, a weed commissioner or weed commissioners. The person appointed will hold the office for one year and until a successor has been qualified. If more than one person is appointed, the town chair shall divide the town into districts and each weed commissioner shall be assigned a district.

Secs. 2-227--2-245. Reserved.

DIVISION 8. SUPERINTENDENT OF HIGHWAYS

Sec. 2-246. Appointment; termination.

(a) The town board may, pursuant to Wis. Stats. ~~◆~~ 81.02, appoint one or more superintendents of highways.

(b) The town chair may remove any superintendent of highways without cause.

Sec. 2-247. Compensation.

The town board shall establish compensation for the superintendent of highways based on a regular salary or by a per diem allowance. In addition, pursuant to Wis. Stats. \diamond 81.02, the town board may establish a stated amount for the maintenance and upkeep of an automobile or motor truck.

Secs. 2-248--2-265. Reserved.

DIVISION 9. TOWN ATTORNEY

Sec. 2-266. Retention.

The town board may, pursuant to Wis. Stats. \diamond 60.37, designate, retain or employ one or more attorneys on a temporary or continuing basis for legal matters or to represent the town in legal proceedings.

Sec. 2-267. Compensation.

(a) The town board shall negotiate and establish the compensation of the town attorney in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the attorney and the town board.

(b) No costs or expenses shall be incurred for the town by the attorney without prior written approval by the town board.

Sec. 2-268. Duties.

The attorney has the duties and powers established in Wis. Stats. \diamond 60.37, plus any other additional powers and duties established pursuant to the retention contract between the town board and the attorney. The appropriate bond shall be filed prior to the town board executing the retention contract.

Chapters 3--5 RESERVED

Chapter 6 ALCOHOL BEVERAGES*

*Cross references: Businesses, ch. 14.

Sec. 6-1. Authority.

Sec. 6-2. Qualifications of applicants for licenses.

Sec. 6-3. Application requirements.

Sec. 6-4. License fees; duration.

Sec. 6-5. Town clerk's duties.

Sec. 6-1. Authority.

The town, under Wis. Stats. [§ 125.28](#) and Wis. Stats. [§ 111.335](#) may grant or issue to retail and operators, licenses for the sale of alcohol beverages subject to limitations and restrictions imposed by law. Sale of cigarette and tobacco products may be licensed under Wis. Stats. [§ 134.65](#).

Sec. 6-2. Qualifications of applicants for licenses.

Applicants for a town provisional operator or operator's license must be at least 18 years of age, must not have been convicted of a felony, sale of an intoxicant to a minor in the state, or be a habitual law offender, or have an arrest or conviction record subject to Wis. Stats. [§ 111.335](#).

Sec. 6-3. Application requirements.

Individual applicants for retail alcohol beverage licenses must be at least 21 years of age, must not have an arrest or conviction record under Wis. Stats. [§§ 111.321, 111.322 and 111.335](#), must be a continuous state resident for at least 90 days, and must have successfully completed an approved responsible beverage server training course in the past two years unless the person is renewing a license or within the past two years has held a manager's or operator's license, or was an agent of a company or limited liability company that held a Class A, Class B or Class C beer or liquor licenses in the state.

Sec. 6-4. License fees; duration.

The license fee and duration of license for licenses granted under this chapter shall be as follows:

- (1) Beer Class "A" retailer licenses: \$11.00 per year per Wis. Stats. [§ 125.25\(4\)](#).
- (2) Beer Class "B" retailer licenses: \$100.00 per year per Wis. Stats. [§ 125.26\(4\)](#).
- (3) "Class A" intoxicating liquor license: \$99.00 per year per Wis. Stats. [§ 125.51\(2\)\(d\)](#).

(4) "Class B" intoxicating liquor license: \$247.50 per year per Wis. Stats. ♦ 125.51(3)(e).

(5) The fee for a new/original one-year operator's license shall be \$16.20, which does include the cost for the county sheriff's department criminal record check. The fee for a renewal of a one-year operator's licenses shall be \$11.00.

(6) The fee for the provisional license shall be \$16.20 per Wis. Stats. ♦ 125.28(1)(d).

(7) If an applicant has a provisional license, and has already paid the \$15.00 fee to the town within the last 60 days, it shall be applied toward the operator's license.

(8) The fee for cigarette and tobacco products licenses shall be between \$5.00 and \$100.00, per Wis. Stats. ♦ 134.65.

Sec. 6-5. Town clerk's duties.

The town clerk's duties shall include the receipt of applications for retailers', operators' or provisional operators' licenses, fee, certificate of completion of responsible server training course and/or any retail license, manager's or operator's license issued within the last two years; checking with police authorities to ensure that the applicant has no prior relevant convictions; and ensuring that the appropriate form of license is issued.

Chapters 7--9 RESERVED

Chapter 10 BUILDINGS AND BUILDING REGULATIONS*

*Cross references: Fire prevention and protection, ch. 26; solid waste, ch. 38; streets, sidewalks and other public places, ch. 42; vegetation, ch. 54; waterways, ch. 58.

Article I. In General

Sec. 10-1. Authority.

Sec. 10-2. Purpose.

Sec. 10-3. Scope.

Sec. 10-4. Wisconsin Uniform Dwelling Code Adopted.

Sec. 10-5. Building inspector--Generally.

Sec. 10-6. Same--Powers.

Sec. 10-7. Inspections.

Sec. 10-8. Building permit required.

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Article II. Permits

Sec. 10-51. Building permits.

Secs. 10-52--10-80. Reserved.

Article III. Property Maintenance

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Article IV. Moving Buildings

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Sec. 10-124. Permit application; bond.

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Sec. 10-126. Fees.

Sec. 10-127. Supervision.

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Sec. 10-130. Small buildings; exemption.

Sec. 10-131. Dilapidated buildings.

Sec. 10-132. Additional rules and regulations.

Secs. 10-133--10-160. Reserved.

Article V. Numbering Buildings

Sec. 10-161. Uniform numbering system adopted.

Sec. 10-162. Penalty.

Sec. 10-163. Assignment of numbers.

Sec. 10-164. Administration.

ARTICLE I. IN GENERAL

Sec. 10-1. Authority.

This chapter is adopted under the authority granted by Wis. Stats.  101.65.

Sec. 10-2. Purpose.

The purpose of this chapter is to promote the general health, safety and welfare.

Sec. 10-3. Scope.

(a) This chapter applies to all one- and two-family dwellings, whether constructed before or after promulgation of the Wisconsin Uniform Dwelling Code on June 1, 1980. Also included are residential accessory buildings greater than 150 square feet, detached garages, decks, foundation repairs, additions that increase the physical dimensions of buildings, including bay windows and alterations to a building structure, or alterations to the building's heating, electrical or plumbing systems with a market value exceeding \$1,000.00, the razing or moving of buildings, and swimming pools.

(b) Specifically excluded are children's play structures, commercial buildings, and multifamily dwellings.

(c) Farm buildings are required to obtain a permit as described in this chapter, but are not subject to other requirements of this chapter.

Sec. 10-4. Wisconsin Uniform Dwelling Code Adopted.

The Wisconsin Uniform Dwelling Code, Wis. Admin. Code Comm. chs. 20--25, is adopted and incorporated by reference and shall apply to all buildings within the scope of this chapter. Any future amendments, revisions or modifications shall become part of this chapter without further action by the town board.

Sec. 10-5. Building inspector--Generally.

There is hereby created the position of building inspector, who shall administer and enforce this chapter and shall be certified by the WI Division of Safety and Buildings, as

specified by Wis. Stats. [§ 101.66\(2\)](#), in the category of uniform dwelling code construction inspector. The building inspector shall be appointed by the town board.

Cross references: Officers and employees, [§ 2-91 et seq.](#)

Sec. 10-6. Same--Powers.

(a) The building inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his agent while in the performance of his duties.

(b) The building inspector shall be delegated:

(1) Authority as a second class city per Wis. Admin. Code Comm. [§ 50.21\(5\)\(b\)](#) to do plan review and inspections for all the types of buildings and structures specified in Wis. Admin. Code Comm. [§ 50.21\(1\)](#), except state-owned buildings and structures, to be constructed within the limits of a second class city.

(2) Authority as a municipality or county per Wis. Admin. Code Comm. [§ 50.21\(5\)\(c\)](#) to do plan review and inspections of smaller commercial building projects (new buildings and their additions totaling 5,000 square feet and alterations affecting 10,000 square feet).

(3) Authorization per Wis. Stats. [§ 101.12\(3\)\(g\)](#), to do inspections only of all size buildings in lieu of the state.

(4) Authority as municipality or county per Wis. Admin. Code Comm. [§ 50.21\(5\)\(c\)](#) to do plan review and inspections of smaller commercial building projects and authorization per Wis. Stats. [§ 101.12\(3\)\(g\)](#), to do inspections only of all size buildings in lieu of the state.

(5) Authority as an appointed agent per Wis. Admin. Code Comm. [§ 50.22](#) whereby a city, village, town or county may request desired responsibilities and if approved by the department, receive a written statement prescribing responsibilities that are to be assumed.

(Note that any municipality may review and inspect commercial buildings to supplement state efforts.)

Sec. 10-7. Inspections.

(a) The following inspections shall be requested 48 hours in advance by the applicant/contractor or property owner as applicable.

TABLE INSET:

Footing/Foundation

Rough Carpentry, HVAC, Electric and Plumbing

Drain tile/Basement Floor

Insulation

Final Occupancy, HVAC, Electric and Plumbing

(b) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

Sec. 10-8. Building permit required.

(a) Prior to commencing any of the following work, the owner or his agent shall obtain a valid permit from the town building inspector:

(1) Newly constructed one- or two-family homes, detached garages, residential accessory buildings greater than 150 square feet, farm buildings, decks, swimming pools, foundation repairs, razing of buildings, and moving of buildings.

(2) Additions that increase the physical dimensions of a building including decks and bay windows.

(3) Alterations to a building structure or alterations to the building's heating, electrical or plumbing systems with a market value exceeding \$1,000.00.

(b) Exempted are minor repairs deemed by the building inspector to have a market value of less than \$1,000.00. Further excluded, regardless of value, are re-siding, re-roofing, and cosmetic finishing of interior surfaces.

Sec. 10-9. Records.

The building inspector shall perform all administrative tasks required by the department under Wis. Admin. Code chs. 20--25. In addition, the building inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. The building inspector shall periodically update the town board as to the status of building permits.

Sec. 10-10. Submissions of plans.

Three sets of building plans shall be submitted to the building inspector for any work which expands the size of a building, any new building, or as required by the building inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted.

Sec. 10-11. Occupancy permit for new construction.

If no noncompliances are found by the building inspector, then the building inspector shall issue an occupancy permit after the final inspection of a new one- or two-family dwelling. If minor noncompliances other than health or safety items are in existence, the inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued.

Sec. 10-12. Maintenance of construction site.

Yards shall be kept free of weeds, construction debris, trash or open storage during construction.

Sec. 10-13. Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the town. If work commences prior to permit issuances, double fees may be charged by the building inspector.

Sec. 10-14. Penalties.

(a) The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00, nor more than \$1,000.00 for each day of noncompliance.

(b) If violations are not corrected but work continues on a specified project, the town board has given authority to the building inspector to place a stop work order on such project.

Sec. 10-15. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is held to be unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of this chapter. The town board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Sec. 10-16. Driveway/culvert installation.

(a) Culverts. Culverts necessary for proper drainage shall be installed after elevation and location is obtained from the town board. The minimum length of any culvert installed in any roadbed shall be 40 feet in length, however, the diameter and length of such culvert shall be subject to approval of the town board, after the amount of flowage is determined. Secondary culverts installed in any lateral trenches will be of a size and length determined by the town board. The town board may require end sections upon all culverts, and any additional erosion controls deemed necessary by the town board.

(b) Approval required for driveway construction; fee. No person shall construct or maintain any driveway leading into a public highway or town road without first obtaining a driveway permit from the town board and paying therefor the fee of \$5.00.

(c) Specifications for driveway construction.

(1) Width. No driveway shall exceed 36 feet in width at the road or edge.

(2) Interference with intersections are prohibited. At road intersections a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the town board for effective traffic control or for highway signs or signals.

(3) Interference with road. No driveway shall extend out into the road further than the roadway, and under no circumstances shall such driveway apron extend into the surface area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the town board to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. At a distance of 12 feet from the adjacent roadway the finished grade of a driveway shall be four inches below grade of the adjacent roadway, where possible.

(4) Number of access points limited. The permittee shall be limited to the access point as designated by the town board after inspection of site and written approval of such site location and limitation of size, construction and maintenance. The driveway shall be near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction unless otherwise approved by the town board. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner. Driveway surface shall connect with the road pavement in a neat, workmanlike manner.

Sec. 10-17. Demolition, condemnation.

The town board has the authority to condemn any building that is deemed unsightly or not livable. The town board reserves the right to order removal or restoration in a given length of time.

Sec. 10-18. Enforcement.

This chapter shall be enforced by the town board and the building officer.

Sec. 10-19. Amendments.

This chapter may be amended from time to time by the town board in the same procedure in which the ordinance from which this chapter was derived was originally adopted.

Secs. 10-20--10-50. Reserved.

ARTICLE II. PERMITS

Sec. 10-51. Building permits.

(a) No building or structure or any part thereof, being used for residential purposes or agricultural purposes shall hereafter be built, enlarged or altered within the town unless a permit shall first be obtained by the owner or his agent from the building officer, upon payment of a fee as follows:

(1) Permits shall be required for farm buildings. Fee: \$10.00.

(2) Permits shall be required for extensive exterior remodeling or additions and accessory buildings. Fee: \$30.00.

(3) Permits shall be required for new residences. Fee: \$50.00.

(4) Permits shall be required for any commercial building. Fee: \$65.00.

Permit fee types will be determined at the discretion of the building officer.

A penalty of \$100.00 will be imposed for starting any construction without first obtaining a permit.

(b) No tanks shall hereafter be installed, aboveground or belowground, for the storage of gasoline in any area of the town classified as residential in the county zoning records.

(c) It shall be the duty of all town officials to report at once to the chairperson any building which is being built without a building permit as required by section 10-8.

(d) No building or structure or any part thereof, being used for residential purposes or agricultural purposes shall be built, enlarged or altered within the town unless a permit

shall first be obtained, pursuant to paying the fees prescribed in subsections (a)(1)--(a)(6) of this section and filing the following application:

TOWN OF RICHMOND, WALWORTH COUNTY, WISCONSIN

PERMIT APPLICATION

Location:

Location of excavation/open cut _____

Purpose of excavation/open cut _____

Dimensions _____ Sq. Ft. _____ Depth _____

Type of pavement surface _____

Condition of pavement surface _____

Applicant:

Name

Street

City State Zip

Telephone

Insurance Verification/Company holding coverage

TABLE INSET:

I, the undersigned applicant, do hereby agree to comply with the Town of Richmond Ordinance # _____ as printed on back of this form.

Applicant Signature

Date of application

Date of Road Excavation

Permit issued by _____

on _____

Approved by Town Board of Town of Richmond on _____

Emergency Permit approval by

_____ on

Board Member

_____, 200_____

THIS PERMIT MUST BE AVAILABLE FOR INSPECTION AT SIDE OF WORK

Secs. 10-52--10-80. Reserved.

ARTICLE III. PROPERTY MAINTENANCE

Sec. 10-81. Purpose.

This article is enacted in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety, and welfare of the public.

Sec. 10-82. Scope.

The provisions of this article shall apply to all premises in the town including buildings together with all accessory structures on the premises, except otherwise provided.

Sec. 10-83. Inspection.

(a) Under this article any member of the town board or the building inspector, upon receiving a written complaint that is signed by the person initiating the complaint, is authorized to inspect the property for the violations stated in the complaint.

(b) The inspection shall be concerned with only those violations that are stated in the complaint. If the complaint is judged to be reasonable, written notice shall be served in accordance with subsection 10-85(a).

(c) If access to the property is denied, the building inspector can, without inspection, judge the complaint to be reasonable.


(d) The building inspector shall evaluate the complaint, perform inspection work as authorized by the state and other assignments and duties as required by this article.


Sec. 10-84. Definitions.

(a) Generally. When terms are not defined under the provisions of this article or any other town ordinance, they shall have ascribed to them their ordinary accepted meanings or such meaning as the context of this article may imply. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(b) Meaning of certain words. Whenever the words "building," "premises" and "property" are used in this article, they shall be construed as though they were followed by the phrase "or any part thereof."

Property and premises mean a lot, plot or parcel of land and any building accessory structure or structures thereon.

Vehicle shall have the meaning set forth in Wis. Stats.  340.01(74).

Cross references: Definitions generally,  1-2.

Sec. 10-85. Service of notices and orders.

(a) Service of notice. Violations of this article shall be outlined in written form and shall be served upon all affected occupants or owners or their agents. Such notice and order shall be served in person or by certified mail to the last known address of the person to be notified.

(b) Contents of notice. Such notices and orders shall include:

- (1) An adequate description of the real estate so affected.
- (2) A statement of the alleged violation, including the corresponding reference to the requirement of this article.
- (3) An order for remedial action to correct such violation.
- (4) A reasonable time for compliance to the requirements of this article.

(c) Extension for compliance. The time period for compliance may be extended only at the discretion of the town board who shall base their decision on the seriousness of the problem and the time required to remedy it.

(d) Appeal. Any person affected by a notice or order related to enforcement of this article shall be entitled to appeal such notice or order before the town board.

(e) Grievance. Any petitioner aggrieved by the decision of the town board may seek relief therefrom by having the decision reviewed by the county circuit court within 30 days of the filing of the town board's decision.

(f) Action during appeal. The town board shall not seek punitive nor remedial action against any owner or occupant of a building affected by such orders while the orders are being appealed. This subsection shall not absolve the owner or occupant of liability for violations of this article during the appeal process.

Sec. 10-86. Emergency orders.

If the building inspector determines that a building or premises is in such condition that it constitutes public nuisance or that there is great and immediate danger to public health, safety and welfare, or that the building is unsanitary or unfit for human habitation, occupancy or use, he shall post a notice on the premises to that effect in accordance with the terms of Wis. Stats. [§ 66.05](#) in the same manner as prescribed therein. In addition to posting such property as unfit, unsafe, and/or unsanitary, the building inspector shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of Wis. Stats. [§ 66.05](#). No person shall remove or deface any placard placed by the building inspector on any building which has been declared unfit or unsafe for human habitation or use.

Sec. 10-87. Standards of equipment and facilities.

(a) Every building shall have safe, unobstructed means of exiting leading to safe and open space at ground level. Each exit and access thereto required by this and other applicable ordinances shall be maintained in good repair.

(b) All buildings and structures and all parts thereof shall be maintained in good working order and in a safe condition. All devices and safeguards required by building, electrical, plumbing and heating/air conditioning codes shall be maintained.

Sec. 10-88. Outdoor storage of materials.

(a) Maintenance shall not apply to private possessions stored inside a building, the outdoor storage of building materials while construction or alterations are taking place on the site, and recreational equipment useable and in good repair.

(b) Maintenance shall not apply to firewood neatly stacked in the rear yard of the property. The firewood must be cut to lengths of less than four feet and less than two feet in diameter. Firewood storage shall not include any chemically treated or painted wood.

(c) Commercial properties may store materials outdoors consistent with the zoning code and the permitted use of the property.

Sec. 10-89. Maintenance of premises.

(a) Discharge of water. Discharge of water from sump pumps and gutters, downspouts and extensions shall be directed to drain away from habitable buildings and shall not be permitted to create a nuisance upon any public property.


(b) Drainage of premises. Every premises shall be properly drained by the owner so as to prevent stagnant water from accumulating thereon. Swimming and wading pools and other sources of water storage shall not be drained on or through neighboring property.

(c) Vacant land. The provisions of this section shall also apply to vacant lands.

Sec. 10-90. Failure to comply with order.

The town board or the building inspector is authorized to issue citations by certified mail to enforce the provisions of this article or may refer the matter to the town attorney to commence legal action to effectuate the purpose of this article.

Sec. 10-91. Penalties for violations.

Any person convicted of a violation of any provisions of this article shall be punished by a forfeiture of not less than \$50.00 nor more than \$500.00 and the costs of prosecution; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not in excess of the number of days set forth in Wis. Stats.  800.095(4). Each day that a violation continues after proper notice has been served shall be deemed a separate violation. In all cases where unsightly debris has not been removed by the time judgment of conviction is rendered, the judgment shall order the defendant to remove the unsightly debris within a time fixed by the judgment, and upon failure to obey the order, the town board may remove and dispose of the unsightly debris. The clerk of courts shall tax and insert in the judgment the additional costs incurred by the town in removing and disposing of the unsightly debris upon receipt of a sworn statement of such costs.

Secs. 10-92--10-120. Reserved.

ARTICLE IV. MOVING BUILDINGS*

*Cross references: Streets, sidewalks and other public places, ch. 42.

Sec. 10-121. Definitions.

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

Building means a house, commercial building, industrial building or any structure of a size great enough so that the moving thereof over a road would cause hazard or inconvenience to any person.

Building officer means the building officer of the town or his duly authorized delegate.

Interfering structure means any wire, cable, pipe, tree, pole, curb, sidewalk, pavement or other structure or device located in or about a road which must be temporarily relocated or otherwise altered to facilitate the passage of a building.


Over shall include the terms "on," "across" and "upon."

Permittee means the person to whom a permit is issued pursuant to the provisions of this article.

Road means any public street, highway, road or alley within the corporate limits of the town.

Trailer means every vehicle, without motive power, designed for carrying property and for being drawn by a motor vehicle. The singular shall also include the plural.

Vehicle means every motor vehicle designed, used or maintained primarily for the transportation of property.

Cross references: Definitions generally,  1-2.

Sec. 10-122. Penalty.

Any person violating any provision of this article shall forfeit not less than \$100.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during which the violation occurs or continues.

Sec. 10-123. Permit required.

No person shall move a building over any road within the corporate limits of the town without first obtaining a permit from the town chairperson. Permits issued under this article shall not be assignable or transferable and shall not be used by any person other than the permittee or his employee.

Sec. 10-124. Permit application; bond.

(a) Any person desiring to obtain a permit authorizing the moving of a building over a road within the town shall make application therefor to the town chairperson. The application shall furnish the following information:

- (1) The name and address of the applicant.
- (2) Location from which the building is to be moved.
- (3) The destination to which the building is to be moved.
- (4) The route proposed by the applicant over which the building is to be moved. Such route must be approved by the sheriff's department.
- (5) The dimensions of the building.
- (6) Type of construction (frame, brick, etc.).
- (7) Applicant's signature.
- (8) Proposed date of moving.

(b) The application shall be accompanied by a surety company bond, in the penal sum of \$50,000.00 conditioned on the faithful performance of the applicant of all requirements of this article, to indemnify the town and to save it harmless against any and all claims, demands or causes of action whatsoever which might arise or accrue against it by reason of granting such permit or the exercise of any privilege thereby conferred, and to repay all damages which may be suffered by the town or any person by reason of exercise of the permit, including by way of illustration, but not of limitation, injury to pavements, curbs, sidewalks, driveways, poles, wires or trees.

Sec. 10-125. Interfering structures.

If it appears to the town chairperson that it may be necessary to cut, raise or replace any interfering structure in order to facilitate the movement of a building, the permit shall not be issued unless the applicant first files with the chairperson a receipt given to the applicant by the owner or other lawful custodian of the interfering structure for a deposit equal to the amount of actual expense involved in cutting, raising or replacing it.

Sec. 10-126. Fees.

The fee for obtaining a permit to move a building over the town roads shall be \$75.00 for each day or fraction thereof that the building rests on blocks or impedes traffic upon the town roads. The applicant shall deposit the sum of \$500.00 with the town treasurer as an

initial fee. Unused portions of this fee shall be refunded to the applicant pro rata. Fees in excess of the deposit shall be collected from the applicant in like manner. During any period that a building rests on blocks, or impedes traffic upon any town road the unearned deposit shall be not less than \$150.00, and if the deposit falls below that amount, the permit shall be revoked forthwith unless an additional deposit is made which shall bring the unearned deposit to \$150.00.

Sec. 10-127. Supervision.

The town chairperson shall accompany any building being moved pursuant to the provisions of this article.

Sec. 10-128. Route.

The permit issued under this article shall designate the route over which the applicant shall move any building to which this article applies. The route shall not be changed unless the permit is amended. A sheriff's department permit is required.

Sec. 10-129. Trimming of trees.

No tree shall be cut or trimmed by the permittee without the prior written consent of the owner or other lawful custodian of such tree.

Cross references: Vegetation, ch. 54.

Sec. 10-130. Small buildings; exemption.

Small buildings moved on motor trucks or trailers, such as garages, shall be exempt from section 10-126, relating to fees, if under eight feet wide, but from no other section or provision of this article.

Sec. 10-131. Dilapidated buildings.

No dilapidated, substandard, dangerous or unsafe building may be moved over any town road. The determination shall be made after an inspection of the building by the town chairperson. Any portion of the deposit not exhausted by actual expense of the inspection shall be refunded to the applicant.

Sec. 10-132. Additional rules and regulations.

The town board may make regulations governing the movement of buildings not inconsistent with this article. Such rules among other things, may regulate or prohibit the moving of buildings too large for the proposed route.

Secs. 10-133--10-160. Reserved.

ARTICLE V. NUMBERING BUILDINGS

Sec. 10-161. Uniform numbering system adopted.

A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Town of Richmond," which is filed in the office of the town clerk, is hereby adopted for use in the town. This map and all explanatory matter thereon is hereby adopted and made a part of this article.

Sec. 10-162. Penalty.

Violation of this article shall be punished by a fine of \$5.00. Each separate day the violation is continued shall constitute a separate offense. If violation fine is not paid by November 1 of each year, the charge will be added to the property owner's tax bill as a special charge.

Sec. 10-163. Assignment of numbers.

(a) All properties or parcels of land within the boundaries of the town shall be identified by reference to the uniform numbering system adopted in this article.

(b) All properties on the east side of north-south roads and all properties on the north side of east-west roads shall be assigned even numbers. All properties on the west side of north-south streets and all properties on the south side of east-west roads shall be assigned odd numbers. An appropriate prefix of N or W will precede the number.

(c) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case 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.

(d) Numerals indicating the official numbers for each principal building on each front entrance to such building shall be mounted on a metal post. To ensure uniformity, official numbers shall be located in the most visible side of the entrance at approximately five feet in height and as close as possible to the front edge of the property.

Sec. 10-164. Administration.

(a) The town clerk, or an outside firm contracted by the town, shall be responsible for maintaining the numbering system.

(b) The town clerk shall keep a record of all numbers assigned under this article.

(c) Upon receipt of number notification from the county land management department and payment of a \$15.00 charge for materials, the building inspector shall instruct the

town maintenance employee to erect the metal post and numerals at the designated location.

Cross references: Administration, ch. 2.

Chapters 11--13 RESERVED

Chapter 14 BUSINESSES*

*Cross references: Alcoholic beverages, ch. 6; taxation, ch. 46.

Article I. In General

Secs. 14-1--14-30. Reserved.

Article II. Adult Oriented Establishments

Sec. 14-31. Definitions.

Sec. 14-32. License requirements.

Sec. 14-33. Application for license.

Sec. 14-34. Standards for issuance of license.

Sec. 14-35. Fees.

Sec. 14-36. Display of license or permit.

Sec. 14-37. Renewal of license or permit.

Sec. 14-38. Revocation of license.

Sec. 14-39. Physical layout of adult oriented establishment.

Sec. 14-40. Regulations.

Sec. 14-41. Responsibilities of the operator.

Sec. 14-42. Administrative procedure and review.

Sec. 14-43. Exclusions.

Sec. 14-44. Severability.

Sec. 14-45. Penalty.

Sec. 14-46. Enforcement.

ARTICLE I. IN GENERAL

Secs. 14-1--14-30. Reserved.

ARTICLE II. ADULT ORIENTED ESTABLISHMENTS

Sec. 14-31. Definitions.

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

Adult bookstore means an establishment having as its stock-in-trade for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section and in conjunction therewith have facilities for the presentation of adult entertainment as defined in this section, including adult oriented films, movies or live performances for observation by patrons therein.

Adult cabaret means a cabaret which features topless or bottomless dancers, strippers, male or female impersonators or similar entertainers.

Adult entertainment means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas, as defined in this section, or the removal of articles of clothing or appearing partially or totally nude.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified

sexual activities or specified anatomical areas as defined in this section for observation by patrons therein.

Adult oriented establishment means, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.


Operator means any person, partnership or corporation operating, conducting, maintaining or owning any adult oriented establishment.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities, simulated or actual means:

- (1) Showing of human genitals in a state of sexual stimulation or arousal.
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.
- (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast.

Cross references: Definitions generally,  1-2.

Sec. 14-32. License requirements.

- (a) Except as provided in subsection (d) of this section, from and after the effective date of the ordinance from which this article is derived, no adult oriented establishment shall be operated or maintained in the town without first obtaining a license to operate issued by the town.
- (b) A license may be issued only for one adult oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult oriented establishment must have a license for each establishment.
- (c) No license or interest in a license may be assigned or transferred by the holder thereof to any person.

(d) The operator of an adult oriented establishment existing at the time of the passage of the ordinance from which this article is derived must submit an application for a license within 90 days of the passage of such ordinance. If an application is not received within such 90-day period, then such existing adult oriented establishment shall cease operations.

Sec. 14-33. Application for license.

(a) Any person desiring to secure a license shall make application to the town clerk. The application shall be filed in triplicate with and dated by the town clerk.

(b) The application for a license shall be upon a form provided by the town clerk. An applicant for a license, who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(1) Name and address.

(2) Written proof that the individual is at least 18 years of age.


(3) The address of the adult oriented establishment to be operated by the applicant.

(4) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, the name and address of all shareholders owning more than five percent of the stock in such corporation and all officers and directors of the corporation.

(c) Within four days of receiving an application for a license, the town clerk shall refer the matter to the town board for action.

(d) The town board shall act on the application within 30 days of its filing with the town clerk to approve or disapprove the application.

(e) Within three days of town board action, the town clerk shall notify the applicant whether the application is granted or denied.

(f) Whenever an application is denied, the town clerk shall advise the applicant in writing of the reasons for such action. The applicant may request administrative review of the denial under the provisions of Wis. Stats. ch. 68 (Wis. Stats.  68.01 et seq.).

(g) Failure or refusal of the applicant to give any information relevant to the investigation of the application, applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or applicant's refusal to submit to or cooperate with any investigation required by this article shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the town board.

Sec. 14-34. Standards for issuance of license.

(a) To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

a. The applicant shall be at least 18 years of age.

b. The applicant shall not have been convicted of violating this article within five years immediately preceding the date of the application.

(2) If the applicant is a corporation:

a. All officers, directors and shareholders required to be named under subsection (3)b of this section shall be at least 18 years of age.

b. No officer, director or shareholder required to be named under subsection (3)b of this section shall have been convicted of violating this article within five years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

b. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of violating this article or an ordinance of a similar nature of another municipality within five years immediately preceding the date of the application.

(b) No license shall be issued for any adult oriented establishment which is licensed for the sale at retail of intoxicating liquor, wine or fermented malt beverages for consumption on the premises.

Sec. 14-35. Fees.

A license fee of \$250.00 shall be submitted with the application for a license. If the application is denied, one-half of the fee shall be returned.

Sec. 14-36. Display of license or permit.

The license shall be displayed in a conspicuous public place in the adult oriented establishment.

Sec. 14-37. Renewal of license or permit.

(a) Every license issued pursuant to this article will terminate on June 30 next following the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the town clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the town clerk. The application for renewal shall be upon a form provided by the town clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license. The same procedure shall be followed as for an original license application.

(b) A license renewal fee of \$250.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100.00 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned.

Sec. 14-38. Revocation of license.

(a) The town board shall revoke a license or permit for any of the following reasons:

(1) False or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator or any employee of the operator violates any provision of this article or any rule or regulation adopted by the town board pursuant to this article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the town board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(3) The operator becomes ineligible to obtain a license or permit.

(4) Any cost or fee required to be paid by this article is not paid.

(5) Any intoxicating liquor, wine or fermented malt beverage is served or consumed on the premises of the adult oriented establishment on the day of a performance.

(b) The town board, before revoking or suspending any license or permit, shall give the operator at least ten days' written notice of the charges against him and the opportunity for a public hearing before the town board as provided in this article.

(c) The assignment or transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for six months from the date of revocation of the license.

Sec. 14-39. Physical layout of adult oriented establishment.

Any adult oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(1) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(2) Construction. Every booth, room or cubicle shall meet the following construction requirements:

a. Each booth, room or cubicle shall be separated from the adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

b. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.

c. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth textured and easily cleanable.

d. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

e. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten footcandles at all times as measured from the floor.

(3) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

Sec. 14-40. Regulations.

(a) No adult oriented establishment may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekends and Saturdays, and 1:00 a.m. and 12:00 p.m. on Sundays.

(b) No employee of an adult oriented establishment shall solicit any pay or gratuity from any patron or customer nor shall any patron or customer pay or give any gratuity to any employee in an adult oriented establishment.

(c) No employee of an adult oriented establishment shall touch a patron or customer nor the clothing of a patron or customer.

(d) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or allow any minor to view adult entertainment as defined in this article.

Sec. 14-41. Responsibilities of the operator.

(a) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or allow any minor to view adult entertainment as defined in this article.

(d) The operator shall maintain the premises in a clean and sanitary manner at all times.

(e) The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one foot candle of illumination in such aisles as measured from the floor.

(f) The operator shall ensure compliance of the establishment and its patrons with the provisions of this article.

(g) No alcoholic beverages shall be consumed on the licensed premises on the day of any performance governed under this article.

Sec. 14-42. Administrative procedure and review.

Wis. Stats. ch. 68 (Wis. Stats. 68.01 et seq.) shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license.

Cross references: Administration, ch. 2.

Sec. 14-43. Exclusions.

Any private or public school as defined in Wis. Stats. ch. 115 (Wis. Stats. 115.01 et seq.) located within the town is exempt from obtaining a license under this article when instructing pupils in sex education as part of its curriculum.

Sec. 14-44. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of this article. The town board hereby declares that it would have passed this article and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Sec. 14-45. Penalty.

Any person who violates any provision of this article shall, upon conviction thereof, forfeit not more than \$1,000.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

Sec. 14-46. Enforcement.

The town chairman and town constable, if any, shall be responsible for the enforcement of this article.

Chapters 15--17 RESERVED

Chapter 18 CIVIL EMERGENCIES*

*Cross references: Administration, ch. 2; fire prevention and protection, ch. 26.

Sec. 18-1. Joint action emergency plan.

Sec. 18-2. Coordinator of emergency government.

Sec. 18-1. Joint action emergency plan.

A joint action ordinance of the board of supervisors of the county providing for a county-municipal joint action emergency government plan of organization was adopted by the county board on June 15, 1971. A copy of the county ordinance is on file in the town offices, and made a part of this chapter by reference, and is hereby ratified and accepted by the town. This ratification and acceptance of the joint action shall constitute a mutual agreement between the town and the county.

Sec. 18-2. Coordinator of emergency government.

The supervisor 3 of emergency government, appointed and employed by the county board as provided in County Ordinance No. 27 is hereby designated and appointed coordinator of emergency government for the town, subject to the conditions and provisions as set forth in statutes, and the county joint action ordinance.

Chapters 19--21 RESERVED

Chapter 22 ELECTIONS*

*Cross references: Administration, ch. 2.

Sec. 22-1. Short title; purpose.

Sec. 22-2. Authority of town board to regulate.

Sec. 22-3. April election.

Sec. 22-4. Nomination for office.

Sec. 22-5. Eligibility for office.

Sec. 22-6. Election procedure.

Sec. 22-7. Voter registration.

Sec. 22-1. Short title; purpose.

This chapter is entitled the "Town of Richmond Election/Eligibility for Office Ordinance." The purpose of this chapter is as set forth in this chapter.

Sec. 22-2. Authority of town board to regulate.

(a) The town board has the specific authority, pursuant to Wis. Stats. §§ 5.15, 5.25, 5.40, 5.91, 6.27, 6.79, 8.05, 60.10, 60.21, 60.30, 60.305, 60.307 and 66.11, to regulate elections, establish election procedures and to establish certain offices and the terms of those offices.

(b) The town board has, by adoption of this article, confirmed the statutory authority, powers and duties in Wis. Stats. chs. 5, 6, 8, 60 and 66 (Wis. Stats. §§ 5.01 et seq., 6.01 et seq., 8.01 et seq., 60.01 et seq. and 66.01 et seq.) and establishes, pursuant to such chapters and this article, other statutory authority, powers and duties of the town board related to certain elections, certain election procedures and certain offices and the terms of those offices.

Sec. 22-3. April election.

At the annual April spring election in the odd-numbered years, the town shall elect, except as noted in this chapter, the town officers specified by this Code and statutes being town chairman, supervisors 1 and 2, clerk and treasurer. At the annual April spring election in the even-numbered years, the town shall elect supervisors 3 and 4.

Sec. 22-4. Nomination for office.

Every candidate for an elected office in the town shall be nominated by circulating and submitting for nomination papers for nonpartisan office no later than 5:00 p.m. on the first Tuesday in January for the February spring primary and April spring election in any year.

Sec. 22-5. Eligibility for office.

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

Sec. 22-6. Election procedure.

(a) Voter registration. The town does require voter registration.

(b) Polling hours. The town shall have the election polls open on election day from 8:00 a.m. to 8:00 p.m. unless the time is extended by the town board.

(c) Polling locations. The polling locations for the town shall be at the town hall unless designated otherwise by the town board.

(d) Wards. The town is divided into three voting wards.

Sec. 22-7. Voter registration.

Voters are required to register for all elections in the town.

Chapters 23--25 RESERVED

Chapter 26 FIRE PREVENTION AND PROTECTION*

*Cross references: Buildings and building regulations, ch. 10; civil emergencies, ch. 18.

Article I. In General

Sec. 26-1. Fire protection contract authorized.

Sec. 26-2. Notice to agency of time, place of planned burning.

Sec. 26-3. Posting of notices during fire hazard emergency.

Sec. 26-4. Costs of fire services.

Secs. 26-5--26-30. Reserved.

Article II. Blasting

Sec. 26-31. Purposes.

Sec. 26-32. Permit required.


Sec. 26-33. Requirements for use of explosives.

Sec. 26-34. Inspection of blasting site.

Sec. 26-35. Penalty.

ARTICLE I. IN GENERAL

Sec. 26-1. Fire protection contract authorized.

Wis. Stats.  60.55 states that "the town board shall provide for fire protection for the town." To comply with this law, the town board of supervisors shall negotiate and enter into a fire protection contract for the town with the most appropriate fire protection organization available to serve the town.


Sec. 26-2. Notice to agency of time, place of planned burning.


Any person planning to do any burning in the town shall notify the agency providing fire protection to the town of the place and time of such burning prior to the burning. The person shall start fires only as permitted under local, county, state or federal regulations and rules in effect at the time of the burning.

Sec. 26-3. Posting of notices during fire hazard emergency.

The town clerk shall post or cause to be posted in five or more public places in each township in the town, notices prepared by the department of natural resources, forbidding the setting of fires upon any land in the town, until written permission is received from the town chairman or from one of the other fire wardens of the town. The notices shall be posted at any time the town chairman shall declare a dangerous fire hazard emergency exists. The town chairman shall declare that such a fire hazard emergency exists by issuing a proclamation in writing, which proclamation shall be published once in the Whitewater Register of Whitewater, Wisconsin.

Sec. 26-4. Costs of fire services.

(a) When the agency providing fire protection under contract to the town is called to provide service to a property owner in the town, the cost of that service shall be charged to that property owner as provided in Wis. Stats.  60.55(2)(b).

(b) Title costs of fire calls as outlined in subsection (a) shall be billed by the town clerk to the property owner and paid to the town treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at the rate of one percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year, shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Wis. Stats.  66.60.

Secs. 26-5--26-30. Reserved.

ARTICLE II. BLASTING

Sec. 26-31. Purposes.

It is the purpose of this article to promote the health, safety, welfare and convenience of the public; recognizing that the use of explosive materials is inherently dangerous, and if not properly regulated, is a threat to human life and to property within the township.

Sec. 26-32. Permit required.

(a) No person shall use any explosive within the town without first obtaining a permit therefor from the town clerk or town chairman. Application for such permit shall be filed with the town clerk in writing, on a form furnished for such purpose. Every application for blasting permit shall state, as to the proposed blasting, the following:

(1) Its location (i.e., the legal property description of the property where the blasting is to take place).

(2) Its purpose.

(3) The type of explosives to be used.

(4) The method of blasting to be employed.

(5) The name, address and telephone number of the title holder of the land described in answer to subsection (a)(1) of this section.

(6) The name, address and telephone number of the individual permittee to whom the permit will be issued. Such permittee will be responsible for ensuring compliance with the requirements of this article and will be subject to prosecution in accordance with this article for its violation.

(7) The name and address of the licensed blaster who will oversee the conduct of each instance of blasting.

(b) Applicants, when requested by the town clerk, must show compliance with all applicable municipal ordinances, the Wisconsin Statutes, and the Wisconsin Administrative Code.

(c) The town clerk may, from time to time, revise the application form to require such additional information such as the clerk, in consultation with the police department, fire department and/or town board, shall deem necessary to carry out the purposes of this article.

(d) The fee for blasting permits shall be \$25.00 per blast, due and payable with the application. Permits shall not be transferable, and may be issued only to individuals, not to corporations or partnerships.

Sec. 26-33. Requirements for use of explosives.

(a) Except for fireworks displays authorized by a specialized resolution of the town board, no permittee under this article shall blast or drill in preparation for blasting except between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No blasting shall take place on any holiday.


(b) Permittees shall notify persons who may be affected by their blasting by giving such persons at least 48 hours' notice of the time when each blast is scheduled to take place. The town clerk shall designate to the permittee the names and addresses of those persons to receive such notice. Notice shall be by mail.

(c) Permittees shall keep a record of the date and time of each blast, location of shots, number of holes for explosives, depth of holes, amount of explosives used, and the persons given notice thereof pursuant to subsection (b) of this section, and shall be required upon request to exhibit such record to any police officer, firefighter or elected official of the town.

(d) All incidents of permitted blasting shall be within one hour on either side as to the time each blast is scheduled to take place according to the permit application and to any notice given to persons who may be affected by such blasting. Exceptions may be granted by the town clerk or the town chairman due to atmospheric conditions to allow an incident of blasting in the next available opportunity without issuance of another permit.

(e) Without the prior written consent of the affected owner or governmental unit, no permittee shall place or explode any explosive within 200 feet of any public road or structure not owned by such permittee. For the purposes of this subsection, a structure shall include any building, well or septic system and facilities connected with such structures and necessary to their operation.

(f) No permittee shall, in any one instance of blasting, employ more than 30 holes and none of those holes shall be more than 20 feet deep.

(g) With reference to blasting activities allowed under the five license classifications defined by Wis. Admin. Code Comm.  7.11(4), any permittee engaging in class 1 blasting activities shall be required to show proof of financial responsibility in the minimum amount of \$5,000.00; for class 2 blasting activities the minimum amount shall be \$10,000.00; for all other classes of blasting activities, the minimum amount shall be \$25,000.00. Proof of financial responsibility shall be accomplished only by proof of insurance or bond.

Sec. 26-34. Inspection of blasting site.

The permittee and/or the permittee's blaster shall allow the town chairman, any town supervisor, any law enforcement officer or any person designated by the town chairman, any town supervisor or any law enforcement officer, to inspect any blasting site upon such inspector's request. No such inspection shall occur unless the inspector is

accompanied during the inspection by either the permittee or the blaster, and the permittee and/or blaster shall cooperate with all such inspection requests.

Sec. 26-35. Penalty.

Any person who violates any provision of this article shall forfeit at least \$200.00 but not more than \$1,000.00 plus costs of prosecution. Each such unpermitted use of an explosive shall constitute a separate offense under this article. If the permittee or those acting under such permittee violate or are violating any requirement of this article, the town clerk may immediately suspend any outstanding permit if life, health or property is in danger. The town clerk may further require the permittee to show cause, at the next regularly scheduled town board meeting, why any suspended permits should be reinstated and/or why future permits should be issued to that permittee. Upon a finding that a permit has been violated, the board may impose conditions for issuance of any future permits. If the town board, after giving proper notice and opportunity for hearing before the town board, finds that the permittee violated any requirement of this article intentionally or recklessly, the town board may immediately revoke any outstanding permits. No permittee found to have violated this article shall be permitted to apply for a new permit until 60 days lapse from the date of the suspension elapse.

Chapters 27--29 RESERVED

Chapter 30 OFFENSES AND MISCELLANEOUS PROVISIONS*


*Cross references: Traffic and vehicles, ch. 50.

Sec. 30-1. Firearms.

Sec. 30-1. Firearms.

(a) Notice is hereby given that it shall be unlawful to carry any loaded firearm or to discharge any firearm from all roads or in any residential subdivision in the town.

(b) Violation of this section shall result with a maximum fine of \$10.00 or a ten-day jail sentence.

State law references: Authority, Wis. Stats.  60.29-18(A).

Chapters 31--33 RESERVED

Chapter 34 PARKS AND RECREATION*

*Cross references: Streets, sidewalks and other public places, ch. 42; vegetation, ch. 54; waterways, ch. 58.

Sec. 34-1. Community park designated.

Sec. 34-2. Rules and regulations.

Sec. 34-3. Penalty.

Sec. 34-1. Community park designated.

The property defined by Lake Lorraine Road on the south, Lorraine Road on the East, Cherry Road on the North and Elder Road on the West shall be named Richmond Community Park and may be used by town property owners and their guests.

Sec. 34-2. Rules and regulations.

(a) The following rules and regulations have been set up by the town board for use of the park and must be observed by all persons using the park:

(1) Park hours shall be 8:00 a.m. to 10:00 p.m.

(2) No motorized vehicles will be allowed in the park, winter or summer.

(3) Children under the age of five years must be accompanied by a parent or guardian or person approved by the parent.

(4) Parking shall be in designated areas only.

(b) The rules in this section may be added to or amended at the discretion of the town board.

Sec. 34-3. Penalty.

Any person who violates this chapter shall, upon conviction of each violation, forfeit not less than \$5.00 nor more than \$500.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the town from maintaining any appropriate action to prevent or remove a violation of this chapter. In addition, the town may enforce the judgment in the same manner as judgment in an ordinary civil action.

Chapters 35--37 RESERVED

Chapter 38 SOLID WASTE*

*Cross references: Buildings and building regulations, ch. 10; littering waters prohibited,
◆ 58-100.

Article I. In General

Sec. 38-1. Brush collection policy and schedule.

Sec. 38-2. Collection fees.

Sec. 38-3. Billing and payment.

Sec. 38-4. Remedies for failure to make payments.

Secs. 38-5--38-30. Reserved.

Article II. Recycling

Sec. 38-31. Purpose.

Sec. 38-32. Statutory authority.

Sec. 38-33. Abrogation and greater restrictions.

Sec. 38-34. Interpretation.

Sec. 38-35. Severability.

Sec. 38-36. Applicability.

Sec. 38-37. Administration.

Sec. 38-38. Effective date.

Sec. 38-39. Definitions.

Sec. 38-40. Separation of recyclable materials.

Sec. 38-41. Separation requirements exempted.

Sec. 38-42. Care of separated recyclable materials.

Sec. 38-43. Management of lead acid batteries, major appliances, waste oil and yard waste.

Sec. 38-44. Preparation and collection of recyclable materials.

Sec. 38-45. Responsibilities of owners or designated agents of multiple-family dwellings.

Sec. 38-46. Responsibilities of owners or designated agents of nonresidential facilities and properties.

Sec. 38-47. Establish fees.

Sec. 38-48. Town recycling committee.

Sec. 38-49. Promulgation of regulations.

Sec. 38-50. Prohibitions on disposal of recyclable materials separated for recycling.

Sec. 38-51. Recyclables from outside of the town.

Sec. 38-52. Anti-scavenging provision.

Sec. 38-53. Insurance.

Sec. 38-54. Enforcement.

ARTICLE I. IN GENERAL

Sec. 38-1. Brush collection policy and schedule.

The town will collect brush on the first Monday of each month from April to November. Residents must call the town hall at 883-2269 to make an appointment for the Monday collection. Additional brush collection times may be scheduled during the spring and fall seasons. Christmas trees will be collected once in mid-January.

Sec. 38-2. Collection fees.

(a) Brush located at the curbside will be chipped. The first 15 minutes of chipping will be free of charge. Any chipping after the first 15 minutes will be charged to the property owner at a rate of \$30.00 per ten-minute increment.


(b) Any property owner who wants a special brush collection time can call the town hall for an appointment. The minimum fee for this service shall be \$30.00 for the first 15 minutes and \$30.00 for each ten-minute increment thereafter.

Sec. 38-3. Billing and payment.

Any charges due shall be paid by the owner and/or the person requesting services within 30 days of the date of the invoice. Any amounts not timely paid shall accrue interest from the invoice date at the rate of one percent per month.

Sec. 38-4. Remedies for failure to make payments.


(a) Suit. Any collection fees due from any person or user shall be deemed to be a debt due to the town from that person or user. If collection fees are not paid when due, the town board may commence an action in a court of competent jurisdiction; and recover from such person or user the amount of charges or fees and damages, if any, sustained by the town as a result of such failure to pay, together with reasonable attorney fees and such costs and expenses as may be allowed by law.

(b) Lien on property. As an alternative to the suit described in subsection (a) of this section, the town board directs that unpaid collection fees shall automatically be extended upon the current or next tax roll as a delinquent tax against the property in the manner provided for in Wis. Stats.  66.60(16).


Secs. 38-5--38-30. Reserved.

ARTICLE II. RECYCLING

Sec. 38-31. Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats.  159.11, and Wis. Admin. Code NR ch. 544.

Sec. 38-32. Statutory authority.

This article is adopted as authorized under Wis. Stats.  159.09(3)(b) and other ordinances and statutes governing the town.

Sec. 38-33. Abrogation and greater restrictions.

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

Sec. 38-34. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by statutes, or by a standard in Wis. Admin. Code NR ch. 544, and where the article provision is unclear, the provision shall be interpreted in light of the statutes and Wis. Admin. Code NR ch. 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

Sec. 38-35. Severability.

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

Sec. 38-36. Applicability.

The requirements of this article apply to all persons within the town.

Sec. 38-37. Administration.

The provisions of this article shall be administered by the town.

Cross references: Administration, ch. 2.

Sec. 38-38. Effective date.

The provisions of this article shall take effect on the date of publication of the ordinance from which this article derived.

Sec. 38-39. Definitions.

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

Approved container means a garbage can, plastic bag, recycle bin, dumpster or throw-away container.

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

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

Contractor means a licensed solid waste hauler contracted by the town board to provide service as instructed by contract and this article.

Curbside recycling and solid waste service means the collection by the contractor of recyclables and solid waste that have been placed at the curbside by participating residents.

Foam polystyrene packaging means 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.

HDPE means high density polyethylene, labeled by the SPI code.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

Multiple-family dwelling means a property containing five or more residential units, including those which are occupied seasonally.

Newspaper means newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

Office paper means high grade printing and writing papers from offices in nonresidential 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.

Other resins and multiple resins mean plastic resin:, labeled by the SPI code #7.

Participating residents means all residents of the town of single- to four-unit households eligible to receive curbside recycling and solid waste pick up service.

Person means any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. [§ 66.299\(1\)\(a\)](#), state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code #1.

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

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. [§ 144.61\(5\)](#), or waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. [§ 144.44\(7\)\(a\)1](#).

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by the SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

Recyclable materials mean 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.

Recyclables material report means a report submitted by the contractor on a scheduled basis to the town board that identifies weight of recyclables, summarizes volumes of each recyclable, etc.

Scheduled collection day means the normal, customary, and scheduled day that the contractor has informed or agreed with the participating residents to collect recyclables and solid waste materials.


Solid waste has the meaning specified in Wis. Stats. [§ 144.01\(1S\)](#).

Solid waste facility has the meaning specified in Wis. Stats. [§ 289.01\(35\)](#).

Solid waste treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. The term "treatment" includes incineration.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

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

Cross references: Definitions generally,  1-2.

Sec. 38-40. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries.
- (2) Major appliances except microwave ovens from which the capacitor has been removed.
- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bi-metal containers.
- (7) Corrugated paper or other container board.
- (8) Foam polystyrene packaging.
- (9) Glass containers.
- (10) Magazines.
- (11) Newspapers.
- (12) Office paper.
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers.
- (15) Waste tires.



(16) The town reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The town shall provide written notice to its service recipients of this declaration.

Sec. 38-41. Separation requirements exempted.

The separation requirements of section 38-40 do not apply to the following:

(1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 38-40 from solid waste in as pure a form as is technically feasible.

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

(3) A recyclable material specified in subsections 38-40(5)--(15) for which a variance has been granted by the state department of natural resources under Wis. Stats.  159.11(2m) or Wis. Admin. Code NR ch.  544.14.

Sec. 38-42. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 38-40 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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. The collector of recyclables shall be entitled to refuse to accept recyclables that are contaminated or otherwise in a condition that makes recycling infeasible.

Sec. 38-43. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be placed at the roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other automotive batteries only will be collected. Battery casing must be unbroken.

(2) Major appliances shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor except that a microwave oven may be disposed of with solid waste if the capacitor has been removed. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed. Town residents must contact the town's solid waste contractor to arrange for collection of all appliances.

(3) Waste oil shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Common engine oil must be in leakproof nonbreakable containers of a maximum size of one gallon.

(4) Yard waste shall be composted by the homeowner via backyard composting or other methods available to the homeowner.

Sec. 38-44. Preparation and collection of recyclable materials.

(a) Each residential unit in the town shall be provided with one authorized recycling collection container per unit. All recyclable materials shall be prepared as directed in this section. Such container for recyclables shall be placed within five feet of the roadside prior to 7:00 a.m. on the designated day of pick up in an area of easy accessibility for collection in the same manner and at the same time as regular garbage collection occurs. All nonrecyclable materials must be contained in an approved container. Recyclables that have been scattered by wind, animals, or vandals shall be the responsibility of the residents.

(b) Commercial establishments will be required to contract separately, at their own expense, for the proper handling of recyclables.

(c) Except as otherwise directed by the town board, occupants of single-family and two-to four-unit residences shall do the following for the preparation and collection of the separated materials specified in subsections 38-40(5)--(15):

(1) Aluminum containers shall be rinsed and placed in the recycling container provided for collection. No aluminum foil, TV dinner trays, etc., will be collected. Aluminum beverage cans only.

(2) Bi-metal containers shall be rinsed and have labels removed and shall be placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(3) Corrugated paper or other container board shall be flattened and tied in bundles and placed along side the recycling container for collection.

(4) Foam polystyrene packaging shall be free of debris and placed within the recycling container for collection commencing January 1, 1996.

(5) Glass containers shall be rinsed, all metal and plastic caps and rings shall be removed, and the containers shall be placed in the recycling container for collection.

(6) Magazines shall be tied in bundles and placed along or within the recycling container for collection.

(7) Newspaper shall be tied in bundles or secured in paper grocery bags and placed along or within the recycling container for collection.

(8) Office paper shall be placed inside paper grocery bags and placed along or within the recycling container for collection.

(9) Plastic containers made of PETE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to have space within the recycling container.

(10) Plastic containers made of I-mPE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(11) Plastic containers made of PVC, LOPE, PP, PS, and other resins or multiple resins shall be rinsed and placed within the recycling container for collection commencing January 1, 1996. Containers may be flattened to save space within the recycling container.

(12) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(13) Waste tires shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other tires not exceeding four feet in diameter or 80 pounds in weight will be collected. Larger tires must be cut to allowable size.

(14) Other products which the town board may designate from time to time shall be placed as directed by the town board.

Sec. 38-45. Responsibilities of owners or designated agents of multiple-family dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsections 38-40(5)--(15):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

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

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in subsections 38-40(5)--(15) from solid waste in as pure a form as is technically feasible.

Sec. 38-46. Responsibilities of owners or designated agents of nonresidential facilities and properties.

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsections 38-40(5)--(15):

(1) Provide adequate, separate containers for the recyclable materials.


(2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.

(3) 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.

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

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in subsections 38-40(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 38-47. Establish fees.

The town shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per household basis and be charged as a line item on taxes pursuant to Wis. Stats.  66.60(16), on a yearly basis.

Sec. 38-48. Town recycling committee.

The town board shall appoint a town recycling committee to coordinate and develop the educational programs necessary to implement the curbside collection program.

Cross references: Committees, ◆ 2-61 et seq.

Sec. 38-49. Promulgation of regulations.

The town board shall prepare regulations, standards, and schedules as necessary to make effective all provisions of this article. Periodically, the town board shall have notices prepared and shall distribute other information to persons and entities generating waste within the town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling article.

Sec. 38-50. 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 subsections 38-40(5)--(15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 38-51. Recyclables from outside of the town.

No person shall bring recyclables or refuse from outside the town limits into the town limits for disposal by the town, its collector, or a private hauler unless specifically authorized by agreement with the town.

Sec. 38-52. Anti-scavenging provision.

Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. All recyclable materials placed for collection pursuant to this article shall thereupon become the property of the town, or, the town's authorized agent, or, a private collector/hauler with whom persons in the town have contracted to perform functions pursuant to the recycling plan provided in this article. Only persons authorized by the town or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided in this article.

Sec. 38-53. Insurance.


The contractor/collector must obtain and provide the town board with a certificate of insurance indicating the following minimum levels of insurance coverage:

(1) Public liability and property damage insurance in the amount of \$500,000.00/\$1,000,000.00 for injuries to one person/one accident and in the amount of \$50,000.00 for property damage.

(2) Comprehensive automobile liability insurance on behalf of the contractor and his agents and employees in the amount of \$100,000.00/\$300,000.00 for injuries to one person/one accident and in the amount of \$40,000.00 for property damage.

Sec. 38-54. Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the town 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 town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any person who violates a provision of this article may be issued a citation by the town chairman. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph. In the event a person other than the town chairman is designated pursuant to Wis. Stats.  159.09(3)(a), to implement specific components of the recycling program, then that person shall have authority to issue citations under this section.

(c) Penalties for violation of this article may be assessed as follows:

(1) Any person who violates section 38-50 may be required to forfeit \$50.00 for a first violation, \$1,200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(2) Any person who violates a provision of this article, except section 38-50 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

(3) Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs shall be deemed a separate offense.

Chapters 39--41 RESERVED

Chapter 42 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

*Cross references: Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street saved from repeal, ◆ 1-5(a)(10); any ordinance establishing the grade of any street or sidewalk saved from repeal, ◆ 1-5(a)(11); any ordinance levying or imposing any special assessment saved from repeal, ◆ 1-5(a)(12); buildings and building regulations, ch. 10; moving buildings, ◆ 10-121 et seq.; parks and recreation, ch. 34; traffic and vehicles, ch. 50; vegetation, ch. 54; waterways, ch. 58.

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ARTICLE I. IN GENERAL

Sec. 42-1. Purpose and intent.

The purpose of this chapter is to promote the health, safety, general welfare of the town, and it is the general intent of this chapter to regulate and restrict the construction, reconstruction, alteration and upgrading of roads prior to acceptance by the town board; to enhance the general safety of the roads and promote efficiency; to lessen congestion, to facilitate proper drainage; to promote sound road construction standards and to provide for the administration and enforcement of this chapter, including provision for penalties for its violation.

Sec. 42-2. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

Sec. 42-3. Interpretation.

In its interpretation and application, the provisions of this chapter shall be liberally construed, in favor of the town and shall not be construed to be a limitation or repeal of any other power granted by the statutes.

Sec. 42-4. Severability.

If any section, clause, provision or other portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If any application of this chapter to a particular structure, land or water, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water, not specifically included in such judgment.

Sec. 42-5. Town datum.

The town datum used to establish grades shall be the mean sea level datum 1929 adjustment, as established by the U.S. Coast and Geodetic Survey.

Sec. 42-6. Definitions.

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

Approach means that portion of road extending 100 feet on each side of a culvert or bridge.

Base course means the layer or layers of specified or selected material of designated thickness placed on a subbase or subgrade to support a surface course.

Cul-de-sac means a road or way with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Drainage means to make gradually dry, by trenches, channels, ditches and tiles or other means.

Gradient means the rate of rise or fall of the surface of the roadway measured along the centerline expressed as a percentage. Thus a grade will rise or fall one foot in 100 feet. The slope of a road or other public way, specified in percent.

Highway means a road or way over which the public generally has the right to pass.

Right-of-way means a general term denoting land, in a strip, acquired for or devoted to a road 66 feet in width.

Roadbed means the graded portion of a road within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

Roadway means that portion of a road within limits of construction.

Roadway width means the portion of a road, including shoulders for vehicular use.


Subbase means the layer or layers of specified or selected material of designated thickness placed on a subgrade to support a base course.

Subgrade means the top surface of a roadbed upon which the pavement structure and shoulders are constructed.

Surface course means the final course of material put down over which traffic passes, exclusive of shoulders.

Surface width means the portion of the roadway, exclusive of shoulders for the movement of vehicles.

Town road means a road or way over which the public generally has the right to pass, over which the town board has the direct authority and supervision.

Cross references: Definitions generally,  1-2.

Sec. 42-7. Application.

Individual or corporate owners of land wishing to create or alter a town road, shall make application, in writing, to the town board of supervisors, and shall submit to the board of supervisors, a detailed drawing indicating exact location and description of the proposed town road. Upon receipt of application and drawing, the town board will proceed to examine all aspects of the proposed town road or alterations applied for, and if approved by the town board, the individual or corporate land owner shall be given the permit or a conditional permit to proceed under the supervision of the town board.

Sec. 42-8. Standards.

The following are minimum standards for proposed construction or alteration of town roads:

(1) Standard specifications. Standard Specifications for Road and Bridge Construction, as published by the state department of transportation shall apply to all town roads, except where specifically modified by this. Rights-of-way shall be 66 feet in width.

(2) Roadway preparation. After clearing, all areas of soft, yielding, or spongy subgrade shall be excavated and backfilled with suitable pit run gravel, or similar material, so as to insure a stable foundation. The foundation (earth subgrade, subbase course or base course, as the case may be) shall be so prepared and constructed that it will have, as nearly as practicable, uniform density throughout. Top soil shall be removed.

(3) Gradient. The minimum grade of any town road shall not be less than one-half of one percent, nor in excess of ten percent, except as otherwise approved by the town board.

(4) Drainage. The roadway must be complete with proper drainage provisions to provide for adequate removal of water. When it becomes necessary to make a lateral trench, leading from the main drainage course, then the additional land necessary for the removal of accumulated water must be provided and deeded to the town, along with the necessary land for the right-of-way. The additional land so conveyed to the town for drainage purposes, will be under the supervision of the town board at all times. Erosion controls shall be provided and the town board may require additional measures to be taken when it is deemed necessary.

(5) Base course. The base course shall consist of no less than ten inches of compacted road gravel and shall be no less than 28 feet wide. The base course shall be applied in two courses of a minimum of six inches and four inches of compacted gravel meeting at a minimum state specification gradation No. 2.

(6) Surface course. The surface course shall be of bituminous blacktop or other suitable material, not less than three inches thick and not less than 22 feet wide. The surface course shall be applied in two courses of a minimum of 1 3/4 inches binder grade and 1 1/4 inches course grade No. 3. No surface course shall be applied for one year after completion of the base course without special written approval from the town board.

(7) Shoulders. Shoulders shall be a minimum of three feet wide and finished flush with the surface course, using state specification shoulder gravel.

(8) Culverts. Culverts necessary for proper drainage shall be installed after elevation and location is obtained from the town board. The minimum length of any culvert installed in any roadbed shall be 40 feet in length; however, the diameter and length of such culvert shall be subject to approval of the town board, after the amount of flowage is determined. Secondary culverts installed in any lateral trenches will be of a size and length determined by the town board. The town board may require end sections upon all culverts, and any additional erosion controls deemed necessary by the town board.

(9) Official cross section of a town road. All roads shall be in compliance with the requirements as set forth on the typical cross section in addition to any that may be required by the sections of this chapter.

(10) Intersections. Intersections shall be as near as possible at a right-angle, and all proposed town roads that intersect an existing town road shall be so located that there is a minimum of 600 feet of sight distance along the existing town road, at each direction from the intersection unless otherwise approved by the town board.

(11) Erosion control. The project engineer, surveyor, contractor, individual or corporate owner shall show in the road plans, all erosion control measures, including provision for the installation or construction of temporary retention ponds, diversions or other means to insure the control of erosion, both during and after construction. All such erosion control measures shown shall be approved by the town board and the town board may require additional control measures when deemed necessary.

(12) Road plan. The individual or corporate owner shall cause to be submitted to the town board, a set of road plans, indicating a typical cross section, existing centerline grade, proposed centerline grade and a plan of the proposed road.

(13) Curves. The minimum centerline radius for any curve shall be not less than 100 feet.

(14) Cul-de-sac. A cul-de-sac shall have a minimum right-of-way radius of 60 feet and minimum surface course radius of 40 feet.

(15) Ditches. All ditches shall be covered with a minimum of four inches of salvaged top soil to attain final grade and shall be either seeded or sodded to assure the prevention of erosion after construction. Additional erosion control measures may be required by the town board.

(16) Flooding. No proposed town road, which shall be subject to flooding or inundation shall be approved.

Sec. 42-9. Final inspection.

Upon completion of a proposed town road, the town board of supervisors or their designate will proceed to make a final inspection, accepting or rejecting the road as the case may be. If the road is rejected, then corrections must be made as recommended by the town board before final inspection can be made again. If final acceptance is made, the owner will convey to the town board, by deed, all land necessary for the roads in accordance with the provisions of this chapter.

Sec. 42-10. Performance bonds.

The town board may require a deposit of cash equal to the total cost of the project, as determined by the town engineer or an engineer designated by the town board. As an alternative to the deposit of cash, the owner may, in lieu thereof, submit a performance bond, in the penal sum of twice the engineer's estimate, and shall make payment to the town upon demand, as construction progresses.

Sec. 42-11. Driveway construction.

(a) Approval required. No person shall construct or maintain any driveway leading into a public highway or town road without first obtaining a driveway permit from the town board and paying therefor the fee of \$5.00.

(b) Specifications for driveway construction.

(1) Width. No driveway shall exceed 36 feet in width at the road or edge.

(2) Interference with intersections prohibited. At road intersections a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the town board for effective traffic control or for highway signs or signals.

(3) Interference with road. No driveway shall extend out into the road further than the roadway, and under no circumstances shall such driveway apron extend into the surface area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the town board to provide for adequate surface water

drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. At a distance of 12 feet from the adjacent roadway the finished grade of a driveway shall be four inches below the grade of the adjacent roadway, where possible.

(4) Number of access points limited. The permittee shall be limited to the access point as designated by the town board after inspection of site and written approval of such site location and limitation of size, construction and maintenance. The driveway shall be as near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction unless otherwise approved by the town board. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner. Driveway surfaces shall connect with the road pavement in a neat, workmanlike manner.

Sec. 42-12. Penalties.

Any person who fails to comply with the provisions of this chapter or any order of the town board issued in accordance with this chapter, shall upon conviction thereof, forfeit not less than \$10.00, nor more than \$200.00, and cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

Secs. 42-13--42-30. Reserved.

ARTICLE II. EXCAVATIONS

Sec. 42-31. Permit required.

It shall be unlawful for any person, firm, utility or corporation to tunnel under or to make any excavation in any road in the town without having obtained a permit as is required in this article, or without complying with the provisions of this article or in violation of or variance from the terms of any such permit. This includes utility construction, county section line markers, drain tile installation, cable television or any other work that would necessitate cutting through town roads.

Sec. 42-32. Permit applications.

Applications for excavation permits shall be made to the clerk at least 15 days prior to anticipated commencement of any work subject to this article, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm, utility or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Certification of adequate liability insurance is required.

The 15-day requirement may be waived by the town board in case of emergency or special need.

Sec. 42-33. Issuance of permit.

The permit under this article shall be issued by the town clerk after approval has been given to the application by the town board. The town board may impose conditions and special requirements as a part of the permit as provided in this article.

Sec. 42-34. Manner of performing excavation.

Proper bracing shall be maintained to prevent the collapse of adjoining ground, and in excavating, the excavations shall not have anywhere below the surface any portion which extends beyond the opening at the surface. The hotline must be called to check utility lines.

Sec. 42-35. Restoring surface.

Any person, firm, utility or corporation making any excavation or tunnel in or under any road shall restore the surface to its original condition and be liable for upkeep for a period of three years. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a road shall be repaired and the surface re-laid by the applicant.

Sec. 42-36. Warning devices, cleanup, timely completion of project.

(a) It shall be the duty of the person cutting or making excavation in town roads to place and maintain proper warning devices for the safety of the general public during the excavation.

(b) The cleanup of all rubbish and other debris resulting from such is the duty of the permit holder. Excess soil and rock shall be properly disposed of by the applicant.

(c) Prompt completion of work after an excavation is commenced is required. The permittee shall prosecute with diligence and expedite all excavation work covered by permit and promptly complete such work and restore the road to its original condition, so as not to obstruct travel therein.

Sec. 42-37. Penalty.

Any person, firm, utility or corporation violating any of the provisions of this article or permit shall be fined not less than \$25.00 nor more than \$250.00 for each offense. Any work done by the town in restoring a road to original condition during the three-year period will be charged to the permittee. The town board may institute appropriate action or proceedings to enjoin violations of this article in addition to any other penalties stated in this article.

Chapters 43--45 RESERVED

Chapter 46 TAXATION*

*Cross references: Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, [§ 1-5\(a\)\(1\)](#); any ordinance levying, imposing or otherwise relating to taxes not codified in this Code saved from repeal, [§ 1-5\(a\)\(6\)](#); administration, ch. 2; businesses, ch. 14.

Article I. In General

Sec. 46-1. Confidentiality.

Secs. 46-2--46-30. Reserved.

Article II. Board of Review

Sec. 46-31. Designated.

Sec. 46-32. Clerk.

Sec. 46-33. Membership.


ARTICLE I. IN GENERAL

Sec. 46-1. Confidentiality.


Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Wis. Stats. [§ 70.47\(7\)\(af\)](#), or any successor statute thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that such information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the assessor under Wis. Stats. [§ 70.47\(7\)\(af\)](#), unless a court determines that it is inaccurate, is, per Wis. Stats. [§ 70.47\(7\)\(af\)](#), not subject to the right of inspection and copying under Wis. Stats. [§ 19.3](#).

Secs. 46-2--46-30. Reserved.

ARTICLE II. BOARD OF REVIEW*


*Cross references: Committees,  2-61 et seq.

Sec. 46-31. Designated.

Pursuant to the provisions of Wis. Stats.  70.46, the town board of review shall consist of the supervisors of the township, together with the town clerk.

Sec. 46-32. Clerk.

The clerk of the town shall perform the duties of clerk of the board of review and shall keep an accurate record of all of the proceedings of the board of review.

Cross references: Officers and employees,  2-91 et seq.

Sec. 46-33. Membership.

(a) Each of the supervisors and the clerk shall, by virtue of their office, be members of the board of review and, consequently, no further appointment on a regular or irregular basis shall be necessary. Membership on the board of review takes effect upon election to the office of supervisor or clerk of the township. The town chairman is considered a supervisor for purposes of this article and is a member of the board of review.

(b) Members of the board of review shall be compensated for their service on such board, exclusive of any other compensation paid by the township for any other duties or services they may perform as supervisor or clerk, at the rate of \$50.00 per diem for up to seven hours of service on the board of review in a single 24-hour day, beginning at 12:01 a.m. and ending at midnight. If service is provided beyond seven hours, compensation shall be at the rate of \$10.00 per hour or fraction thereof beyond seven hours served. Service of less than seven hours shall constitute a day for purposes of entitling the member of the board of review to such \$50.00 per diem. No per diem shall be payable for any day when the board of review is not convened.

Chapters 47--49 RESERVED

Chapter 50 TRAFFIC AND VEHICLES*

*Cross references: Offenses and miscellaneous provisions, ch. 30; streets, sidewalks and other public places, ch. 42; traffic lane at Rice Lake, 58-33.

Article I. In General

Sec. 50-1. Adoption of state regulations.

Sec. 50-2. Adoption of state bond schedule.

Secs. 50-3--50-30. Reserved.

Article II. Administration and Enforcement

Sec. 50-31. Officer's action after arrest without warrant.

Sec. 50-32. Forfeitures.

Sec. 50-33. Bonds.

Secs. 50-34--50-60. Reserved.

Article III. Parking

Sec. 50-61. No parking areas.

Sec. 50-62. Fine and forfeiture.

Sec. 50-63. Towing authorized.

Sec. 50-64. Parking on lake access/private property.

Sec. 50-65. Regulating the parking of vehicles--Words and phrases defined.

Sec. 50-66. Same--Parking regulations.

Sec. 50-67. Same--Penalty.

Sec. 50-68. Same--Removal of vehicles.

Sec. 50-69. Prohibited parking.

Secs. 50-70--50-90. Reserved.

Article IV. Speed

Sec. 50-91. Speed limits.

Secs. 50-92--50-120. Reserved.

Article V. Snowmobiles

Sec. 50-121. Applicability and enforcement.

Sec. 50-122. State snowmobile laws adopted.

Sec. 50-123. Operation.

Sec. 50-124. Adoption of state bond schedule.

Sec. 50-125. Penalty.

ARTICLE I. IN GENERAL

Sec. 50-1. Adoption of state regulations.

The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated sections of the statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of the statutes, are hereby adopted and by reference are made a part of this section as if fully set forth. Any act required to be performed or prohibited by any statute incorporated by reference in this section is required or prohibited by this section.

TABLE INSET:

Wisconsin Statutes

340.01, 343.01 and 348.01

Words and phrases defined.

341.04

Failure to register vehicle.

341.11(4)

Display of registration certificates.

341.15

Display of registration plates.

341.61

Improper use of registration plates.

341.62

False evidence of registration.

342.05

Certificate of title required.

342.18, 342.19

Transfer of title.

342.31(2)

Report of stolen or abandoned vehicles.

342.33

Sale of taxicabs and public vehicles.

342.34

Destruction of vehicles.

342.35, 342.38(2)

Motor vehicle salvage dealers.

342.40, 342.43(2)

Motor vehicle auction dealers.

343.05

Operator's license required.

343.07

Instruction permits.

343.08

Restricted licenses for minors.

343.10

Occupational license restrictions.

343.12

School bus operators.

343.125(1) and(2)

Chauffeur's licenses.

343.18

License to be carried.

343.22

Change of address or name.

343.35

Surrender of license.

343.37

Surrender of license.

343.43 through 343.47

Unlawful practices relative to licenses.


343.60, 343.61(1) and (4), 343.71 and 343.62(1), and 343.72

Driver school regulations.

344.47

Operating vehicle after license suspended.

346.02

Applicability of Wis. Stats. ch. 346 (Wis. Stats.  346.01 et seq.).

346.03

Authorized emergency vehicles.

346.04

Obedience to traffic officers, signs and signals.

346.05 through 346.16

Driving, meeting, overtaking and passing.

346.18 through 346.21

Right-of-way.

346.23 through 346.29

Drivers and pedestrians.

346.31 through 346.35

Turning and stopping and required signals.

346.37 through 346.42

Traffic signs, signals, and markings.

346.44 through 346.48

Required stops.

346.50 through 346.55

Restrictions on stopping and parking.

346.61 through 346.64

Reckless and drunken driving.

346.66 through 346.69, 346.70(1) and 346.72

Accidents and accident reports.

346.77 through 346.81

Bicycles and play vehicles.

346.87

Limitations on backing.

346.88

Obstruction of operator.

346.89

Inattentive driving.

346.90

Following emergency vehicle.

346.91

Crossing fire hose.

346.92

Illegal riding.


346.93

Intoxicants in vehicles carrying minor.

346.94

Miscellaneous prohibited acts.

347.02

Applicability of Wis. Stats. ch. 347 (Wis. Stats.  347.01 et seq.).

347.03

Sale of prohibited equipment.

347.04

Improperly equipped vehicle.


347.06 through 347.29

Lighting equipment.

347.35 through 347.49

Other equipment.

348.02

Applicability of Wis. Stats. ch. 348 (Wis. Stats.  348.01 et seq.).

348.05 through 348.10

Size and load.

348.15 through 348.20

Weight limitations.

348.25 through 347.27

Permits.

941.01(1)

Reckless driving off highways.

946.40

Refusing to aid an officer.

946.41

Resisting officer.

946.42

Escape.

Sec. 50-2. Adoption of state bond schedule.


The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this chapter.

Secs. 50-3--50-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

*Cross references: Administration, ch. 2.

Sec. 50-31. Officer's action after arrest without warrant.


If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a citation under Wis. Stats.  345.11, and in addition:

(1) May release the person; or

(2) Shall release the person when he:

a. Makes a deposit under Wis. Stats.  345.26.

b. Deposits the person's valid state operator's license with the officer. If the license is deposited with the officer, the officer shall issue to the licensee a receipt which shall be valid as a driver's license through the date specified on the receipt, which shall be the same as the court appearance date, and the officer shall, at the earliest possible time prior to the court appearance date, deposit the license with the court.

c. Presents a guaranteed arrest bond certificate under Wis. Stats.  345.61.


(3) Shall, if the alleged violator is not released under subsection (1) or (2) of this section, bring him without unreasonable delay before the municipal judge.

(4) Shall, if the alleged violator is released under subsection (1) or (2) of this section, specify on the citation a return date which may not be more than 90 days after the issue date.

Sec. 50-32. Forfeitures.

The law enforcement officer or town police officer or the court shall deliver forfeited penalties to the town treasurer upon order of the county court and within seven days after the court issues the order.

Sec. 50-33. Bonds.

Nothing in this chapter shall be construed to limit the right of proper authorities to accept bail bonds, deposits, certificates or money deposits, or permit a person's release from custody on his own bond, as provided in Wis. Stats.  66.114.

Secs. 50-34--50-60. Reserved.

ARTICLE III. PARKING

Sec. 50-61. No parking areas.

It shall be unlawful to park on all town roads in the town.

Sec. 50-62. Fine and forfeiture.

Any person parking a motor vehicle in violation of section 50-61 shall be subject to a forfeiture of not less than \$15.00 and not more than \$30.00 plus costs.

Sec. 50-63. Towing authorized.


When any person parking a motor vehicle in violation of section 50-61 does not move the vehicle, the town board has the power to have the vehicle towed away and the cost of the tow will be charged to the owner.


Sec. 50-64. Parking on lake access/private property.

The purpose of this section is to provide for access to private property of emergency equipment. Parking shall be permitted on the lake access/private property in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not

designated, all parking shall be done in such a manner so that the public may have unimpeded access to the lake at all times, and access to all driveways along that private drive. The town may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

Sec. 50-65. Regulating the parking of vehicles--Words and phrases defined.

Words and phrases used in this sections 50-65 through 50-68 shall have the meanings designated in Wis. Stats. ch. 340 (Wis. Stats.  340.01 et seq.) unless the context clearly indicates a different meaning.

Cross references: Definitions generally,  1-2.

Sec. 50-66. Same--Parking regulations.

(a) No person shall stop or leave standing any vehicle, whether attended or unattended, and whether temporarily or otherwise, in any of the following locations within the town:

- (1) On the paved portion of any highway, road or street;
- (2) Where prohibited by duly authorized signs; or
- (3) Within 40 feet of any stop sign or intersection.

(b) This prohibition includes parking on the shoulder of the highway or anywhere within the right-of-way.

Sec. 50-67. Same--Penalty.

The owner of any vehicle in violation of section 50-66 shall forfeit the sum of \$25.00. If the fine is not paid within 72 hours of the issuance of a citation then the amount shall double to \$50.00. In the event of any legal action, upon conviction thereof a reasonable amount shall be added for the cost of prosecution, including attorney fees. In default of payment, the defendant may be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days.

Sec. 50-68. Same--Removal of vehicles.

The town chairperson or any supervisor may authorize the removal of any vehicle parked in violation of section 50-66, and the vehicle owner shall be responsible for the cost of towing, storage and any other charges in connection with its removal in addition to the penalties set forth in section 50-67.

Sec. 50-69. Prohibited parking.

(a) It shall be unlawful for the operator or owner of any vehicle to park such vehicle on the traveled portion of any highway, road or street located in the town.

(b) Any person who shall violate the provisions of this section shall upon conviction thereof, forfeit the sum of \$15.00 together with the costs of this action, and in default of the 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 30 days.

(c) In addition, such vehicles so parked unlawfully may be removed from the such highway, road or street located in the town by the order of the chairman of the town, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of the vehicle as and for a forfeiture and penalty of such violation.

Secs. 50-70--50-90. Reserved.

ARTICLE IV. SPEED

Sec. 50-91. Speed limits.

Any road, or part thereof, not otherwise marked, shall have a speed limit of 55 miles per hour. The following roads, streets and highways shall have the speed limits indicated:

TABLE INSET:

Road

Speed Limit

Richmond/Whitewater Townline Road

--Intersection of Chapel Drive to East Lakeshore Drive

25

---East Lakeshore Drive to County Highway P

35

Territorial Road

---State Highway 89 to County Highway P

45

Krahn Drive (Oak Knoll subdivision)

25

Chapel Drive (Chapel Hills and Oakwood Heights Subdivision)

25

Oakwood Drive (Oakwood Heights subdivision at Whitewater Lake)

25

Brown Road

45

Timber Trail (Timber Trail Subdivision)

35

Woodfield Lane (Timber Trail Subdivision)

35

Hunters Ridge Drive

25

McCabe Road

55

Lake Drive (Forest Beach Subdivision)

25

Kraus Road (between County A and Lake Lorraine Road)

45

Lake Road (along south shore of Lake Lorraine-Skansen's subdivision)

25

Lorraine Road (Skansen's subdivision)

25

Locust Road (Skansen's subdivision)

25

Linnea Road (Skansen's subdivision)

25

Elder Road (Skansen's subdivision)

25

Juniper Road (Skansen's subdivision)

25

Forest Road (Skansen's subdivision)

25

Fir Road (Skansen's subdivision)

25

Larch Road (Skansen's subdivision)

25

Birch Road (Skansen's subdivision)

25

Pine Road (Skansen's subdivision)

25

Svea Road (Skansen's subdivision)

25

Walnut Road (Skansen's subdivision)

25

Spruce Road (Skansen's subdivision)

25

Ridge Road (Skansen's subdivision)

25

Cherry Road (Skansen's subdivision)

25

Hickory Road (Skansen's subdivision)

25

Cedar Road (Skansen's subdivision)

25

Lake Access/boat launch - Lake Lorraine (Skansen's subdivision)

10

Lake Lorraine Road

45

White Oak Court

25

Rowley Road

45

Church Road

35

Walworth Woods Road

25

Town Hall Road

35

Garden Terrace

25

Holiday Drive

25

Wisconsin Parkway (Oak Park subdivision)

25

Anderson Drive (Crystal Bowl subdivision - Turtle Lake)

25

Shorewood Terrace (Crystal Bowl subdivision - Turtle Lake)

25

Harley Drive (Crystal Bowl subdivision - Turtle Lake)

25

Forest Place (Crystal Bowl subdivision - Turtle Lake)

25

Orchard Heights Road (Crystal Bowl subdivision - Turtle Lake)

25

Milwaukee Street (Crystal Bowl subdivision - Turtle Lake)

25

Ethlyn Drive (Crystal Bowl subdivision - Turtle Lake)

25

Kenosha Drive (Crystal Bowl subdivision - Turtle Lake)

25

Racine Drive (Crystal Bowl subdivision - Turtle Lake)

25

Edge Road (Crystal Bowl subdivision - Turtle Lake)

25

Iroquois Trail (shown on map, name not listed - Meadowwood subdivision)

25

Oak Ridge Drive (shown on map, name not listed - Meadowwood subdivision)

25

Taylor Road

55

Turtle Lake Road

55

Kilkenney Road

55

Shadel Road

55

McFarlane Road

55

Harris Road

55

Island Road

55

Richmond/Delavan/Darien Townline Road

55

Walworth/Rock County Line Road

55

Johnson Road

55

Delaney Road

55

Pinnow Road

55

Secs. 50-92--50-120. Reserved.

ARTICLE V. SNOWMOBILES

Sec. 50-121. Applicability and enforcement.

The provisions of this article shall apply to the ice-covered waters of Whitewater Lake, Turtle Lake, Lake Lorraine, and adjoining channels lying within the corporate limits of the Towns of Richmond and Whitewater, Walworth County, Wisconsin. The provisions of this article shall be enforced by a patrol officer or officers or law enforcement officer duly elected or appointed by the town and the Town of Whitewater, both in Walworth County, Wisconsin.

Sec. 50-122. State snowmobile laws adopted.

Except as otherwise specifically provided in this article, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the statutes are hereby adopted by reference and made part of this article as if fully set forth in this article. Acts required to be performed or prohibited by such statutes are required or prohibited by this article.

TABLE INSET:

Wisconsin Statutes

350.02

Illegal operation of snowmobile on or in the vicinity of highways.

350.03

Failure to yield right-of-way to person not on a snowmobile.

350.07

Driving wild animals with a snowmobile.

350.10(1)

Unreasonable, improper speed.

350.10(5)

Operate snowmobile without muffler on engine.

350.10(6)--(13)

Trespass.

350.101(1)(a)

First offense, operate snowmobile while intoxicated.

350.101(1)(b)

First offense, operate snowmobile with alcohol concentration above 0.1 percent.

350.101(1)(c)

Absolute sobriety for persons under 19.

350.104(5)

First offense, refuse to take intoxicated snowmobile test.

350.12(1)

Operate snowmobile without valid registration.

350.135(1)

Interference with signs and standards.

350.15(2)

Failure to render aid.

350.15(3)

Failure to report snowmobile accident.

350.101(1)(a)

Operate snowmobile while intoxicated.
(Second offense within five years and five days to six months).
(Third or more offenses within five years, and 30 days to one year).

350.101(1)(b)

Operate snowmobile with alcohol concentration above 0.1 percent.
(Second offense within five years and five days to six months).
(Third or more offenses within five years, and 30 days to one year).

350.101(2)

Cause injury by intoxicated operation of snowmobile and/or 30 days to one year.

350.104(5)

Refuse to take test.
(Second offense within five years and five days to six months).
(Third or more offenses within five years, and 30 days to one year).

350.17(2)

Failure to stop for law enforcement officer and/or 30 days to one year.

Sec. 50-123. Operation.

(a) Hours of operation. No person shall operate a snowmobile upon Whitewater Lake and adjoining channels lying within the town and the Town of Whitewater, Walworth County, Wisconsin, after 11:00 p.m., except for the purpose of crossing Whitewater Lake in a generally direct route to their destination on the other side.

(b) Safe operation required. No person shall operate, direct or handle a snowmobile in such a manner as to unreasonably annoy, unnecessarily frighten or endanger any person.

Sec. 50-124. Adoption of state bond schedule.

The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this article.

Sec. 50-125. Penalty.

Any person who shall violate any provision of this article shall, upon conviction thereof, forfeit not less than \$10.00 or more than \$20.00 together with the costs of prosecution for the first offense and not less than \$25.00 nor more than \$50.00 together with the costs of prosecution for the second offense within a year.

Chapters 51--53 RESERVED

Chapter 54 VEGETATION*

*Cross references: Buildings and building regulations, ch. 10; trimming of trees for the moving of buildings, ◆ 10-129; parks and recreation, ch. 34; streets, sidewalks and other public places, ch. 42; waterways, ch. 58.

Article I. In General

Secs. 54-1--54-30. Reserved.

Article II. Noxious Weeds

Sec. 54-31. Statutory authority.

Sec. 54-32. Noxious weeds defined.

Sec. 54-33. Destruction of noxious weed required.

Sec. 54-34. Notice of abatement by town; costs.

ARTICLE I. IN GENERAL

Secs. 54-1--54-30. Reserved.

ARTICLE II. NOXIOUS WEEDS


Sec. 54-31. Statutory authority.

(a) Wis. Stats. ◆ 66.96 requires every person to destroy all noxious weeds on all lands which the person owns, occupies or controls.


(b) Wis. Stats. ◆ 66.96(2) specifically allows the governing body of any municipality to classify weeds as noxious within its boundaries, and thereby require the removal thereof.

Sec. 54-32. Noxious weeds defined.


The following are hereby declared to be noxious weeds within the boundaries of the town: Canada Thistle, Perennial Sow Thistle, Bull Thistle, Musk Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), Yellow Rocket, Wild Hemp (Marijuana), Yellow Mustard, Wild Radish, and Buckhorn Bush.

Cross references: Definitions generally,  1-2.

Sec. 54-33. Destruction of noxious weed required.


All such noxious weeds shall be destroyed as provided in Wis. Stats.  66.96. The term "destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

Sec. 54-34. Notice of abatement by town; costs.

After first giving five days written notice by mail to the owner or occupant, the weed commissioner is authorized by law to enter lands upon which any noxious weeds are growing and cause them to be destroyed. The costs thereof are chargeable to the tract of land in the next tax roll pursuant to Wis. Stats.  66.98.

Chapters 55--57 RESERVED

Chapter 58 WATERWAYS*

*Cross references: Water patrol,  2-206 et seq.; buildings and building regulations, ch. 10; parks and recreation, ch. 34; streets, sidewalks and other public places, ch. 42; vegetation, ch. 54.

Article I. In General

Sec. 58-1. State boating and water safety laws adopted.

Sec. 58-2. Adoption of state bond schedule.

Sec. 58-3. Citation; nature, issuance, release of accused.

Sec. 58-4. Failure of defendant to appear.

Sec. 58-5. Bond.

Sec. 58-6. Lake accesses.

Sec. 58-7. Boat launching.

Secs. 58-8--58-70. Reserved.

Article II. Turtle Lake

Sec. 58-71. Repeal of conflicting ordinances.

Sec. 58-72. Intent.

Sec. 58-73. Applicability and enforcement.

Sec. 58-74. Definitions.

Sec. 58-75. Capacity plate on boat.

Sec. 58-76. Operation of unnumbered boats prohibited.

Sec. 58-77. Certificate of number.

Sec. 58-78. Certificate number to be displayed on boat; certificate to be carried.

Sec. 58-79. Transfer of ownership of number.

Sec. 58-80. Notice of abandonment or destruction of boat or change of address.

Sec. 58-81. Classification of motorboats.

Sec. 58-82. Lighting equipment.

Sec. 58-83. Other equipment.

Sec. 58-84. Patrol boats exempt from certain traffic regulations.

Sec. 58-85. Traffic rules.

Sec. 58-86. Speed restrictions.

Sec. 58-87. Accidents and accident reports.

Sec. 58-88. Distress signal flags.

Sec. 58-89. Prohibited operation.

Sec. 58-90. Water skiing.

Sec. 58-91. Skindiving.

Sec. 58-92. Boats equipped with toilets.

Sec. 58-93. Traffic lane defined.

Sec. 58-94. Speed restrictions.

Sec. 58-95. Swimming regulations.

Sec. 58-96. Water skiing regulations.

Sec. 58-97. Markers, navigation, mooring buoys; posting of article.

Sec. 58-98. Aircraft prohibited.

Sec. 58-99. Littering waters prohibited.

Sec. 58-100. Penalties and deposits.

Secs. 58-101--58-130. Reserved.

Article III. Whitewater Lake

Sec. 58-131. Intent.

Sec. 58-132. Applicability; enforcement.

Sec. 58-133. Forfeitures and deposits.

ARTICLE I. IN GENERAL

Sec. 58-1. State boating and water safety laws adopted.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of the statutes, are hereby adopted and by reference made a part of this article as if fully set forth. Any act required to be performed or prohibited by the provisions of the statutes incorporated by reference in this article is required or prohibited by this section as follows:

TABLE INSET:

Wisconsin Statutes

30.12

Placing illegal fill, sand blanket or structure or six months or both.

30.15

Obstruct navigable water.

30.523(2) or (3)

Failure to display registration number or decal on boat.

30.61

Operate boat between sunset and sunrise without required lights.

30.61(6)(a)

Moored boats and structures beyond 200 feet from shore without lights.

30.61(10)

Operate a personal watercraft from sunset to sunrise.

30.62(3)

Failure to provide proper number of personal floatation devices (PFD).

30.62(3)(b)

Fail to wear a personal floatation device on a personal watercraft.

30.62(4)

Failure to have required fire extinguishing equipment aboard.

30.635

Operate at speed greater than slow no wake on lakes 50 acres or less.

30.64(3)

Fail to stop for officer.

30.65(1)(a)

Improper passing when meeting "head to head."

30.65(1)(b)

Failure to yield right-of-way.

30.65(1)(d)

Failure to yield right-of-way to sailboat or rowboat.

30.65(1)(e)

Failure to yield right-of-way when overtaking or passing.

30.66(1)

Unreasonable or imprudent speed.

30.66(2)

Operate at speed in excess of posted notice.

30.66(3)

Operate motorboat within 100 feet of dock, raft or pier at a speed in excess of slow no wake speed.

30.66(3)(b)

Operate a personal watercraft greater than slow no wake speed within 100 feet of another boat.

30.68(4)

Creating hazardous wake or wash.

30.68(5)

Operating in circular course.

30.68(6)

Riding on decks or gunwales.

30.68(8m)

Illegal mooring buoys (daily).

30.68(9)

Overloading.

30.69(1)(a)

Operating boat towing water skier without observer.

30.69(1)(a)

Operating boat towing water skier between sunset & sunrise.

30.69(1m)(c)

Operate a personal watercraft not designed for three people while towing a water skier.

30.69(3)

Water skiing, within 100 feet of restricted area.

30.69(3)(b)

Within 100 feet of a personal watercraft.

30.67(1)

Fail to render aid at boating accident or 0--6 months or both.

30.68(2)

Operate boat in reckless or negligent manner or 0--6 months or both.

30.681(1)(a)

Operate a motorboat while intoxicated (B-10).
(Second offense within five years, and five days to six months.)
(Third or more offenses within five years, and 30 days to one year.)

30.681(1)(b)

Operate motorboat with alcohol concentration above 0.10 percent (B-10).
(Second offense within five years, and five days to six months.)
(Third or more offenses within five years, and 30 days to one year.)

30.681(2)

Cause injury by intoxicated operation of motorboat 30 days to one year.

330.684(5)

Refuse to take test, intoxicated motorboat operation (B-36)
(Second offense within five years and five days to three months.)
(Third or more offenses within five years, and 30 days to one year.)

Sec. 58-2. Adoption of state bond schedule.

The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this chapter.

Sec. 58-3. Citation; nature, issuance, release of accused.

(a) Nature. A citation under this section is a directive, issued by a law enforcement officer, that a person appear in court and answer charges. A citation is not a criminal complaint and may not be used as a substitute for a criminal complaint.

(b) Authority to issue; effect. A law enforcement officer may issue a citation to any person whom he has reasonable grounds to believe has committed a violation of this chapter. A citation may be issued in the field or at the headquarters or precinct station of the officer instead of or subsequent to a lawful arrest. If a citation is issued, the person cited shall be released on his own recognizance. In determining whether to issue a citation, the law enforcement officer may consider whether:

(1) The accused has given proper identification.

(2) The accused is willing to sign the citation.

(3) The accused appears to represent a danger of harm to himself, another person or property.

(4) The accused can show sufficient evidence of ties to the community.

(5) The accused has previously failed to appear or failed to respond to a citation.

(6) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.

(c) Contents. The citation shall do all of the following:

(1) Identify the offense and section which the person is alleged to have violated, including the date, and if material, identify the property and other persons involved.

(2) Contain the name and address of the person cited, or other identification if that cannot be ascertained.


(3) Identify the officer issuing the citation.

(4) Direct the person cited to appear for his initial appearance in a designated court, at a designated time and date.

(d) Service. A copy of the citation shall be delivered to the person cited, and the original must be filed with the district attorney.

(e) Review by district attorney. If the district attorney declines to prosecute, he shall notify the law enforcement agency which issued the citation. The law enforcement agency shall attempt to notify the person cited that he will not be charged and is not required to appear as directed in the citation.

(f) Citation no bar to criminal summons or warrant. The prior issuance of a citation does not bar the issuance of a summons or a warrant for the same offense.

(g) Preparation of form. The judicial conference shall prescribe the form and content of the citation under Wis. Stats.  758.171.

Sec. 58-4. Failure of defendant to appear.

(a) If the person so arrested for violation of this chapter and released fails to appear personally or by an authorized attorney or agent before the court at the time fixed for the hearing, the money deposited by the accused pursuant to the provisions in section 58-5 shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without cost as determined by the court after the ex parte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for such excess. If the accused is found not guilty, then the entire amount of the deposit shall be returned to the depositor.

(b) Any person violating any of the terms of this chapter shall be subject to arrest whether at the time of the arrest he is on the waterways or upon the shore, and any water patrol office may pursue the offender ashore to enforce the terms of this chapter.

Sec. 58-5. Bond.

The law enforcement officer or any town police officer may accept money or bond deposits from any person charged with a violation of this chapter, and upon receipt of the bond shall issue a receipt for the bond received to the person. The law enforcement officer or town police officer or the county court shall deliver forfeited bond deposits to the town treasurer upon order of the county court and within seven days after the court issues the order.

Sec. 58-6. Lake accesses.

(a) Intent. It is the intent of this section to provide for safe public use of the accesses held in trust by the town and to preserve the natural resources in these areas.

(b) Penalties. Citations for violations of this section shall follow the procedure listed in Wis. Stats. §§ 66.119 and 66.12. Cash deposit for violation shall be a minimum of \$35.00 for the first violation and shall not exceed \$200.00 for succeeding offenses.

(c) Improvements. As provided in Wis. Stats. § 236.16, nothing in this section shall require the town to improve the land provided for public access.

(d) General use. The general public may use the accesses for getting fishing, boating and recreational equipment to the lake on those accesses where terrain and soil conditions make possible safe and reasonable movement of such equipment from the nearest public highway to the lake. No use of the lake access that is in violation of state, federal or county statutes shall be permitted.

(e) Special uses. Special uses of the lake accesses shall include but not be limited to: research groups, weed harvesting and chemical treatment operators, sea wall construction operators, and heavy equipment operators.

(f) Special use permits.

(1) Special use operators shall file with the town clerk an application for a special lake accesses use permit. Such application shall describe the date of the beginning and ending of the operation, the special equipment to be used, provisions for public safety provided, evidence of liability insurance adequate to cover all possible accidents or damage to other persons, equipment or to terrain or vegetation on the access, provision for restoring the access to its condition at the start of the operation, evidence of state, county or federal permits required, an agreement to cease operation and remove equipment within 48 hours of an order of the town board, and the nature of and length of time any materials will be stored on the access. The town board may require a bond to be posted by the applicant for possible costs in restoring the site to its condition prior to the special use. The town may require the applicant to sign a statement freeing the town from liability to other users while the special use is in progress or as a result of that special use.

(2) The town board in open meeting shall review the application for special use of the accesses. The town board shall approve or disapprove the application. In the event of approval, the town board will designate which accesses may be used, the time of each use and shall direct the clerk to issue the permit. This permit must be displayed on the accesses while the work is in progress. As the work progresses, the town board may inspect or cause to be inspected, the operation. If upon inspection the operation is not deemed to be in the public interest or violates any town ordinance or any of the terms or conditions of the permit, it may require the operator to cease and desist in the operation and restore the accesses to the condition that existed at the start of the operation. The town board may require the operator to surrender his permit for the operation.

(g) Parking. Parking shall be permitted on the access in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not designated, all parking shall be done in such a manner that the public may have unimpeded access to the lake at all times. The town may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

(h) Storage. Storage of any material, equipment, weeds or bog material shall be for a minimal length of time. Any storage shall be allowed only after a special use permit has been issued to the person needing to store materials on the access in order to perform lake-oriented services. Such permit shall be for the shortest possible storage period. Materials stored on the lake accesses shall be only of those materials necessary for lake projects such as, but not limited to, weed harvesting, bog removal, chemicals for authorized treatment of aquatic nuisances, materials for erosion and eutrophication control, and navigation and traffic control devices and research equipment.

(i) Alteration and encroachment. No person shall alter the natural terrain of the access by drainage, planting or cultivating vegetation without special permit issued by the town board after acquiring assurance in writing from state and county agencies that such alteration is not in violation of state and county statutes and ordinances. No person shall encroach upon any access by alteration of boundaries, construction of buildings, drainage of liquids, or deposition of solid waste materials.

Sec. 58-7. Boat launching.

(a) Purpose and intent. The purpose and intent of this section is to promote the public health, safety and general welfare of the people of the town by setting rules for the use of the town-owned and unmanned boat launches on the northwest shore of Turtle Lake, the south shore of Lake Lorraine or the south shore of Whitewater Lake.

(b) Activities regulated. At any of the boat launches referred to in subsection (a) of this section, it shall be unlawful for any person to:

- (1) Dock or moor a boat for any period of time longer than is necessary to launch a boat into or remove a boat from the lake;
- (2) Use these areas for the purpose of camping, sleeping or living;
- (3) Start or maintain any fires, including campfires or barbecues;
- (4) Place, deposit or leave upon such grounds any paper, garbage, refuse, trash or other discarded thing, substance or article;
- (5) Park vehicles or trailers overnight;
- (6) Use the boat launching area on such premises for swimming.

(c) Penalty. Any person violating the terms of this section shall forfeit not less than \$50.00 nor more than \$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 30 days.

Secs. 58-8--58-70. Reserved.

ARTICLE II. TURTLE LAKE

Sec. 58-71. Repeal of conflicting ordinances.

All ordinances regulating water traffic, boats or water sports upon the waters covered by this article and all ordinances and parts of ordinances in conflict with this article heretofore enacted by the town, are hereby repealed.

Sec. 58-72. Intent.

The intent of this article is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resource.

Sec. 58-73. Applicability and enforcement.

The provisions of this article shall apply to the waters of Turtle Lake lying within the corporate limits of the town. The provisions of this article shall be enforced under the jurisdiction of the town board.

Sec. 58-74. Definitions.


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

Boat means every description of watercraft other than a seaplane on the water.

Motorboat means any boat propelled by machinery.

Operate means, when used with reference to a motorboat or boat, to navigate, steer, sail, row or otherwise to move or exercise physical control over the movement of such boat.

Owner means the person who has lawful possession of a boat by virtue of legal title.

Cross references: Definitions generally,  1-2.

Sec. 58-75. Capacity plate on boat.

(a) Every vessel less than 26 feet in length and designed to carry two or more persons shall if made or sold in this state have affixed permanently thereto a capacity plate.

(b) A capacity plate shall bear the following information:

(1) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying.

(2) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no case shall such presumed weight be less than 150 pounds per person.

(3) Clear notice that the information appearing on the capacity plate is applicable under normal conditions only.

(4) In the case of vessels designed for use with outboard motor, the maximum horsepower of the motor the vessel is designed to accommodate. In this case, also the weight of the motor is considered to be part of the weight capacity.

Sec. 58-76. Operation of unnumbered boats prohibited.

No person may operate, and no owner may give permission for the operation of, any motorboat or any sailboat over 12 feet in length on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements.

Sec. 58-77. Certificate of number.

(a) A motorboat principally used in this state shall be numbered in this state.

(b) Numbering periods shall run for three years, commencing April 1 of the year in which the certificate is issued and expiring on March 31 of the third year thereafter.

(c) A fee of \$4.50 shall be paid to the department for the issuance of a certificate of number or renewal thereof.

Sec. 58-78. Certificate number to be displayed on boat; certificate to be carried.

(a) Upon being issued a certificate of number and decals, the owner of the boat shall paint on or attach the identification number and attach the decals to each side of the bow.

(b) The certificate of number shall be available at all times for inspection on the boat for which issued, whenever such boat is in use.

Sec. 58-79. Transfer of ownership of number.

(a) Whenever the owner of a boat covered by a certificate of number transfers all or any part of his interest in such boat, he shall notify the department of such transfer and return the certificate of registration to the department.

(b) The transferee shall make application for a new certificate of number as prescribed by the department.

Sec. 58-80. Notice of abandonment or destruction of boat or change of address.

(a) If a boat covered by a certificate of number is destroyed or abandoned, the owner shall notify the department within 15 days.

(b) Whenever any person moves, after applying for or receiving a certificate of number, he shall notify the department in writing of both his old and new address within 15 days.

Sec. 58-81. Classification of motorboats.

Motorboats shall be classified as follows:

(1) Class A: Those motorboats less than 16 feet.

(2) Class 1: Those motorboats 16 feet or over but less than 26 feet.

(3) Class 2: Those motorboats 26 feet or over but less than 40 feet.

(4) Class 3: Those motorboats 40 feet or over.

Sec. 58-82. Lighting equipment.

(a) Lights required; prohibited

(1) No person shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this section and such equipment is lighted.

(2) No person shall exhibit from or on any motorboat, when under way at any time from sunset to sunrise, any light which may be mistaken for those required by this section.

(b) Classes A and 1 motorboats. All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall have lighted the following:

(1) One lamp aft showing a white light all around the horizon.

(2) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the

combined lamp throws a light from directly ahead to two points abaft the beam on its respective side.

(c) Classes 2 and 3 motorboats. All motorboats of classes 2 and 3 when under way at any time from sunset to sunrise have lighted the following lamps:

(1) One lamp in the fore part of the boat showing an unbroken white light over an arc of the horizon of 20 points and fixed to throw light from directly ahead to two points abaft the beam.

(2) One lamp aft showing a white light all around the horizon and higher than the lamp forward.

(3) Two side lamps, green to starboard and red to port, both fitted with inboard screens to prevent them from being seen across the bow and both constructed to show an unbroken light over an arc of ten points and fixed to throw the light from directly ahead to two points abaft the beam on its side.

(d) Sailboats with motors. Sailboats equipped with motors and propelled in whole or part by such motors must comply with subsections (b) or (c) of this section according to their classification. Whenever such a sailboat is being propelled entirely by sail at any time from sunset to sunrise, it shall show the colored lights which fit its class but not the white lights and shall carry a lantern showing a white light in time to avert collision.

(e) Sailboats and rowboats without motors.

(1) Every boat propelled by muscular power and every sailboat not equipped with a motor, when under way at any time from sunset to sunrise, shall carry a lantern, showing a white light in time to avert collision.

(2) Moored, anchored and drifting boats and other fixed and floating structures outside of designated anchorages or beyond 200 feet from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon.

(f) Visibility. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles on a dark night with clear atmosphere. Every colored light shall be visible at one mile on a dark night with clear atmosphere.

Sec. 58-83. Other equipment.

(a) No person shall operate any boat on the waters of this state unless such boat is equipped as required by this section.

(b) The engine of every motorboat shall be equipped with a muffler.

(c) Every boat shall carry at least one life preserver or other device of the sort prescribed by the regulations for each person on board or being attended by such boat.

(d) Every motorboat, except outboards of open construction, shall be provided with such fire extinguishers as shall be capable of extinguishing burning gasoline. Specifications shall be as prescribed by rules of the department.

(e) Every motorboat with an inboard motor using gasoline shall have the carburetors fitted with a device for arresting backfire. Specifications shall be as prescribed by rules of the department.

(f) Every motorboat, except open boats, fueled by a volatile liquid shall be provided with a ventilation system capable of removing explosive gases.

(g) Every motorboat equipped with storage batteries shall be provided with suitable supports and shields for such batteries.

Sec. 58-84. Patrol boats exempt from certain traffic regulations.

The operator of a duly authorized patrol boat, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, need not comply with state or local regulations fixing maximum speed limits and, if a siren is being sounded, need not comply with state, or local boat traffic regulations governing meeting, passing or right-of-way.

Sec. 58-85. Traffic rules.

Every person operating a boat shall comply with the following traffic rules:

(1) When two motorboats are approaching each other "head and head" or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left.

(2) When two motorboats are approaching each other obliquely or at right angles, the boat which has the other on its right shall yield right-of-way to the other.

(3) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right-of-way to the other boat.

(4) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right-of-way to the boat being overtaken.

(5) A boat granted the right-of-way by this section shall maintain its course and speed, unless to do so would probably result in a collision.

Sec. 58-86. Speed restrictions.

(a) No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions. The speed of a motorboat shall be so controlled as to avoid colliding with any person, boat or other conveyance.

(b) In addition to complying with subsection (a) of this section, no person shall operate a motorboat at a speed in excess of posted notice as established by regulatory markers.

(c) No person may operate a motorboat within 100 feet of any dock: raft, pier or buoyed restricted area on any lake at a speed in excess of slow no wake speed.

Sec. 58-87. Accidents and accident reports.

(a) Duty to assist. Insofar as he can do so without serious danger to his own boat or to persons on board, the operator of a boat involved in an accident shall stop his boat and render assistance to other persons involved and shall give his name and address and identification of his boat to any person injured and to the owner of any property damaged.

(b) Duty to report.

(1) If the accident results in death or injury to any person or total property damage amounting to \$100.00, every operator of a boat involved shall give notice of the accident to a conservation warden or law enforcement officer and file a written report thereof with the department within ten days.

(2) If the operator is physically incapable of complying with subsection (b)(1) of this section and there was another occupant in the boat at the time of the accident the other occupant shall comply.

Sec. 58-88. Distress signal flags.

(a) Insofar as is possible the operator of a boat observing an orange flag 18 inches by 30 inches shall render to the boat or person displaying the signal such assistance as may be practical and necessary.

(b) No person shall display such a flag unless such person is in need of assistance to prevent bodily injury or destruction of property.


Sec. 58-89. Prohibited operation.

(a) Under influence of intoxicant or controlled substance. No person may operate a boat or use water skis or a similar device upon the waters of this state while under the influence of an intoxicant or a controlled substance.

(b) Careless, negligent or reckless operation. No person may operate a boat or use water skis or a similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger the life or property of himself or another.

(c) Operation by an incapacitated person.

(1) No person shall knowingly permit a boat of which he is in charge to be operated by any person who by reason of physical or mental disability is incapable of operating such boat safely.

(2) No person under the age of ten years may operate a motorboat. Persons at least ten and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motorboat of any horsepower; but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or are in possession of a certificate issued under Wis. Stats.  30.74(1).

(d) Creating a hazardous wake.

(1) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(2) An operator of a motorboat is liable for any damage caused by the wash or wake of such a motorboat.

(e) Operation near other boats, swimmers and water skiers. No person may operate a motorboat repeatedly in a circuitous course within 200 feet of another boat or a swimmer nor shall any boat or water skier operate closer than 100 feet to any skin diver's flag or swimmer.

(f) Manner of riding. No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while underway.

(g) Operation in swimming area prohibited. No person shall operate a boat within a water area, which has been clearly marked by buoys or some other device as a swimming area.

(h) Anchoring unattended boat. No person may anchor any unattended boat, raft, float or similar structure in the traveled portion of any river or in any traffic lane.


(i) Loading capacity. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity.

(j) Motor capacity. No boat shall be equipped with any motor beyond its safe power capacity.

(k) Unnecessary sounding of horns, whistles, etc. No person shall, unnecessarily sound a horn, whistle or other device on any boat while at anchor or under way.

(l) Tampering with navigational aids. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy or moor or fasten a boat to any navigation aids or regulatory markers.

Sec. 58-90. Water skiing.

(a) No person may operate a motorboat towing a person on water skis, or similar device, unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as class A motorboats by the department, actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person may engage in water skiing or similar activity at any time from sunset to sunrise. This restriction does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to Wis. Stats.  30.77(3).

(b) There shall be no more than two persons using such tow lines as a means of water skiing or similar sport; the persons being towed must be equipped with an approved life jacket, or similar life saving device. No tow line shall exceed 75 feet in length.

(c) Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this article and, in addition, must operate in a counterclockwise pattern on the lake and inlet and outlet in the traffic lane.

Sec. 58-91. Skindiving.

(a) No person may engage in skindiving or, scuba diving in waters other than marked swimming areas or within 150 feet of shoreline unless the location of such diving is distinctly marked by a diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe three inches wide on a red background and high enough above the water to be clearly visible at a distance of 100 yards. Anyone so diving shall not rise to the surface outside a radius of 50 feet from such flag.

(b) No persons engaged in such diving shall interfere with anyone fishing, block any boat from proceeding to its destination, nor engage in such diving in established traffic lanes.


Sec. 58-92. Boats equipped with toilets.

No person shall operate any boat equipped with toilets on inland waters of this state unless the toilet wastes are retained for shore disposal by means of facilities constructed

and operated in accordance with rules adopted by the department of health and social services.

Sec. 58-93. Traffic lane defined.

A traffic lane is established embracing the surface of Turtle Lake within the corporate limits of the town in its entirety, excepting therefrom that portion of the waters lying between the shoreline and a line parallel to and 175 feet from the shoreline and such greater distance as shall be necessary to clear projecting piers, wharfs and any other similar structures a distance of 100 feet from the projecting extremities thereof.

Cross references: Definitions generally,  1-2.

Sec. 58-94. Speed restrictions.

(a) The maximum speed between the shore and the 175 feet from shoreline marked by buoys shall be slow no wake.

(b) All persons operating power driven boats upon the waters of Turtle Lake located in the town shall not operate such power driven boats at speed greater than slow no wake between the hours of 2:00 p.m. through 10:00 a.m. on weekends and holidays nor shall they operate at speed greater than slow no wake between the hours of 6:00 p.m. through 10:00 a.m. on any day.

(c) "Slow no wake" is defined as the slowest possible speed so as to maintain steerage.

Sec. 58-95. Swimming regulations.

(a) Swimming from drifting boats prohibited. No person shall swim from any boat unless such boat is anchored.

(b) Distance from swimmer to base. No person shall swim more than 175 feet from the shore or more than 50 feet from any pier, anchored raft or boat unless he is accompanied by a boat manned by a competent person trained in lifesaving techniques and having a ring buoy. Such boat shall stay reasonably close to and guard such swimmer. If there is more than one swimmer in the water, each shall be accompanied by a separate boat as described in this subsection.

(c) Hours limited. No person shall swim in the traffic lane as marked by buoys during the hours from sunset to sunrise.

Sec. 58-96. Water skiing regulations.

(a) No person shall operate a boat for the purpose of towing a water skier or engage in water skiing or other similar sport from 2:00 p.m. through 10:00 a.m. on weekends and holidays nor shall they do so from 6:00 p.m. through 10:00 a.m. on any other day.

(b) There shall be no more than two persons using such tow lines as a means of water skiing or similar sport; the persons being towed must be equipped with an approved life jacket, life belt or similar life saving device.

(c) Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this article.

(d) There shall be no water skiing, aquaplaning or similar sport, outside the traffic lane.

Sec. 58-97. Markers, navigation, mooring buoys; posting of article.

Duly appointed law officers are authorized and directed to place and maintain authorized markers, navigation aids and signs as shall be appropriate to advise the public of the provisions of this article and to post and maintain a copy of this article at all public access points within the jurisdiction of the town.

(1) Standard markers. All markers or buoys placed by any person upon the waters of the lake shall comply with the regulations of the state conservation commission.

(2) Mooring, buoys. Any person placing mooring buoys upon the waters of the lake shall make application for permit for such buoys, with the town clerk, stating the location of the buoy and the boat license number to correspond with the number on the buoy. Applications are to be approved by the town board. Such permit shall be for a three-year period at a fee of \$3.00.

Sec. 58-98. Aircraft prohibited.

No aircraft of any kind capable of landing on water shall land, take off, or be berthed on the waters covered by this article except for emergency landing.

Sec. 58-99. Littering waters prohibited.

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore; cans, bottles, debris, refuse, solid or liquid waste or paper on or into the water of the lake.

Cross references: Solid waste, ch. 38.

Sec. 58-100. Penalties and deposits.

(a) Any person violating section 58-1 shall be fined not more than \$200.00 or imprisoned not more than six months or both.

(b) Any person violating any provision of this article for which a penalty is not provided by subsection (a) of this section shall be fined not more than \$50.00 or imprisoned not

more than 30 days, or both, for the first offense; and fined not more than \$100.00 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

Secs. 58-101--58-130. Reserved.

ARTICLE III. WHITEWATER LAKE

Sec. 58-131. Intent.

It is the intent of this article to provide free access to Whitewater Lake for all users and further provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capacity of the water resource. To this end, the Township of Whitewater and the Township of Richmond, Walworth County, Wisconsin, sets forth the provisions of this article.

Sec. 58-132. Applicability; enforcement.

(a) This article shall apply to the waters of Whitewater Lake and adjoining channels and lying within the corporate limits of the Towns of Richmond and Whitewater, Walworth County, Wisconsin. The provisions of this article shall be enforced by a patrol officer or officers appointed by and under the jurisdiction of the Towns of Richmond and Whitewater, Walworth County, Wisconsin.

(b) Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing Wis. Stats. §§ 30.50--30.80 or any rules promulgated or ordinances enacted under Wis. Stats. §§ 30.50--30.80 and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation.

Sec. 58-133. Forfeitures and deposits.

Any person who shall violate the provisions of this article and the provisions adopted by reference in section 58-1 shall upon conviction thereof, forfeit not more than \$200.00 or less than \$10.00 together with the costs of prosecution.

CODE COMPARATIVE TABLE ORDINANCES

This is a chronological listing of the ordinances of the town used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

TABLE INSET:

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Date

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STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to Wisconsin Statutes.

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